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RADIO BROADCASTS

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- **MELBOURNE** 1026 AM
- **ADELAIDE** 972 AM
- **PERTH** 585 AM
- **HOBART** 747 AM
- **NORTHERN TASMANIA** 92.5 FM
- **DARWIN** 102.5 FM
FORTY-SECOND PARLIAMENT
FIRST SESSION—FIRST PERIOD

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

Senate Officeholders
President—Senator Hon. Alan Baird Ferguson
Deputy President and Chair of Committees—Senator John Joseph Hogg
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. Nicholas Hugh Minchin
Deputy Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator Hon. Christopher Martin Ellison

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. Nicholas Hugh Minchin
Deputy Leader of the Liberal Party of Australia—Senator Hon. Eric Abetz
Leader of the Nationals—Senator Hon. Nigel Gregory Scullion
Deputy Leader of the Nationals—Senator Hon. Ronald Leslie Doyle Boswell
Leader of the Australian Democrats—Senator Lynette Fay Allison
Leader of the Australian Greens—Senator Robert James Brown
Leader of the Family First Party—Senator Steve Fielding

Government Whips—Senators Kerry O’Brien, Ruth Stephanie Webber and Dana Wortley
Liberal Party of Australia Whips—Senators Stephen Parry and Judith Adams
The Nationals Whip—Senator Fiona Joy Nash
Australian Democrats Whip—Senator Andrew John Julian Bartlett
Australian Greens Whip—Senator Rachel Siewert
Family First Party Whip—Senator Steve Fielding

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(1) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. Santo Santoro, resigned.
(2) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.
(3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(4) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Susan Mary Mackay, resigned.
(5) Chosen by the Parliament of South Australia to fill a casual vacancy vice Hon. Robert Murray Hill, resigned.
(6) Chosen by the Parliament of South Australia to fill a casual vacancy vice Jeannie Margaret Ferris, died in office.
(7) Chosen by the Parliament of South Australia to fill a casual vacancy vice Hon. Amanda Eloise Vanstone, resigned.
(8) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Hon. Ian Gordon Campbell, resigned.
(9) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Hon. Paul Henry Calvert, resigned.

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

**Heads of Parliamentary Departments**
Clerk of the Senate—H Evans
Clerk of the House of Representatives—I C Harris
Secretary, Department of Parliamentary Services—D Kenny (Acting)
RUDD MINISTRY

Prime Minister Hon. Kevin Rudd MP
Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion Hon. Julia Gillard MP
Treasurer Hon. Wayne Swan MP
Minister for Immigration and Citizenship and Leader of the Government in the Senate Senator Hon. Chris Evans
Special Minister of State, Cabinet Secretary and Vice President of the Executive Council Senator Hon. John Faulkner
Minister for Trade Hon. Simon Crean MP
Minister for Foreign Affairs Hon. Stephen Smith MP
Minister for Defence Hon. Joel Fitzgibbon MP
Minister for Health and Ageing Hon. Nicola Roxon MP
Minister for Families, Housing, Community Services and Indigenous Affairs Hon. Jenny Macklin MP
Minister for Finance and Deregulation Hon. Lindsay Tanner MP
Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House Hon. Anthony Albanese MP
Deputy Leader of the Government in the Senate Senator Hon. Stephen Conroy
Minister for Innovation, Industry, Science and Research Senator Hon. Kim Carr
Minister for Climate Change and Water Senator Hon. Penny Wong
Minister for the Environment, Heritage and the Arts Hon. Peter Garrett MP
Attorney-General Hon. Robert McClelland MP
Minister for Human Services and Manager of Government Business in the Senate Senator Hon. Joe Ludwig
Minister for Agriculture, Fisheries and Forestry Hon. Tony Burke MP
Minister for Resources and Energy and Minister for Tourism Hon. Martin Ferguson MP
Rudd Ministry—continued

Minister for Home Affairs Hon. Bob Debus MP
Assistant Treasurer and
Minister for Competition Policy and Consumer Affairs Hon. Chris Bowen MP
Minister for Veterans’ Affairs Hon. Alan Griffin MP
Minister for Housing and
Minister for the Status of Women Hon. Tanya Plibersek MP
Minister for Employment Participation Hon. Brendan O’Connor MP
Minister for Defence Science and Personnel Hon. Warren Snowdon MP
Minister for Small Business, Independent Contractors and
the Service Economy and
Minister Assisting the Finance Minister on Deregulation Hon. Craig Emerson MP
Minister for Superannuation and Corporate Law Senator Hon. Nick Sherry
Minister for Ageing Hon. Justine Elliot MP
Minister for Youth and
Minister for Sport Hon. Kate Ellis MP
Minister for Employment Participation
Parliamentary Secretary for Early Childhood Education and
ChildcareHon. Maxine McKew MP
Parliamentary Secretary for Defence Procurement Hon. Greg Combet MP
Parliamentary Secretary for Defence Support Hon. Mike Kelly MP
Parliamentary Secretary for Regional Development and
Northern Australia Hon. Gary Gray MP
Parliamentary Secretary for Disabilities and
Children’s Services Hon. Bill Shorten MP
Parliamentary Secretary for International Development
AssistanceHon. Bob McMullan MP
Parliamentary Secretary for Pacific Island Affairs Hon. Duncan Kerr MP
Parliamentary Secretary to the Prime Minister Hon. Anthony Byrne MP
Parliamentary Secretary for Social Inclusion and
the Voluntary Sector and
Parliamentary Secretary Assisting the Prime Minister
for Social Inclusion Senator Hon. Ursula Stephens
Parliamentary Secretary to the Minister for Trade Hon. John Murphy MP
Parliamentary Secretary to the Minister for Health and
Ageing Senator Hon. Jan McLucas
Parliamentary Secretary for Multicultural Affairs and
Settlement Services Hon. Laurie Ferguson MP
SHADOW MINISTRY

Leader of the Opposition
Deputy Leader of the Opposition and
Shadow Minister for Employment, Business and Workplace Relations
Leader of the Nationals and
Shadow Minister for Infrastructure and Transport and Local Government
Leader of the Opposition in the Senate and
Shadow Minister for Defence
Deputy Leader of the Opposition in the Senate and
Shadow Minister for Innovation, Industry, Science and Research
Shadow Treasurer
Shadow Minister for Health and Ageing and Leader of Opposition Business in the House
Shadow Minister for Foreign Affairs
Shadow Minister for Trade
Shadow Minister for Families, Community Services, Indigenous Affairs and the Voluntary Sector
Shadow Minister for Agriculture, Fisheries and Forestry
Shadow Minister for Human Services
Shadow Minister for Education, Apprenticeships and Training
Shadow Minister for Climate Change, Environment and Urban Water
Shadow Minister for Finance, Competition Policy and Deregulation
Shadow Minister for Immigration and Citizenship and Manager of Opposition Business in the Senate
Shadow Minister for Broadband, Communications and the Digital Economy
Shadow Attorney-General
Shadow Minister for Resources and Energy and
Shadow Minister for Tourism
Shadow Minister for Regional Development and
Shadow Minister for Water Security
Shadow Minister for Justice
Shadow Minister for Border Protection and
Assisting Shadow Minister for Immigration and Citizenship
Shadow Special Minister of State
Shadow Minister for Small Business, the Service Economy and Tourism
Shadow Minister for Environment, Heritage, the Arts and Indigenous Affairs
Shadow Assistant Treasurer and
Shadow Minister for Superannuation and Corporate Governance
Shadow Minister for Ageing

Hon. Brendan Nelson MP
Hon. Julie Bishop MP
Hon. Warren Truss MP
Senator Hon. Nick Minchin
Senator Hon. Eric Abetz
Hon. Malcolm Turnbull MP
Hon. Joe Hockey MP
Hon. Andrew Robb MP
Hon. Ian MacFarlane MP
Hon. Tony Abbott MP
Senator Hon. Nigel Scullion
Senator Hon. Helen Coonan
Hon. Tony Smith MP
Hon. Greg Hunt MP
Hon. Peter Dutton MP
Senator Hon. Chris Ellison
Hon. Bruce Billson MP
Senator Hon. George Brandis
Senator Hon. David Johnston
Hon. John Cobb MP
Hon. Chris Pyne MP
Senator Hon. Michael Ronaldson
Steven Ciobo MP
Hon. Sharman Stone MP
Michael Keenan MP
Margaret May MP
SHADOW MINISTRY—continued

Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence
Hon. Bob Baldwin MP

Shadow Minister for Business Development, Independent Contractors and Consumer Affairs and Deputy Leader of Opposition Business in the House
Luke Hartsuyker MP
Hon. Bronwyn Bishop MP

Shadow Minister for Veterans’ Affairs
Hon. Bronwyn Bishop MP

Shadow Minister for Employment Participation and Apprenticeships and Training
Andrew Southcott MP

Shadow Minister for Housing and
Hon. Sussan Ley MP

Shadow Minister for the Status of Women
Hon. Pat Farmer MP

Shadow Minister for Youth and

Shadow Parliamentary Secretary Assisting the Leader of the Opposition and
Don Randall MP

Shadow Cabinet Secretary

Shadow Parliamentary Secretary Assisting the Leader of the Opposition and
Don Randall MP

Shadow Parliamentary Secretary for Northern Australia
Senator Hon. Ian Macdonald

Shadow Parliamentary Secretary for Health
Senator Hon. Richard Colbeck

Shadow Parliamentary Secretary for Education
Senator Hon. Brett Mason

Shadow Parliamentary Secretary for Defence
Hon. Peter Lindsay MP

Shadow Parliamentary Secretary for Infrastructure, Roads and Transport
Barry Haase MP

Shadow Parliamentary Secretary for Trade
John Forrest MP

Shadow Parliamentary Secretary for Immigration and Citizenship
Louise Markus MP

Shadow Parliamentary Secretary for Local Government
Sophie Mirabella MP

Shadow Parliamentary Secretary for Tourism
Jo Gash MP

Shadow Parliamentary Secretary for Ageing and the Voluntary Sector
Mark Coulton MP

Shadow Parliamentary Secretary for Foreign Affairs
Senator Marise Payne

Shadow Parliamentary Secretary for Families and Community Services
Senator Cory Bernardi
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The PRESIDENT (Senator the Hon. Alan Ferguson) took the chair at 9.30 am and read prayers.

PETITIONS

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

Prince Albert Memorial Hospital
To the Honourable President and members of the Senate in Parliament assembled.
We the undersigned petitioners express our concerns with Hunter New England Area Health Service’s administration of Tenterfield’s Prince Albert Memorial Hospital.
We ask the Senate for an independent investigation that should include:
• Allegations of bullying & intimidation
• Management’s unsatisfactory relationships with visiting professionals
• Failure to make medicine & equipment available to attending staff
We the petitioners request you to support this provision.

by Senator Sandy Macdonald (from 534 citizens)

Petition received.

NOTICES
Presentation

Senator Mason to move on 14 May 2008:
That Amendment 2 to the Commonwealth Grant Scheme Guidelines No. 1 made under section 238-10 of the Higher Education Support Act 2003, be disallowed.

Fifteen sitting days remain, including today, to resolve the motion or the instrument will be deemed to have been disallowed.

Senator Milne to move on the next day of sitting:

That the Senate—
(a) notes:
(i) in March 2005, at the 5th Ministerial Conference on Environment and Development (MCED) held in Seoul, representatives from 52 member and associate member countries of the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) embraced the approach of Environmentally Sustainable Economic Growth (Green Growth),
(ii) a green growth approach requires that environmental and ecological consideration must be integral to policy planning to ensure long-term economic and social viability, and economic growth should not be measured in gross domestic product alone but also in a set of eco-indicators,
(iii) the MCED adopted a Regional Implementation Plan for Sustainable Development in Asia and the Pacific 2006-2010 and the Seoul Initiative on Sustainable Economic Growth (Green Growth),
(iv) UNESCAP’s member and associated countries have repeatedly confirmed their commitment to green growth since 2005 and have requested that the UNESCAP Secretariat continue to act as a catalyst for a conducive environment for green growth through developing the conceptual and analytical framework and by providing capacity building support to governments,
(v) the green growth approach has become prominent in the region and has received highest political acceptance by heads of state of UNESCAP member states and, in February 2008, the Secretary-General of the United Nations noted that the world is on the cusp of ‘the age of green economics’, and
(vi) Australia signed the regional implementation plan but has since failed to
attend green growth policy dialogues and Seoul Initiative Network on Green Growth forums; and

(b) calls on the Government to:

(i) immediately re-engage with UNESCAP’s initiatives to promote green growth principles in our region, and

(ii) send delegates from the Department of the Treasury and the Department of the Environment, Water, Heritage and the Arts to future relevant meetings.

Senator Scullion to move on the next day of sitting:

That the Road User Charge Determination 2008 (No. 1), made under the Fuel Tax Act 2006, be disallowed.

Fifteen sitting days remain, including today, to resolve the motion or the instrument will be deemed to have been disallowed.

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

That the Senate calls on the Prime Minister (Mr Rudd) and future Prime Ministers to refrain from engaging Australia in war without first gaining the agreement of the Australian Parliament.

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

(1) That so much of standing orders be suspended as would prevent this resolution having effect.

(2) That the Plastic Bag Levy (Assessment and Collection) Bill 2002 be restored to the Notice Paper and that consideration of the bill resume at the stage reached in the 40th Parliament.

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

That the Senate calls on the Minister for Foreign Affairs (Mr Smith) to seek the abandonment of the death sentence, including that on Australian citizen Ms Jasmine Luong in Vietnam.
cations and the Arts Committee for inquiry and report by 7 May 2008.

Question agreed to.

COMMITTEES

Environment, Communications, Information Technology and the Arts Committee

Reference

Senator BERNARDI (South Australia) (9.34 am)—I move:

That the following matter be referred to the Environment, Communications and the Arts Committee for inquiry and report by 9 June 2008:

An examination into the effectiveness of the broadcasting codes of practice operating within the radio and television industry, with particular reference to:

(a) the frequency and use of coarse and foul language (swearing) in programs;
(b) the effectiveness of the current classification standards as an accurate reflection of the content contained in the program;
(c) the operation and effectiveness of the complaints process currently available to members of the public; and
(d) any other related matters.

Question agreed to.

Environment, Communications, Information Technology and the Arts Committee

Reference

Senator BIRMINGHAM (South Australia) (9.34 am)—I move:

That the following matter be referred to the Environment, Communications and the Arts Committee for inquiry and report by August 2008:

Management of Australia’s waste streams, with particular reference to:

(a) trends in waste production in Australia across household, consumer, commercial and industrial waste streams;
(b) effectiveness of existing strategies to reduce, recover or reuse waste from different waste streams;
(c) potential new strategies to reduce, recover or reuse waste from different waste streams;
(d) the economic, environmental and social benefits and costs of such strategies;
(e) policy priorities to maximise the efficiency and efficacy of efforts to reduce, recover or reuse waste from different waste streams; and
(f) consideration of the Drink Container Recycling Bill 2008.

Question agreed to.

A NEW TAX SYSTEM (FAMILY ASSISTANCE) (IMPROVED ACCESS TO BABY BONUS) AMENDMENT BILL 2008

First Reading

Senator BARTLETT (Queensland) (9.35 am)—At the request of Senator Stott Despoja, I move:

That the following bill be introduced: A Bill for an Act to amend the A New Tax System (Family Assistance) Act 1999 to give all adopting parents access to baby bonus payments, and for related purposes.

Question agreed to.

Senator BARTLETT (Queensland) (9.35 am)—I present the bill and 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 BARTLETT (Queensland) (9.35 am)—And also at the request of Senator Stott Despoja, I move:

That this bill be now read a second time.

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

The speech read as follows—

Today, I am introducing the first Private Senator’s Bill which enables all adoptive parents to access the baby bonus. Currently, only those adopting children aged up to the age of two are eligible for the baby bonus.

A New Tax System (Family Assistance) (Improved Access to baby bonus)

Amendment Bill 2008 amends A New Tax System (Family Assistance) Act 1999, marking an important and essential reform to the current supports available to Australian families.

This Private Senator’s Bill will abolish the age restriction in place for access to the Government’s baby bonus scheme.

The Australian Democrats believe adoptive parents should be treated with the same respect and recognition as biological parents.

While I am proud of the campaigning led by the Democrats over the years, and our amendments, resulting in the Howard Government eventually increasing the age restriction from six months to two years in 2005, this simply does not go far enough.

Policy Rationale

The Democrats have been at the forefront of calls for greater supports for Australian families. In 2002, we introduced Australia’s first and only paid maternity leave legislation. This Bill, reintroduced in 2007, provides for 14 weeks paid leave at the minimum wage for all working women (including adoptive parents).

The legislation recognises the importance of women’s attachment to the labour force, and allows for the continuation of superannuation payments throughout the period of leave, a paid maternity leave scheme would relieve the pressure experienced by women to minimise time taken after the birth, or adoption of a child.

The baby bonus denies access to parents if they adopt a child more than two years old, however, the paid maternity leave provisions recognise adoptive parents, with no age restrictions associated with the child.

We will continue to campaign for paid maternity leave to be introduced, but the Democrats believe that accessibility of the baby bonus must be extended to all adoptive parents – not just those who have adopted children under the age of two.

What the Bill does

This Bill amends the A New Tax System (Family Assistance) Act 1999 and would ensure that the baby bonus is extended to all families, to prevent further discrimination against adoptive families.

The current baby bonus provisions discriminate against families adopting from overseas. In the 2005-2006 financial year, 118 children aged more than two years were adopted from overseas, effectively making the parents ineligible to receive financial assistance.

As I have highlighted in previous parliamentary speeches, given the relatively small number of parents who adopt, with only 125 adoptions (seven of which were local) where the child was aged two or older recorded for the 2005-06 financial year, full inclusion of adoptive families in the baby bonus legislation would be inexpensive.

Considering there are additional significant costs and expenses incurred through inter-country adoption, such as adoption fees and travel costs – costs that are not incurred by biological parents - ensuring the baby bonus is available to all parents is an essential inclusion to prevent further parental discrimination.

Cost to the Government

Our costings indicate the proposal contained in this Bill would cost the Government approximately $636,000 per annum to extend the baby bonus to all adoptive parents.

We know that in 2005-06 there were a total of 125 ‘unknown child’ adoptions where the child was aged two or older.

Assuming that there will be a similar number of ‘unknown child’ adoptions of children aged two and over in 2008-09, then the extra cost to government of extending the baby bonus to the adopting parents of these children will be approximately $636,000.

This represents less than 0.05% of the estimated cost of the Baby Bonus in 2008-09 (of between $1.4 and $1.5 billion).
The Explanatory Memorandum sets out the basis of the calculation for my Bill.

Community Support
According to a recent survey conducted by the ‘Essential Baby’ website, more than 75 per cent of those surveyed supported the removal of the restrictions that prevent adoptive parents from claiming the baby bonus.

Over the years, I have also received many letters from parents who are distressed by the unfairness of this situation.

One family who wrote to me last year said,
My husband and I chose to adopt a child through the Philippines adoption program. We had indicated that we would welcome a child aged 0-2 years.

In March 2006, we were presented with an adoption proposal for our son. He turned two a week later, in early April 2006. By the time we had completed all the necessary paperwork and travelled to the Philippines to bring him home, he was 26 months old. This meant we were ineligible for the baby bonus.

It is unfair that many adoptive parents are still being excluded from receiving the baby bonus, considering the costs associated with adopting a child older than two years of age are equal if not greater than those for a younger child.

Recent statistics from the Australian Institute of Health and Welfare illustrate the number of children adopted from overseas has more than doubled over the past 25 years and, as an overall proportion, accounts for seven of every 10 adoptions.

Yet, despite the increase in inter-country adoptions, the overall number of adoptions in Australia has plummeted, from almost 10,000 children 35 years ago to just 568 in 2006-07.

There were 568 adoptions last financial year, slightly less than the 576 children adopted the previous year.

Nationally, three-quarters of the children taken into new homes last financial year were aged under five, with more than 55 per cent female.

These figures highlight, that due to the relatively small numbers of parents who adopt, the inclusion of this group into the baby bonus legislation is inexpensive for the government, yet, would provide some essential financial support.

Furthermore, there are policy requirements in States such as Victoria, that require adoptive parents to stay at home for 12 months following the placement of their new child, to ensure the child settles properly into their new family.

Time to support all Australian families
In 2006, former Opposition Leader Kim Beazley flagged that the Labor Party would support the abolition of the age restriction on the then maternity payment for adoptive parents.

Considering the Labor Party expressed their support for this change while in Opposition, they now have the opportunity in Government to make a difference to the lives of adoptive parents.

Action on this issue requires a commitment to get things right for adoptive families in Australia. We do not need more talk — what we require is the abolition of all forms of discrimination against adoptive parents.

Adoptive parents should not be penalised just because their child is more than two years of age upon adoption, or in the case of overseas adoption, does not arrive in Australia within two years of birth.

The major parties have stalled long enough on this issue. The Labor Government must stay true to its election commitment in providing key supports for Australian families - and abolishing this restriction is an essential first step.

I commend the Bill to the Senate and table the explanatory memorandum.

Senator BARTLETT—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MERCY MINISTRIES

Senator ALLISON (Victoria—Leader of the Australian Democrats) (9.36 am)—I move:
That the Senate:
(a) notes the reports in the Sydney Morning Herald regarding concerns about the Mercy Ministries residential programs for young women suffering from psychologi-
cal illnesses, in particular that despite advertising that residents would receive support from psychologists, general practitioners, dieticians, and social workers, former residents report receiving only an occasional visit to a general practitioner; and
(b) calls on the Government to instruct the Australian Competition and Consumer Commission to investigate whether Mercy Ministries has engaged in misleading and deceptive conduct.

Question agreed to.

COMMITTEES

State Government Financial Management Committee

Extension of Time

Senator IAN MACDONALD (Queensland) (9.36 am)—I move:

That the time for the presentation of the report of the Select Committee on State Government Financial Management be extended to 27 August 2008.

Question agreed to.

Senator O'BRIEN (Tasmania) (9.37 am)—by leave—Could the record show that the government opposes that motion?

The PRESIDENT—Yes.

Economics Committee

Additional Information

Senator O'BRIEN (Tasmania) (9.37 am)—At the request of Senator Hurley, I move:

That, in considering the Australian Securities and Investments Commission (Fair Bank and Credit Card Fees) Amendment Bill 2008, the Economics Committee have power to consider and use the records of the Economics Committee appointed in the previous Parliament relating to its consideration of an earlier version of the bill.

Question agreed to.

CHINA

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.37 am)—I ask that general business notice of motion No. 63 standing in my name for today, calling on the government to move for the abolition of the death penalty in China, be taken as a formal motion.

The PRESIDENT—Is there any objection to this motion being taken as formal?

Senator Faulkner—Yes.

The PRESIDENT—There is an objection.

Suspension of Standing Orders

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.38 am)—Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent Senator Brown moving a motion relating to the conduct of the business of this Senate, namely a motion to give precedence to general business notice of motion No. 63.

This relates to the issue of the death penalty being rampant in China. Though somewhat pulled back by recent legislation to include only ‘extremely vile criminals’ according to the President of the Supreme People’s Court, Xiao Yang, China is nevertheless the place which executes more people—and sometimes these executions can only be described as summary executions because they occur within weeks of a court hearing, in which very often the people have no representation and no freedom to argue their case as we understand it in Australia—than the rest of the world put together. Included amongst those potentially facing the death penalty are political prisoners and people who the communist dictatorship in Beijing sees as a threat to its power. Currently we know there has been insurrection in Tibet and indeed in the Uygur part of western China, where death penalties have been handed out recently
against people who were alleged to have been plotting against the Olympic Games.

The current massive movement of troops into Tibet can only be seen as a crackdown on political dissent within the Tibetan people. We know from past form under President Hu Jintao, who was the governor of Tibet in the late 1980s, that the death penalty is used as a coercive threat against people who have a different political point of view to the dictatorship in Beijing. We know that the government has a view that no single country should be named in motions such as this, but I believe this is a time when, as a chamber of the great Australian parliament, we ought to be directly calling on China to not use the death penalty.

There is no doubt that the Prime Minister and the government of the day will say, ‘Well, we will raise the issue of the death penalty.’ I ask: where is the logic, therefore, that a chamber of this parliament should not exactly promote the same matter of human rights and welfare? Of course we should, and I make no apology for particularly asking for the Senate to have the Minister for Foreign Affairs, Mr Smith, seek the abandonment of the death penalty in China. This is a very reasonable motion. It is very directly targeted. It says what it means. I do not accept the argument that we have no place in this great and powerful Senate of Australia in calling directly on the Minister for Foreign Affairs to consult with another country on a matter as serious as this.

I reiterate that China puts to death by judicial decree more people than all the other countries of the world put together—Iran included. In 2006 Amnesty International recorded 1,000 death penalties in China but estimated that the total would be closer to 8,000. Other human rights groups put it as high as 10,000. These groups include the US State Department. I am—and I am sure many Australians are—absolutely horrified at the prospect that there will be summary executions in Tibet. (Time expired)

Senator ELLISON (Western Australia) (9.43 am)—Just so that the position of the coalition is clear can I say that the coalition fully sympathises with the sentiments expressed by Senator Brown. This is a very important issue, but I must say that we should look at it in a broader context. Senator Brown’s motion is about China. Australia has long held the view that the death penalty is inappropriate, has said so internationally and has worked at the level of the United Nations to try to achieve a world where the death penalty is not practised across the board. So that is our position: we approach this with an across-the-board, international approach to say that the death penalty is not something that we believe in and we urge all those countries that have the death penalty to do away with it. I might add that that includes the United States and a whole range of other countries, not just China. Particularly where Australian citizens are subject to the death penalty we take every step possible to avoid that being carried out. But our position has been not just to confine it to Australian citizens but to view it very much in the broad.

I want to make it clear that the coalition’s position is that it is against the death penalty. It fully supports any moves by Australia internationally to do away with the death penalty across the world community, but this motion as it stands deals with just China. I think to suspend standing orders and have a debate in the Senate with short notice on such an important topic is inappropriate. Perhaps it is something the Senate could revisit. I agree with Senator Brown’s comment
that this is something the Senate is quite entitled to look at. We do not shy away from important issues. You do not get anything more important than this, but to suspend standing orders and go into a debate on the death penalty in China in this way is inappropriate. I say that, whilst we sympathise with the sentiments expressed by Senator Brown in relation to the motion, there are wider considerations which a proper debate would have to canvass. That would engage and involve the international community, not just China. We cannot have a debate of this sort without cherry picking one particular country and leaving out others.

Through you, Mr Acting Deputy President, to Senator Brown I would say that we sympathise with the sentiments of your motion. We oppose the suspension of standing orders in that it would lead to a full debate on the death penalty being exercised not only by China but by other countries. I think that for such a debate to be brought on without notice would not give it the due regard it needs. I am not saying that the Senate should never debate this—in fact, quite the contrary—but I think such a debate should be carefully considered and where all senators would have an opportunity to participate. You just could not do that today by suspending standing orders and, at short notice, asking everybody to participate in such a debate.

The opposition, the coalition, will oppose the suspension of standing orders. It does so stating very strongly that it is against the death penalty. It fully supports Australia taking measures to encourage other countries not to have the death penalty, and we have made some achievements in that regard. There have been some countries in our region which have done away with the death penalty, but to bring on the debate in this fashion on the death penalty just in China would be, I think, not to give this due regard, being such an important issue.

Senator FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (9.47 am)—Like so many other Australian political parties, the Australian Labor Party has a principled opposition to the use of the death penalty and that is an opposition of long standing. The government has a difficulty with this proposed motion in its current form. If there were a full debate, I would be proposing that the words ‘death sentence by China’ be deleted and ‘death penalty by all nations’ inserted. I have previously long argued in this chamber about my objection to dealing with complex international relations matters by means of formal motions. I commend to the Senate my speeches of the late 1990s on this issue. The government’s view is that it is counterproductive for motions of this kind to single out one country when Australia’s opposition to the death penalty is universal. Under the previous Labor government, Australia ratified the second optional protocol to the International Covenant on Civil and Political Rights on 2 October 1990. That protocol gives effect to article 6 of the ICCPR, which refers to the abolition of the death penalty, and gives effect to an international commitment to abolish the death penalty by ratifying states.

In keeping with the government’s policy of encouraging universal ratification of the second optional protocol, we encourage all states, including our dialogue partners, to abolish the death penalty. By continuing to discuss this issue, we register our position and encourage progress towards abolition of the death penalty. According to Amnesty International figures released in April last year, at least 3,861 people were sentenced to death and 1,597 known executions occurred in 2006. Ninety-one per cent of all executions in 2006 took place in six countries—
China, Iran, Pakistan, Iraq, Sudan and the US. While some countries in our region have abolished the death penalty—Bhutan, Cambodia, Nepal, the Philippines and Timor-Leste—many countries still impose the penalty. In United Nations forums, Australia has consistently called for the abolition of the death penalty. Australia has raised the death penalty’s use during bilateral human rights dialogues with China, Vietnam and Laos, and has joined international protests against the application of the death penalty in specific cases. Not all of these representations are made public because doing so can diminish the effectiveness of those representations.

Since the election of the Rudd government, we have foreshadowed a number of times to the Indonesian government that we will vigorously support clemency pleas by the six Australians facing the death penalty in Bali, should they pursue that course of action. The government has also given strong support to an application for clemency by an Australian man sentenced to death in Vietnam. I want to say clearly, categorically and without question that the government is committed to working with the international community to achieve the death penalty’s universal abolition, but I do say again to the Senate that it is, in our view, counterproductive for motions of this kind to single out one country when Australia’s opposition to the death penalty is universal.

Senator BARTLETT (Queensland) (9.52 am)—I would like to put the Democrat position on the record. Like all parties in this place, the Democrats have a strong, long-standing opposition to the death penalty in all circumstances. This includes support wherever possible for all campaigns that seek to abolish the death penalty around the world. That is something that is shared—or, at least, is official policy—by all parties in this chamber now, which is certainly very welcome by most people within all those parties. I understand the misgivings that Senator Faulkner outlined. As he and a number of others have said in this chamber on various occasions, there are issues and difficulties with the process of formal business and seeking a straight up-and-down vote on important issues or complex matters.

This is not a complex motion; it is a very simple motion, but with complex issues arising from it. I appreciate that. If anybody can find a solution for how to deal with that without scrapping formal business—which would be a solution worse that the problem—then I would be interested to hear it. It is one that does need examination. From the point of view of parties in opposition and parties on the crossbench, formal business provides an important way of getting issues of significance on the record and getting a position on the record, which otherwise would not be able to be done. I recommend that people read Senator Faulkner’s and others’ speeches on these matters, and put their mind to finding a solution for this particular dilemma.

But we have to deal with matters that are put before the chamber according to the standing orders as they exist, and this debate we are having now is about whether or not to suspend standing orders to allow a vote on Senator Brown’s motion, rather than a debate on the motion itself. The Democrats believe it is an important issue and, notwithstanding the concerns Senator Faulkner has about singling out a particular nation, in the totality of the context at the moment, the Democrats would support the suspending of standing orders to allow a vote to be put on the matter. By virtue of this motion, we are having a quasi-debate on it anyway, which I think is worthwhile. It is such an important issue that it would merit a matter of public importance debate, for example, in the Senate.
Can I say for the record, and in the possibility that anyone in the chamber is not aware, that there is an ongoing working group of parliamentarians looking at the issue of further advancing abolition of the death penalty. It is a cross-party working group. Its co-chairs are both in the chamber at the moment. If any of you want to get more involved in this, get involved and support their efforts.

As Senator Faulkner said, Australia has ratified the second optional protocol, the ICCPR, which gives effect to an international commitment to abolish the death penalty. As people may not know, Australia has not incorporated that in our law yet, so there is nothing to stop a state government from reinstituting the death penalty should it wish to do so—not that there is any sign that that is going to happen. We have some scope for further advancement in Australia in categorically, completely and fully and permanently removing the opportunity for the death penalty to operate in this country. I certainly support moves to do that, and I encourage everybody that is lending their support to the general principle of abolition of the death penalty through this debate to support and engage all of their various party colleagues to get their support for further advances in this area.

Wherever possible, it is important to promote the need to abolish the death penalty in all countries, particularly in our region. We should all look for opportunities to do that. As has been mentioned, China executes more people than every other country on earth combined. It merits some singling out for that reason, particularly given that the legal processes that apply in bringing down those sentences are far from ideal, particularly when you include the fact that organs from executed prisoners are routinely used for transplant. That adds an extra level of horrendousness to the process of the death penalty. There is ample work still to be done in campaigning in this way. Whilst there may be some disagreement about the best way to do it, I lend my support to all efforts to do so. 

(Time expired)

Senator MILNE (Tasmania) (9.57 am)—I rise to support the suspension of standing orders so that there can be a full debate on this matter. I sit here somewhat frustrated that I hear the niceties of discussion about parliamentary process as being something that stands in the way of a full debate on this issue, because while we sit here talking about whether this is the most appropriate mechanism there are house-to-house searches in Tibet for people who have been involved in fighting for the aspirations of the Tibetan people.

The Chinese government has made it quite clear that if people give themselves up now they will be considered for some sort of lesser penalty than otherwise would apply. It is very clear that people will die—will be put to death—because they stood up in Tibet. We in this parliament are saying, ‘No, we cannot discuss this now; it has complex foreign affairs ramifications.’ I do not know how many times we have stood in this parliament and talked about the proposed free trade agreement with China, and said we should do what the European Union does—make sure any free trade agreements have human rights agreements associated with them, with a caveat saying that you can pull out of those agreements if there are abuses of human rights. But Australia does not do that because we would not want to jeopardise our trade arrangements by consideration of human rights. That is the position to this day.

We are quite happy to sell uranium to China without any consideration about human rights. We are quite happy to have a Prime Minister going for a four-day visit to China and leaving the discussion of these
matters until he gets there. We have the Prime Minister of Britain ringing overnight to speak to the Chinese about engaging in a dialogue and stopping the violence, expressing concern about what is going on. We have the President of the European Union speaking about what ought to happen in relation to the Olympic Games. We have people around the world protesting outside Chinese embassies, because the reality is we know that people are going to be put to death. That is why this is a matter for the suspension of standing orders. This is not something we can put off to another day.

It is true that a short-notice debate puts some pressure on parliamentarians to get their thoughts together on an issue. But isn’t it better to put the pressure on people to actually get their heads around this quickly than to use that as a mechanism for not having the debate, for not making a decision on an issue like this? Haven’t we got a moral responsibility to tell the Chinese government right now that the Australian parliament does not support the death penalty and does not think it appropriate that China is putting more people to death with the death penalty than any other country in the world today? Don’t we think that is appropriate? Has this parliamentary inquiry on the death sentence met over what is happening in Tibet?

I feel like there needs to be a bit of a rethink about the role of parliaments. We represent the Australian people. This is a democracy and the Australian people would expect us to stand up for human rights around the world. After all, we have agreed to those human rights obligations through the treaties that we have signed, and we should be representing that stand at every opportunity. This is the opportunity to say to the Chinese government that we do not support the use of the death penalty in China or anywhere else.

I would also dispute the notion that Australia has given an unequivocal message around the world, because clearly there were mixed messages sent to the Indonesian government in the not too distant past. We need to have a reaffirmation of our position on the death penalty worldwide, but in this particular instance, because we know that the death penalty is to be meted out to Tibetans because of their stand against China, we have an obligation to have the full debate, to have a vote on this issue and to convey that to the Chinese government as a matter of urgency. If there is one thing we should be doing, it is not only standing up for Australian citizens facing the death penalty around the world; it is standing up for anybody facing the death penalty around the world, and that is why I support the suspension of standing orders.

Question put:
That the motion (Senator Bob Brown’s) be agreed to.

The Senate divided. [10.07 am]
(The President—Senator the Hon. Alan Ferguson)

Ayes............. 8
Noes............. 48
Majority........ 40

AYES
Allison, L.F. Brown, B.J. Milne, C. Nettle, K.

NOES
Adams, J. Bernardi, C. Bishop, T.M. Bushby, D.C. Carr, K.J. Colbeck, R. Crossin, P.M. Ellison, C.M. Faulkner, J.P. Ferravanti-Wells, C.

Senator PARRY (Tasmania) (10.10 am)—I seek leave to recommit to the Senate notice of motion No. 61, moved by the Australian Democrats.

Leave granted.

Question put:

That the motion (Senator Allison’s) be agreed to.

The Senate divided. [10.15 am]

(The President—Senator the Hon. Alan Ferguson)

Ayes………… 31
Noes………… 35
Majority……… 4

* denotes teller

Question negatived.

** MERCY MINISTRIES **

Senator ALLISON (Victoria—Leader of the Australian Democrats) (10.18 am)—by leave—It is normal practice in this place for a recommitted vote to come with an explanation by the whip. What we do not know here is whether the whip was just asleep on the job or whether there was a change from the time when the government voted with this motion and a few minutes later when it was decided to recommit it. I think it would be useful to also hear whether the opposition seriously thinks that having Mercy Ministries, described as an American style fundamentalist Christian group, treating young women for drug addiction and psychological disorders by using prayer, exorcisms and Pentecostal religion is appropriate and
whether or not some misleading and deceptive behaviour might be going on—not only that these young women are duped into this kind of ridiculous voodoo religious activity but also that Centrelink would be involved in it, in that the payments that were being received by these young women were apparently going directly to Mercy Ministries.

What I raised here is a very important issue. I am pleased to see that the government has agreed with the motion. However, it has been defeated by this side of the chamber, which clearly thinks that this kind of behaviour is okay and should not be investigated. So it would be useful to have an explanation as to why there was a change of heart on this side of the chamber and why it was necessary to reconvene this vote. I am at least pleased to see that the government supports it and will, hopefully, make that referral to the ACCC.

The PRESIDENT—Senator Allison, it is possible that I may have contributed to some of the confusion too because, in going through the list that we usually have, I usually have some idea of whether a motion is going to be opposed or whether it is going to go through on the voices. I did not hear the noes from this side, which is why I called it for the ayes. Had I, I would have probably called it for the noes, but of course that did not preclude them from calling a division, so there is no excuse for that. But I may have contributed to the confusion.

Senator ALLISON—If I may say, I do not think anyone heard any noes from this side of the chamber, so it was clearly a change of mind.

Senator PARRY (Tasmania) (10.21 am)—by leave—Our position has always been clear: to oppose the motion. There was some confusion in this part of the chamber. The Government Whip was over this side discussing a different matter at the time and maybe the voices did not come through, but certainly Senator Adams and I did call no and we were not quick enough to call for a division. We apologise for not calling a division, but the intention was very clearly no from the onset of this debate. We had discussed the motion and there has been no change of heart; it has been consistent all the way through.

COMMITTEES

Publications Committee

Report

Senator CAROL BROWN (Tasmania) (10.22 am)—I present the first report of the Senate Standing Committee on Publications.

Ordered that the report be adopted.

Regulations and Ordinances Committee

Delegated Legislation Monitor Documents

Senator WORTLEY (South Australia) (10.22 am)—On behalf of the Standing Committee on Regulations and Ordinances, I present a volume of ministerial correspondence relating to the scrutiny of delegated legislation for February 2007 to March 2008 as well as the delegated legislation monitor for 2007.

Community Affairs Committee

Report

Senator MOORE (Queensland) (10.23 am)—I present the report of the Senate Standing Committee on Community Affairs entitled A decent quality of life: inquiry into the cost of living pressures on older Australians, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator MOORE—I move:

That the Senate take note of the report.

I am very pleased to be able to stand here with other members of the committee and
talk to our report. Its title gives some indication of the feeling of the committee in the response of over 250 submissions and also the number of personal submissions and evidence received by the committee.

This particular reference about the cost of living on older Australians was originally referred to the Senate community affairs committee in June 2007. That does seem a very long time ago but you would understand that the time frame for the committee had been affected by the election period. In fact the committee only held three public hearings. It is a bit of regret for members of the committee that we were not able to have more interaction with the people who gave evidence, sent us their life stories and gave us submissions about their concerns about the cost of living for older Australians in our country.

The committee has presented a report today which has set out to look at the core issues that committee members considered should be taken into consideration for more research and inquiry around the particular issues that came before us. The committee makes no statement that it has come up with a definitive response to the issues that were in the terms of reference. We have received the submissions, we have listened to the stories and, as a committee, we believe that there must be more work done because there is no short-term, simplistic response to the kinds of issues that came before us.

I think at this point it is very important to acknowledge and to appreciate the efforts, courage and honesty of the people who chose to contribute to the committee’s activities. Not only were there written submissions—and we received them from large organisations and from people who work with older Australians across our country—but in many ways the strength of our communities is that a number of Australian citizens who had concerns, who were interested and who wanted to be part of the process made the significant decision to come forward and tell us about what they thought was important. In many cases these stories were harrowing because people were saying—in some cases with a degree of confusion and anger and then sometimes with a touch of shame—that they were not living well, that the choices and life choices they had made, sometimes personally but sometimes forced upon them, had meant they felt that, at a time when they had had hopes that they would be in comfortable, secure placement, they were instead needing to seek help. For many people that came to our committee that was something about which they were not proud and it was something about which they had to come to the committee and say, ‘This is not what we had planned.’

As a committee we listened to that and we came up with a number of recommendations. There are a lot of recommendations and probably the core issue is that you cannot talk about older Australians as one group. As with every group in our country, there are a range of experiences, a range of choices and also a range of circumstances. There is not one answer to the pressures for older people living in our country, but what we have seen is that the expectations of people in our country have had varying responses. We now have a system that is based on three elements for the cost of living as people grow older. Firstly, there is an ongoing expectation that there is some role for government and that there will be a form of government support and a pension scheme of some type. Secondly, over the last 10 to 15 years there has been a growing acceptance of the role of superannuation, which has once again come up as a major issue in this report. We follow in the footsteps of that august previous committee of this place which was longstanding in itself, the Senate Select Committee on Su-
perannuation, and we were very pleased to learn from some of the things that that committee talked about through their extensive consideration of superannuation in this country.

One of the core recommendations of our committee is looking at the way superannuation is handled in our country. One of the issues is that we are actually in the middle of the process at the moment. There has been an economic decision in Australia that there is an expectation that citizens will take some ownership of their long-term life position by effectively having a superannuation program to which they contribute, which will take some of the stress away from their living as they get older. But we are in the middle because people are now only beginning in their working lives to plan around a working life that is backed up by superannuation. We found consistently that, while people throw around the terms ‘superannuation earning’ and ‘superannuation understanding’, we are in a position where many people have not been able to build up effective superannuation entitlements which will offset the always increased pressures of living without an ongoing wage.

In chapter 3 of our report we look specifically at the issue of income because we know that the income for people who are growing older is very much determined by the way they have built income choices through their working lives. We highlight the fact that superannuation ‘is the key vehicle of the retirement income system and allows older people to maintain a higher standard of living than offered by reliance on the pension alone’.

They are only a few words but they actually sum up a core part of the change in the expectation of people in our country. But we also know that it is estimated that the full impact of people having an expectation of superannuation entitlements during their working lives will not cut in for several years. In that time there will be a constant balancing between those of us who have been fortunate enough to have superannuation planning and been able to build that through, and other people who have had disrupted forms of employment or employment that did not offer superannuation entitlements.

Also, an ongoing issue throughout our whole campaign, and one with which so many people are familiar, was that of women in the workforce as they grow older not having a cushion—that bank of superannuation entitlements—because of the way the Australian workforce operated for so long. Consistently we had evidence from women, and men who understood and supported their evidence, that when we look at people being able to build up the insurance of an effective savings plan through superannuation, women in our country have been disadvantaged. Now women who are beginning to work in the workplace are able to equitably join a superannuation scheme—we will not have the debate about equal pay now; we have not got the time—but in terms of being able to plan we need to see that all citizens are given full information and the ability to take an active role in planning their own retirement and see a future during which they will not need to be reliant on government support.

The third stream was of people who will have effective savings plans that are not linked to superannuation. People relied so much in the past on the way the government moved in relation to pension arrangements, but we know that the pension will not be the road for the future. We also understand that there will always be people in our community for whom the government must take some responsibility. Throughout our report we called them the people who are most vulnerable. As a caring society we must accept
our responsibilities to support those who have been damaged and those who are vulnerable. They are the people who must rely on some support from the government for ‘a decent quality of life’—the title of our report.

Our core recommendation is that there should be—a review of how the system operates in Australia. There is no particular science about how the original pensions were determined. Over the years there have been various government decisions to look at the very important aspect of how pensions are indexed. That took up a great deal of debate in our committee. We had significant evidence, with graphs and very effective notations, from the department—FAHCSIA—that on one level the quality of life for Australians is comparatively stronger now than it has ever been. But I am not prepared to go to the people who came to our committee with their own pain and their own hardship and show them those graphs and say, ‘You must be satisfied.’

As a community we must have a good, independent look, using the researching elements that are available in our country, to analyse exactly what is the best way to determine an effective, decent quality of living for all people—but in this case we are talking about older Australians—and to ensure that this is maintained, because consistently we heard that setting a level and then not effectively indexing it causes greater pain. Our core recommendation is that there must be a review and reconsideration. I know that other people will follow on with more points.

(Time expired)

Senator HUMPHRIES (Australian Capital Territory) (10.33 am)—It is a pleasure to join Senator Moore and other members of the committee in tabling this report today and indicating that we feel it is the basis for a very important assessment of the appropriate level at which Australia should be paying a pension to those people who have reached retirement age and who depend on the generosity of the Australian community for their standard of living. We discovered in the course of this inquiry that there are wide variations in living conditions and income levels of retired older Australians, just as there are very wide variations in the living conditions and income levels of working Australians.

Some people are comfortable and secure in their retirement, with mortgage-free homes and comfortable superannuation resources. For others the margin between them and poverty is much narrower. Particularly for women with broken patterns of work throughout their lives, superannuation income is modest—even meagre. But the group for whom the standard of living in retirement is most problematic, as Senator Moore has indicated, are those people whose income is wholly or partly the age pension. These people make up three-quarters of all people over 65 in Australia today. These and those more comfortably off emphasise that the dichotomy between the have-nots in Australian society does not end with retirement.

An essential preoccupation with this inquiry was therefore with the question of whether the age pension at present levels is sufficient to confer on Australians in typical circumstances a decent quality of life. The committee found that that question is very difficult to answer without very careful empirical study that was, frankly, beyond the scope of a Senate inquiry of this kind. Certainly there was a large amount of anecdotal, personal evidence before the committee suggesting great personal hardship was experienced by individual pensioners. The question is whether it is possible to adjust the age pension or set the age pension at a level which avoids that consequence for pension-
ers in typical circumstances. Obviously no system is ever going to eliminate hardship by individuals dependent on a fixed source of government income, but clearly the number of people who came to the inquiry with concerns about the level at which their pensions were set was very compelling. That caused the committee to ponder whether the pension is set at a fair level at the present time.

Next year marks the centenary of the Australian pension. It was an initiative of the Fisher government in 1909 and decisions have been made throughout the ensuing century to change the basis of eligibility and the level of payment of the pension, in a variety of ways. For example, in 1933 a decision was made to adjust the pension annually based on the retail price index. In 1937 a decision was made to cease the variation of the pension based on the retail price index. That system came back again in 1942, but other changes were made at that time.

These decisions have bounced about, and the point that was obvious to the committee was that no-one had, at least for quite some time, gone back and asked: what does a pensioner or a couple in retirement require to live a decent life and have a decent standard of living, taking into account issues like homeownership and whether people live in high-cost cities or low-cost regional areas? What kinds of other unexpected expenses do pensioners have to face for which some provision ought to be made? Those are the critical questions which the committee recommends should be answered by a review—a review essentially to establish what is a fair level to pay a person in retirement who is dependent on an age pension.

We were particularly struck by the question of whether the pension at the present time was set at an appropriate level for a single pensioner vis-a-vis a couple. The old adage that two can live as cheaply as one is obviously an exaggeration but there is a measure of truth in it and we found quite strong evidence that many single people were experiencing financial hardship. In particular, we found situations where couples had been on a pension for some time, one party in the couple had died and the single remaining pensioner found it very difficult to survive on what remained. At the present time the pension for a single person is set at about 60 per cent of that for a couple. We suggest strongly that the question of whether that is in fact an appropriate level of relativit—

Once a fair and adequate base level of pension is established by the review that we recommend, the next factor to determine is what indexation device should apply to the base pension. There was a lot of debate about this issue during the inquiry. Indeed, the inquiry itself was generated by an assertion that pensioners in Australia were going backwards, that they were losing their purchasing power, because of rising costs. It is important to state that the committee considered very carefully the device that has been used for the last decade to guard against that—that is, the device introduced by the coalition government to adjust pensions by either CPI or MTAWE, male total average weekly earnings. The higher of those two indicators produces the adjustment in the pensions.

The suggestion was made anecdotally that many people found that an inadequate device. On a more empirical level, the evidence does suggest that in fact that device was keeping pensioners ahead of the game, at least in recent years. The question is whether the baseline on which that is set is fair—whether the baseline is able to be reconsidered and determined to be an adequate amount on which to base the cost of living for a person in retirement today. So the
committee therefore recommended that re-
view of which both Senator Moore and I
have spoken.

There was one aspect of the inquiry which
was less ambiguous, and that was the ques-
tion of the living standards and income secu-
rity of older Australians who are dependent
on Commonwealth superannuation pensions,
particularly retired public servants and mem-
bers of the Defence Force. The relative posi-
tion of these retirees has been deteriorating
as against age pensioners. Frankly, it is hard
to understand because both groups are de-
pendent on Commonwealth policy for their
security or the quality of their lives. Age
pensions are indexed against both MTAWE
and CPI, with the result that of the last 16
age pension adjustments 11 have been for
amounts greater than the CPI. But the pen-
sions of Commonwealth superannuants are
pegged only to the CPI. The estimated dif-
ference in outcome over the last decade or so
that has caused for pensioners is some-
thing like $7,000. It is hard to explain to
Commonwealth superannuants why their
pensions, to which they have contributed
during their working lives, should fall behind
the pension increases of those who have gen-
erally not made provision for their retire-
ment. The committee recommends, and I
heartily endorse, as an interim measure pend-
ing a review of the adequacy of all Com-
monwealth sourced pensions that the Com-
monwealth align the indexation methodology
of the age and other Commonwealth pen-
sions so that each is adjusted by CPI or
MTAWE, whichever is the highest. This will
provide some measure of relief and reassur-
ance for those who have faithfully served
their country in so many ways.

I want to make reference briefly to par-
ticular groups that we examined. The case of
grandparents is an interesting situation.
Many people find themselves, as grandpar-
tents, caring for their grandchildren. Some-
times they are able to access allowances as if
they were the nominated carer or the official
carer; sometimes the arrangements are much
less formal, which results in them having to
bear a large personal cost in those circum-
stances. Obviously, Australia needs to en-
courage family members to take on the re-
sponsibility for caring for members of the
family wherever possible, and we feel that
some review of that arrangement should be
undertaken. We also note that the situation of
the income security of those living in resi-
dential accommodation needs to be exam-
ined. Recommendation 6 of the committee
particularly looks at the question of the need
to review the access and funding arrange-
ments for concessional residents under the
hardship provisions of the Aged Care Act
1997.

We owe a great debt to these people.
These people have built the Australia that we
live in today—an Australia with an ex-
tremely high standard of living. We may not
be doing the best we can in terms of catering
for their security and giving them the means
to live with a decent quality of life. We need
to review the basis for the pension to see
whether that is the case.

Senator SIEWERT (Western Australia)
(10.43 am)—I also took part in this inquiry. I
think it is an extremely important inquiry.
The recommendations reflect the extent and
the strength of the evidence that we received
during the inquiry, and we did receive a lot
of evidence around the disadvantage and the
suffering that is being experienced by, for
want of a better word—and I do not like us-
ing the word necessarily—the cohort of Aus-
tralians that are currently trying to survive on
just the age pension. There is no doubt from
the evidence that we received that there is a
group of retired Australians that are doing
very well. They have managed to invest in
their superannuation or invest separately and
they are able to do well, particularly if they
own their own home. The inquiry found, as has been articulated by my colleagues on the committee, that there is a group of Australians that are not doing very well: those who are surviving on the age pension and particularly those who are living in rented accommodation. We all know about the housing affordability crisis that is going on in Australia at this time and that is hitting those that are on the age pension very hard—in particular those that are single and trying to cope on the single age pension. They are really being pushed to the limit.

The thing that we were also told repeatedly during the inquiry was that many of these people are just dealing with it: they are voluntarily making cuts. They are going to relief agencies and charity organisations as a last resort. They start cutting back on the food that they buy. We heard stories, for example, about them being very careful about the electricity they use for heating. I have subsequently heard stories from people from relief organisations and community social service groups saying that people come to them at the very end of their tether because they have voluntarily got the electricity and phone turned off and they are not eating properly. Of course, that is having a very detrimental impact on their health. So the single pension definitely needs to be addressed, and we do raise that in our report.

As has been articulated, the report also raised the issue that we should be looking at the base rate of the pension and its subsequent indexation. We recognise that there are problems there and we do not know what the appropriate base rate should be—the committee does not make a recommendation. The Greens think that people should get a rise in the pension now to acknowledge the fact that we know there is suffering going on and to acknowledge that we know that group of people cannot make ends meet. We need to deal with that now, rather than down the track. However, we do need to have that review of the base rate of the pension and then look at what an adequate indexation process would be. We heard evidence during the inquiry that the combination of MTAWE and CPI does not do it. People had concerns about the way CPI was measured, and they also put to us very strongly that people on the pension are not a homogenous group. They do not all buy the same basket of goods, and as you get older your basket of goods changes. The argument put to us was that you need to have a refined method to be able to calculate how you index the pension.

What was also raised—and I touched on it before—was that it has become obvious that the base rate for single people does not meet their needs, particularly for women. Women on the single pension are finding it very hard to cope because they do not have superannuation. There is another cohort of women, around my age as it happens, who have low average superannuation. Those who are lucky enough to be in a higher-paying position, such as the one I have moved into, may be able to catch up. But if they are not able to get into a higher-paid position women are not going to be able to put away enough money to be able to have a decent quality of life in retirement. There needs to be very strong consideration given to helping them and looking at how we ensure that these women are able to move through to a decent quality of life in retirement, and we need to acknowledge that this is going to be an issue in the future. In the short term, we definitely need to be helping those single people that are on the pension and particularly those that are in rented accommodation, because they are really starting to suffer. A NATSEM report came out yesterday that showed that more people are entering into retirement with mortgages, and that is going to be a significant issue as well.
Senator Humphries touched on the issue of kinship care. Those who have heard me talk about this issue before know that I am passionate about the issue of kinship care. Grandparents are a vulnerable group—particularly grandparents that take on the role of primary carers. Often it is after they have entered into retirement: they have already downsized their home, they have already made adjustments to living either as a single person or as a couple in retirement, and all of a sudden they have got responsibility for their grandchildren. It is even harder for them if they adopt their grandchildren, because if you adopt a child then it becomes your child and you have even less access to counselling and support services.

We need to remember that often these are very difficult personal circumstances and the children, in particular, quite often will need some sort of additional support services, such as counselling. We very definitely need to ensure that there is enough assistance available—for a start, to help grandparents address the issues of counselling so they have those support services, but also with simple things. Do you know how much sneakers cost these days—the sneakers that our kids want? Anywhere between 60 and 100 bucks. Sure enough, you do not buy the ones at the $100 end, but you still have your grandkids nagging you and saying: ‘We want to be able to spend that money on those shoes. We want to be the same as the other kids in school.’ Another issue that was brought up by some grandparents was that they become socially isolated when going into that kinship care role and looking after their grandchildren. We address that issue in our report as well.

I would also like to support the recommendations and the comments that Senator Humphries made around addressing this issue of unfairness—I believe it is unfairness—for superannuants who are just being indexed on CPI. The case was put very strongly to increase that so superannuants are on the same indexation rate as everybody else, and I think there is a very justifiable need to do so. One of the other issues that came up is that there is a complicated set of benefits and concessions available to people with seniors cards. It is not consistent across Australia and needs to be more consistent, particularly so that if you are visiting relatives interstate you can use public transport. A number of people raised that issue with us.

The issue of reverse mortgages came up. More and more people seem to be entering into reverse mortgages. Off the top of my head, the figure was expected to get up to around $3 billion. That is a significant amount of money. The committee did not go as far as recommending that there should be more controls in place, but we certainly made recommendations about keeping an eye on that. The issues around going into negative equity were raised with the committee. Some companies put submissions in and said to us that they have rules about not letting customers go into negative equity. But we all know that some companies are not necessarily as rigorous as others at ensuring that there are those protections. That is an issue that we need to keep an eye on.

It is clear that there are a number of issues that need to be dealt with in this report. The report makes a number of recommendations for further work and review. The Greens very strongly believe that the government needs to acknowledge the fact that there are older Australians out there doing it tough. We need to deal with that issue immediately to make sure that there is a decent quality of life for them immediately. We then need to look at how we can make it better down the track.

Senator POLLEY (Tasmania) (10.53 am)—I want to make a few short comments in relation to this very important report.
Many of the issues that were raised were things that I hear on a daily or weekly basis as a senator. You also know from your own life experience and from people within your community that there are enormous challenges. As somebody who through circumstances had to rely on the government for a number of years for benefits, my view has always been that you do not live on those payments; you try and survive. The inflationary pressures that are on the whole community at the moment have a significant impact on the elderly, those people who have helped build this nation. I commend the comments by my colleagues and say that it is always a pleasure to work with them on this committee, because it is without doubt one of the few committees where we all have the same views. I would also like to place on record my thanks to the secretariat.

There were recommendations relating to issues like reverse mortgages, dental health and housing. These are all very important issues. Another concern that was raised was in relation to what can be done so far as the banking industry is concerned. Various accounts have been set up for young people to accommodate their needs. The banking industry needs to look at how it can assist our ageing community.

Regarding superannuation, I, like Senator Siewert, am one of those maturing women who have not had superannuation. I would also like to place on record that I am a recent and very proud grandmother as well. As such, I understand those issues. In trying to plan for the future, women who have been in and out of the workforce and have not had compulsory superannuation for very long face challenges ahead. We as a government and we as senators have a responsibility to find some long-term solutions.

The general evidence that was given was very compelling. We must remember that it is very hard for these people. They come from a very proud generation, and they should be proud of what they have contributed to our society. But it is very hard for them to have to go off to charitable organisations and ask for help. It is even worse when they have to go to their family and say: ‘I can’t meet my expenses. I need help. I can no longer afford rent.’ We all know the pressures that are facing our society when it comes to rental increases. It is not just young families or individuals; it is older Australians as well. I commend this report. I urge not only my Senate colleagues here but also the wider community to read this report, because it is enlightening. It once again reinforces what we already know is happening in our community. It is our responsibility to make sure that we apply policies that will help these people in the long term, because we are all maturing.

Senator Boyce (Queensland) (10.57 am)—It is an absolute delight, as Senator Polley said, to be able to stand and agree with the comments made by the other members of the committee in regard to the inquiry—although not the comment about being a grandmother, Senator Polley. This was an inquiry brought about because of the anecdotal evidence that was being brought to many of us, day after day. The one thing that I would like to push for immediately is support for all of the comments made in relation to Commonwealth superannuants. They appear to be having an injustice done to them at this very minute.

It was interesting to bring together all the evidence, because intuition is not the only way to look at things. It was good to have a lot of this material brought together in one place. It demonstrated the fact that a large number of older Australians are okay. They are not going out and buying a bottle of Moet every day, but they are getting by; they are reasonably comfortable. It is that group that
has been mentioned—the people who are not homeowners, and particularly single pensioners and older women—who are the ones in trouble and needing more help than they are getting. I had personally hoped that we would get to the situation where we could say that we recommend that the pension go up by X amount or that the pension should be indexed to this as well as what it is currently indexed to and that we recommend that the single pension go up as a percentage of a couple pension. That was where I hoped we would get to. It became obvious during the inquiry that there were many views there. What is really needed now and what we are recommending as the way to come to a decision on this is a short, sharp government review focusing completely on economic modelling. We received fairly disparate views about where the single pension should be set in terms of the couple pension, for instance—views from 60 per cent to 70 per cent.

As Senator Humphries pointed out, generally age pensioners are in a better position because of the combination of CPI and MTAWF than they would have been simply relying on CPI. Over the last few years this has meant an increase, so they are about $20 better off as couples than they would otherwise have been. But it is pretty clear that we need to reassess this. There was certainly no science involved in the early development of it, and we need to look at it again.

Yesterday I was involved in a briefing around the handling by the Department of Human Services of child support. They pulled together three different methodologies for determining the cost of raising a child and did that in a relatively short space of time. You still end up with blunt instruments, of course, because the cost of raising a child in Augathella is probably quite different from the cost of raising a child in Sydney’s CBD. But it is a far more explicable and far more defensible way of going about developing a pensioned rate than we currently have, so I very much recommend that the government immediately conduct some economic modelling so we can reach a situation where we can help the people in trouble as quickly as possible.

The evidence that concerned me most was around non-homeowning, older, single women who, right now in Australia, are becoming homeless, are on the streets and are being helped by groups that assist people experiencing homelessness. It is not good enough. We need to act to do something about it very quickly, and I hope very much that the government will react to the recommendations that we have given. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

BUSINESS

Consideration by Estimates Committees

Additional Information

Senator WORTLEY (South Australia) (11.02 am)—On behalf of the respective chairs, I present additional information received by committees relating to the following estimates:

- Community Affairs Committee – 2007-08 budget and additional estimates
- Employment, Workplace Relations and Education Committee – 2007-08 budget estimates
- Environment, Communications, Information Technology and the Arts Committee – 2007-08 budget estimates
- Finance and Public Administration Committee – 2002-03 additional, 2006-07 supplementary, and 2007-08 budget and additional estimates
- Legal and Constitutional Affairs Committee – 2004-05 and 2006-07 additional, and 2007-08 budget estimates
- Rural and Regional Affairs and Transport Committee – 2006-07 supplementary and additional, and 2007-08 budget estimates
Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (11.03 am)—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 CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (11.03 am)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

This bill will decouple the Tradex Scheme from the requirements of the Customs drawback provisions and will simplify the administration of the scheme.

The Tradex Scheme was introduced as a streamlined program for providing relief to businesses paying customs duty and GST. The scheme applies to imported products that are to be re-exported or incorporated into other goods that are to be exported.

Decoupling the Tradex and drawback programs will enable the Tradex Scheme to remain consistent with the Customs drawback provisions without being dependent on them. Both programs are designed to ensure customs tariffs are not paid on goods that are imported and subsequently exported, and that are not inappropriately used or consumed while in Australia. This is consistent with the international taxation principle that duty should apply in the country of consumption.

The essential difference between the two programs is that, under the drawback provisions, duty is paid on importation and then is subsequently returned on exportation. Under the Tradex Scheme, duty exemption is provided up front and only becomes payable if the goods are not exported or are used or consumed inappropriately while in Australia.

The separation of the legislation for the two programs should enable both programs to be better tailored to meet the particular demands of its customer base. Wherever possible, the elements of the drawback provisions will be adapted for incorporation into the Tradex regulations.

The other amendments contained in this bill are aimed at enhancing the administration of the Tradex Scheme, and will further reduce the regulatory burden on industry. The Tradex Scheme will continue to provide real benefits to Australian industry and improve our international competitiveness as a trading nation.

Debate (on motion by Senator Conroy) adjourned.

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

COMMONWEALTH AUTHORITIES AND COMPANIES AMENDMENT BILL 2008

TELECOMMUNICATIONS LEGISLATION AMENDMENT (COMMUNICATIONS FUND) BILL 2008

First Reading

Bills received from the House of Representatives.
Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (11.04 am)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (11.04 am)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

COMMONWEALTH AUTHORITIES AND COMPANIES AMENDMENT BILL 2008

The Commonwealth Authorities and Companies Amendment Bill 2008 primarily amends the Commonwealth Authorities and Companies Act 1997 (CAC Act) to improve the governance and accountability arrangements for Commonwealth authorities and Commonwealth companies. The bill also contains a small number of consequential amendments to the Legislative Instruments Act 2003, Australian Broadcasting Corporation Act 1983, Australian Industry Development Corporation Act 1970, Australian National University Act 1991 and Special Broadcasting Service Act 1991. This bill is designed primarily to amend the CAC Act and represents the most significant set of amendments to the act since it commenced on 1 January 1998.

The CAC Act regulates Commonwealth authorities and Commonwealth companies. For Commonwealth authorities, the CAC Act contains detailed rules about reporting and accountability, and also deals with matters such as banking and investments, and the conduct of officers for Commonwealth authorities. For Commonwealth companies, the CAC Act contains reporting and other requirements that apply in addition to the obligations and responsibilities imposed by the Corporations Act 2001 (Corporations Act).

The amendments in the bill are primarily intended to improve accountability and transparency arrangements for Commonwealth authorities and Commonwealth companies. The amendments in the bill also improve the alignment of the CAC Act with equivalent provisions in the Corporations Act and update the CAC Act based on experience from over 10 years of operation.

The bill seeks to improve the efficiency and transparency of notifying directors of Commonwealth authorities and wholly-owned Commonwealth companies of the general policies of the Australian government that apply to a body. Responsible ministers will still be required to consult with the directors of Commonwealth authorities and wholly-owned Commonwealth companies on proposed general policies that are to apply to them. However, the new process will significantly improve transparency through the general policy orders, issued by the finance minister, being made available to the public through being published on the Federal Register of Legislative Instruments.

The new process also improves efficiency and reduces red tape within government, by replacing a current cumbersome process that relies on multiple letters and correspondence between ministers and bodies, without the notifications being readily transparent.

Another proposed amendment to the CAC Act will clarify reporting obligations for Commonwealth authorities and improve transparency around granting time extensions by applying the process contained in the Acts Interpretation Act 1901.

The CAC Act also currently includes annual reporting obligations for Commonwealth companies based on reporting requirements contained in the Corporations Act. However, as a consequence of amendments to the Corporations Act since the
CAC Act commenced in 1998, there can be different annual reporting standards applied to Commonwealth companies, depending on the company’s classification.

Amendments to the CAC Act will improve the accountability of Commonwealth companies by requiring annual reports to be prepared in line with the requirements for public companies under the Corporations Act.

Additionally, to ensure annual reports contain appropriate disclosure on public sector governance and risk management issues, for example, amendments in the bill will allow the finance minister to require additional information through finance minister’s orders.

Since the CAC Act commenced in 1998, the Auditor-General has submitted the annual reports of subsidiary companies of Commonwealth authorities and Commonwealth companies to the minister responsible for those bodies.

The bill will make amendments to the reporting requirements of subsidiaries so that directors of the relevant Commonwealth authority or Commonwealth company are responsible for submitting annual reports to responsible ministers. This amendment better reflects the responsibilities that directors of Commonwealth authorities and Commonwealth companies have for the operations of subsidiaries.

Through proposed amendments, this bill will provide Commonwealth authorities with greater clarity about the power to purchase goods and services by the use of credit cards where they do not currently have the express power to borrow. Importantly, the bill will also introduce a related criminal penalty associated with misuse of a Commonwealth authority’s credit cards.

When originally drafted the CAC Act sought, where relevant, to impose on directors and other officers of Commonwealth authorities obligations and responsibilities similar to those under the Corporations Act. Since that time, subsequent amendments to the Corporations Act have reduced the alignment in a number of areas. This bill will improve the alignment of the CAC Act with the Corporations Act in the areas of offences, penalties and terminology.

The bill will insert new offences into the CAC Act to align with similar provisions in the Corporations Act. The bill will also amend a number of penalty clauses to align them with similar provisions in the Corporations Act, including the introduction of a number of new civil penalty provisions.

Additionally, the bill strengthens the test for determining when the Commonwealth controls a company by employing terminology used in the Corporations Act for determining when a company is a subsidiary.

Finally, the last major proposal of the bill involves amending the CAC Act to clarify the level of protection of officers and public servants from statutory and other duties, as they carry out their responsibilities in relation to Commonwealth authorities.

In particular, these amendments will strengthen accountability arrangements through removing an exemption from criminal penalties contained in the CAC Act for breach of officers’ duties.

Overall, the amendments in this bill provide a significant and much needed update to the CAC Act, improving transparency, accountability and governance arrangements for Commonwealth authorities and Commonwealth companies.

I commend the bill to the Senate.

TELECOMMUNICATIONS LEGISLATION AMENDMENT (COMMUNICATIONS FUND) BILL 2008.

The government understands that access to high-speed broadband services is critical to Australia’s future social and economic prosperity. Fibre technology is essential to deliver the modern broadband infrastructure that this country needs to boost productivity.

This is why the government has committed to investing up to $4.7 billion to establish a new national broadband network in partnership with the private sector.

The national broadband network is a critical element of the government’s national infrastructure agenda, particularly given the increasing importance of the digital online economy.
The national broadband network is expected to provide minimum speeds of 12 megabits per second to 98 per cent of homes and businesses and be rolled out over the next five years. It will be an open access network to ensure equivalence of access for downstream service providers and will allow scope for providers to differentiate their product offerings.

The national broadband network will provide a platform for sustainable growth for our economy for many years to come.

One of the government’s key election commitments was to provide funding of up to $4.7 billion to facilitate the rollout of a national broadband network to 98 per cent of homes and businesses. The government also committed to using the $2 billion in the Communications Fund to help fund this commitment.

The Telecommunications Legislation Amendment (Communications Fund) Bill 2008 would amend Part 9C of the Telecommunications (Consumer Protection and Service Standards) Act 1999 to enable money in the Communications Fund to be used for the purpose of funding the creation or development of a national broadband network, if required. The final decision on use of the fund will be made in the context of the government’s overall fiscal strategy.

The intent of the Communications Fund is to address the telecommunications needs of regional, rural and remote Australians. The Rudd government’s plan to roll out a national broadband network is fully consistent with this, but it will deliver in a much shorter time frame. The government is prepared to use the Communications Fund now to provide better broadband services to 98 per cent of Australian residential and business customers.

The previous government legislated to prevent funds being drawn below $2 billion and to only allow expenditure of the revenue stream. This government is prepared to invest $2 billion right now to fund this critical piece of national infrastructure. Under the previous government’s approach, regional Australians would be waiting 35 long years to reach the same level of investment in telecommunications that Labor is prepared to make right now.

In keeping with its commitment to regional Australia, the government has also extended the current Regional Telecommunications Review chaired by Dr Bill Glasson AO to August 2008. Amongst other things this will provide an opportunity for the review to take into account the national broadband network policy in preparing its recommendations. The government will consider funding in developing its overall response to the review report.

This bill is a significant milestone in implementation of the Rudd government’s initiative to give Australia as a whole a first-class broadband network for the future.

Ordered that further consideration of the second reading of these bills be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

**INFRAS TRUCTURE AUSTRALIA BILL 2008**

**Consideration of House of Representatives Message**

Message received from the House of Representatives returning the Infrastructure Australia Bill 2008 informing the Senate that the House has disagreed to the amendments made by the Senate and desiring the reconsideration of the amendments.

Ordered that the message be considered in Committee of the Whole immediately.

**Senator CONROY** (Victoria—Minister for Broadband, Communications and the Digital Economy) (11.06 am)—I move:

That the committee does not insist on its amendments to which the House of Representatives has disagreed.

**Senator SCULLION** (Northern Territory—Leader of the Nationals in the Senate) (11.06 am)—I have to say that I am both a little disappointed, obviously, that these very good amendments have not been supported by the government and also a little surprised.

CHAMBER
Mr Temporary Chairman of Committees Murray, no doubt from your long time in the Senate you would be aware of the rhetoric from those on the other side about the three tenets of transparency, accountability, and effectiveness and efficiency. They are the sorts of things that we look for in a piece of legislation. Certainly when the opposition constructively considered this bill those were the three areas that we looked at: transparency, accountability, and efficiency and effectiveness.

In terms of transparency and the tabling of directions, we moved some simple amendments that dealt with technical aspects to ensure that there was some transparency about the minister’s directions to Infrastructure Australia. In terms of efficiency, our amendments were about actually allowing some independence with Infrastructure Australia—and there are some issues about transparency there that I will get to in a moment. There were accountability issues about the employment of a coordinator and how you went about those things. I am surprised because those are the essence of the rhetoric we hear from the Labor Party. That rhetoric is simply not substantiated when it comes to their actions, because those are the fundamentals behind our amendments.

Whilst we are disappointed, we think there are several aspects of this bill that remained flawed—and I have discussed a number of those flaws in this place already. I am disappointed that Infrastructure Australia will not be able to be independent, particularly with regard to being able to actually scrutinise Labor’s election promises—which is really important. We know that those election promises in the area of infrastructure are there, but what we would like to know is: are these appropriate? Is it the right infrastructure? Is it the right time? Is it actually an appropriate investment or just another cost to be foisted on the Australian people? Those are the sorts of questions that Infrastructure Australia could well have asked. It is unfortunate that that amendment has been rejected by the government. Clearly transparency is only part of their rhetoric and not part of their action.

I should not really be surprised, but it is a matter of regret, that the government have rejected an amendment that would protect them from that terrible temptation of jobs for the boys. They seem to have failed on the issue of jobs for the boys at pretty much every hurdle. The first hurdle was what to do about the car industry. It was a case of: ‘I know. Steve Bracks is a bit of a mate. We’ll toss him the job.’ Now I am not cynical, but I do speak to people in the wider Australian community and I know that they think that perhaps Labor need to be protected from some of those temptations. Our amendment was to simply provide protection from temptation.

The opposition have always said that we will not oppose the establishment of Infrastructure Australia. We are prepared to give it a go and see how it will work. We will continue to be rigorous to bring Labor to account and ensure that the establishment of Infrastructure Australia helps rather than hinders infrastructure. It is for these reasons that we will not be insisting on the amendments. Again I am very disappointed and somewhat surprised, when the rhetoric is all about transparency and accountability, that these amendments the opposition put forward, whose fundamentals go to the heart of providing transparent and accountable government, have not been supported by Labor. Labor have failed at their very first hurdle.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (11.10 am)—The Democrats will not insist on the amendments of the opposition. I do not think, Senator Scullion, that you can justify those amend-
ments on the grounds that you have just suggested. In fact what your amendments did was to remove—and I do not have my notes in front of me but I think I can recall enough of them to say this with confidence—the minister’s ability to request that Infrastructure Australia conduct an investigation and/or advise on various matters. We would be with you in insisting on this amendment were it really the case that this would improve accountability, but sadly I fear that is not the case. What would have been highly desirable would have been for you to support Senator Milne’s amendment—it was not my amendment, but it was one that we certainly strongly supported—to see climate change as being a key priority for Infrastructure Australia. But you did not do that.

I will admit that we did make a rather clumsy attempt to amend your motion to remove the worst of its effects—that is, to not allow the minister to request that Infrastructure Australia do anything. We think that, all in all, the bill is in a better shape without your amendments. It would have been much better had it accepted the other amendments which would have fixed up some of those priority issues.

Senator MILNE (Tasmania) (11.12 am)—The Greens will not be insisting on the acceptance of the opposition amendments. I do not wish to delay the Senate unnecessarily but I do want to make a couple of points. The Greens moved for any direction that the minister made to Infrastructure Australia to be a legislative instrument so that it could have been disallowable. What the opposition did was actually weaken that and say they wanted it laid on the table of the House. Laying it on the table of the House is better than doing nothing; making it a disallowable instrument would have been a more powerful case for accountability, but the opposition were not keen to support that. Whilst I recognise that the opposition wanted the direction laid on the table in the House, they voted against the ultimate method for really looking at transparency in terms of private-public partnerships, really looking at accountability and really looking at efficiency by refusing to allow the times when Infrastructure Australia made a recommendation for a project worth more than $50 million to be referred to the Public Works Committee. The opposition failed to support that.

So, in terms of real accountability, what I was moving to do was to give the public an opportunity to really have a look at what infrastructure projects were being recommended before they were considered by the minister. That was not allowed either. Of course, as Senator Allison said, the really disastrous part of this legislation is the fact that the greenhouse gas implications of any infrastructure project will only be considered and advice will only be sought at the minister’s discretion. What this allows the government to do is to choose not to have the greenhouse gas implications considered when they want to expand the coal port infrastructure all down the eastern seaboard and not to look at the greenhouse gas ramifications when they want to support a desalination plant, a new coal fire power station or something of that kind. They will have the discretion to choose when and how they use that greenhouse gas emissions power, and that is completely unacceptable if you are serious about dealing with greenhouse.

I did hear the government say yesterday that, in saying that Infrastructure Australia will bring out a strategic plan, it is implicit that they will consider greenhouse gas emissions, but it is not, in my view, implicit at all. It will be obvious when the government announces the membership of Infrastructure Australia whether any of the people on the board have expertise in determining infrastructure in an age of climate change and oil depletion and whether they have any exper-
tise in transport, planning and policies related to a low-carbon economy. If we get an Infrastructure Australia board that does not have at least one person on it with that kind of expertise, it will be very clear that there is no intention whatsoever to look at an infrastructure strategic plan with a view to incorporating climate change.

I would hope that the government now has a serious look at this and fixes it up when it comes to appointing the members of the board, because at this point the only mechanism for having greenhouse gas emissions considered is through the discretion of the minister. Many of the projects which the Labor Party have put forward have appalling greenhouse gas ramifications and long-term ramifications for more car use and bottlenecks in cities and no consideration of how those road projects, in particular, are going to lead to urban sprawl and even greater long-term impacts from transport emissions. I would hope the government has taken on board the real criticism, because it is on a collision course.

Infrastructure Australia was an opportunity to deliver on greenhouse gas emissions commitments. It was a mechanism through which the government could have started to seriously address long-term greenhouse gas emission reductions and it has failed to do so. On the one hand it is going to bring out the Garnaut report, it is going to develop an emissions trading system and it is going to commit to a cap—and they are good things; on the other hand, it is setting up Infrastructure Australia with a capacity to deliver a strategic plan. In that strategic plan, unless they take into account the greenhouse gas emissions, they are going to be approving projects which will make the task of reducing greenhouse gas emissions even harder.

To me, it is a serious blow to those of us around the country who are serious about reducing greenhouse gas emissions. I think the government needs to recognise that it is on a collision course with two of its key policy platform objectives by its failure to incorporate in the legislation. However, I am pleased that, by not insisting on the opposition amendments, we have at least retained the discretion of the minister to seek that advice. Had the opposition amendments been insisted upon, we would have ended up with no capacity at all even to have them considered. At least this way there is a discretionary power, but it is not enough. I hope the government will take it on board and I hope it will also take on board the fact that we are not satisfied that cutting out parliament from an assessment of the major infrastructure projects that Infrastructure Australia may recommend is an appropriate way of going about it.

I do not believe the current parliamentary process is adequate. If it were adequate, we would not have had the rorts under the Regional Partnerships program where ridiculous projects were funded for pure electoral pork-barrelling and we would not have the Tasmanian Community Forestry Agreement partnerships rorting, which I note Labor supports in government—there is disgraceful rorting going on there. The parliamentary processes have not allowed for adequate scrutiny of those projects. Even the Auditor-General’s report has come out saying, in the case of the Tasmanian Community Forestry Agreement partnerships, that they have allowed a person to put in an application for money for machinery which is second-hand and they have allowed the person applying for the grant to say what the market value of that machinery is without independent verification. They have then paid the money on the basis of a tax invoice only, with no proof that any machinery was actually purchased. They have paid the money and there has been no ground truthing to establish whether
machinery ever changed hands. They are the current parliamentary practices and that is the level of scrutiny. I do not think that is good enough when public money is being used to purchase infrastructure of any kind. I would like to think the government would take that into account, if its agenda on transparency and accountability is genuine.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (11.20 am)—I thank all speakers for their contributions. Senator Milne, I draw to your attention the fact that Sir Rod Eddington is the chair of the committee. If you look at his body of work over many years, you will see that he has made recommendations internationally in these areas. He has always examined the climate issues and I do not think you will be disappointed this time. I hope that gives you some comfort. I thank you for pointing out that being lectured by those opposite on the issues of infrastructure, building, transparency and accounting is a little rich. I mean, fair dinkum! This is the mob which thought in-frastructure building when you have a ports crisis is to dredge Tumbi Creek. They used to have committees in the backrooms of all their members and senators deciding on which electoral rort, on the marginality, they would pull this week. As detailed yesterday by Senator Sherry, the discretionary expenditure which was just tossed out the door, in a naked attempt to buy votes to get re-elected, was obscene.

We have a transparent process, which will take into account the national interest and the infrastructure we need in this country. So I rise to support the motion that the committee not insist and I appreciate the positions put. The original formulation of the bill allows the creation of Infrastructure Australia as a statutory advisory council and the creation of a position of Infrastructure Coordinator.

Infrastructure Australia will perform important functions to address Australia’s infrastructure bottlenecks, which are holding back the nation from achieving its full potential. It will help guide billions of dollars of investment to priority infrastructure projects. The creation of Infrastructure Australia is a key part of the Prime Minister’s five-point plan to address both demand-side and supply-side pressures on inflation. But Infrastructure Australia is also about good social outcomes. As leaders, we must never lose sight of the fact that infrastructure has the capacity to improve the quality of life of each and every Australian. Importantly, efficient and well-planned infrastructure helps us reduce our greenhouse gas emissions and tackle climate change.

Infrastructure Australia is about nation building, which requires coordinated solutions and leadership. Nation building is the stock in trade of the Labor Party. The government must get back in the business of nation building. The passage of this bill, unamended, will achieve that, and I welcome the indications from those opposite that they are not insisting on the amendments. Thank you for your contributions.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (11.23 am)—I do not want to delay the debate much longer, Minister, but we did not have the benefit of your presence in the debate yesterday. We had a series of other very worthy senators, but it would be useful, I think, for you to put on the record something which was raised in the debate yesterday—and that is, the question of why it is that greenhouse was not in that first set of priorities for Infrastructure Australia. Can you assure the Senate that when decisions are being made about setting priorities for funding—whether it is road or rail, port facilities, housing, the building of universities and schools or any other major infrastructure—greenhouse emissions spe-
cifically, not just the implications of global warming on, for instance, coasts, sea levels and the like, will be front and centre of the work which Infrastructure Australia does in making its recommendations and giving its advice to government? Can we have your absolute, clear, unequivocal assurances that this is the case?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (11.24 am)—Could I give you something better than that. Could I give you the fact that it is in the bill. It is absolutely front and centre. You should not for a moment think that Infrastructure Australia will not be considering this as one of the key considerations in making the decisions they are going to make. It is absolutely key. It is there. It is listed.

Senator Allison interjecting—

Senator CONROY—I will happily read it to you so, as I said, you can have something better than my word. You can have it actually in the legislation. We will have it for you in a moment.

Senator Milne interjecting—

Senator CONROY—We acknowledge it is not in the position that you would want it, but it is clearly set out in the bill as one of the considerations. It has the same legal status, whether it is on this page—which I appreciate Hansard cannot reach—or listed here. It is clearly listed here: ‘to provide advice on infrastructure policy issues arising from climate change’. It is here—it is in the bill. It is better than my word on my feet here. We are voting to make this legislation, and it is here in black and white. It is absolutely part of our considerations. I can give you my word if you think that is better than the bill, but I promise you the bill is better than my word any day. I appreciate it may not be on the page that you want it on, but it is utterly critical to the considerations of this committee.

Senator MILNE (Tasmania) (11.26 am)—This is what happens when you send in a whole range of people and you are not here for the whole debate. Yesterday we had Senator Carr, we had Senator McLucas, we had Senator O’Brien and we had—

Senator Allison interjecting—

Senator MILNE—Yes, but it was somebody else.

Senator Conroy—Senator Ludwig.

Senator MILNE—Senator Ludwig, and now we have Senator Conroy. When you do not have one person handling the bill, this is what happens. I have put it on the record and I am putting it on again: it has nothing to do with whether it is on page 3, 4, 5 or anywhere in the bill. The point is climate change is one of the additional functions; it is not a primary function. In the next paragraph of the bill it says quite clearly that this additional function, climate change advice, can be given not even at the discretion of Infrastructure Australia but only at the request of the minister. So it is not about whether it is an additional function or a primary function in the sense of where it is in the legislation; it is the fact that Infrastructure Australia is required to give advice on the primary functions, but it performs the additional functions only at the discretion of the minister. That is my point. That means the government can pick and choose as to when it seeks advice in relation to greenhouse gas emissions and can choose not to do so.

So, Senator Conroy, I thank you for that. I do appreciate it is in the legislation. I have read the bill. We argued it for several hours yesterday. I want to put on the record again that it is that point—that it is a discretionary consideration and not a core consideration—that has been our issue, because it allows the government not to consider it. It is a function
that Infrastructure Australia cannot choose to perform if it wants to. It specifically says ‘at the discretion of the minister’, and that is our point. That is why Senator Allison was just trying yet again, as we both tried to do yesterday, to get a commitment from the government that it would be a core consideration. We now have your word for it, even though it is not in the bill, so we will be coming back to you, Minister. Let me assure you: we will be coming back to you since you have given us your personal assurance.

**Senator Allison** (Victoria—Leader of the Australian Democrats) (11.29 am)—There is just one other point, Minister. We were worried about the wording too. Infrastructure Australia can advise on matters ‘arising from climate change’. That is quite different wording from ‘can advise on reducing greenhouse emissions’. We hope that the wording was not intended to reflect something other than reducing greenhouse emissions because, as you know, the task ahead for this country in doing just that is massive. You might like to consider whether the wording is appropriate and to add to it from your statements to give us that assurance.

**Senator Conroy** (Victoria—Minister for Broadband, Communications and the Digital Economy) (11.29 am)—I appreciate that, after 11½ years of what we have all been through, there are times when the mean, tricky and deceptive words that have been used by others may resonate with you, but the wording of this bill is in no way intended to do the things that you would be worried about if another government had been introducing this bill. We have clear, unambiguous commitments in this area. This is designed to dovetail with our climate change agenda; it is not designed to just be a few words on paper to get you to vote for it. This is about dovetailing our infrastructure and our climate change agendas.

Again I can reassure you that the wording is not designed to try to take it out of the debate; it is there because we believe it should be in the debate. Sir Rod Eddington has a track record in considering these issues, and I think you will find that this government’s track record in this area will stand up. I appreciate your comments and I appreciate your concerns. I do apologise that I was not able to have carriage of this yesterday, when we might have been able to debate it at greater length than I understand you did. I do welcome your contribution.

Question agreed to.

Resolution reported; report adopted.

**Committees**

Standing Committees

Reports

**Senator Webber** (Western Australia) (11.32 am)—Pursuant to order and at the request of the chairs of the respective committees, I present reports on the examination of annual reports tabled by 31 October 2008.

Ordered that the reports be printed.

**Appropriation Bill (No. 3) 2007-2008**

**Appropriation Bill (No. 4) 2007-2008**

Second Reading

Debate resumed from 19 March, on motion by Senator Faulkner:

That these bills be now read a second time.

upon which Senator Murray moved by way of amendment:

At the end of the motion, add:

“... and the Senate, noting the comments in the report of the Finance and Public Administration Committee on the 2007-08 additional estimates in relation to the lack of clarity in the Portfolio Additional Estimates Statements, and programs or projects that may have been inappropriately included in the appropriation bill for the ordinary
annual services of the government, calls upon the government:

(a) to respond as soon as practicable to the March 2007 report of the Finance and Public Administration References Committee on *Transparency and accountability in Commonwealth public funding and expenditure*, particularly the recommendation of the committee that expenditure should be reported at the level of programs; and

(b) to resolve the outstanding issue reported on by the Appropriations and Staffing committee in its annual reports for 2005-06 and 2006-07 in relation to the ordinary annual services of the government and appropriation bills”.

Senator WEBBER (Western Australia) (11.33 am)—I notice my colleague Senator Forshaw is on his way. If I may just briefly entertain the chamber by urging us to—

Senator Patterson interjecting—

Senator WEBBER—Indeed, Senator Patterson, I also wish you a happy Easter.

Senator Conroy—Enjoy your bilby.

Senator WEBBER—And I hope you enjoy your bilby, I urge the Senate to give these bills speedy passage.

Senator FORSHAW (New South Wales) (11.33 am)—I congratulate the previous speaker, Senator Webber, on that very important contribution to allow me time to gather my thoughts. I understood there was to be somebody speaking before me on these appropriation bills, but it is nice to see that priority has been given to the government representative.

The speech given by the Governor-General on 12 February 2008 at the opening of parliament was truly remarkable. It was a speech which reflected the hopes and aspirations of the millions of Australians who elected the Rudd Labor government—such an emphatic victory—on 24 November last year. At the beginning of his speech the Governor-General said:

On 24 November 2007, Australians voted to elect a new government.

As one of the world’s oldest democracies, it is easy for us to take elections for granted and to fail to appreciate how fortunate we are to live in a nation where governments change hands peacefully as a result of the free expression of the will of the people.

We have just witnessed a change of government, an event that has happened on just six occasions in the past 60 years.

Regardless of any partisan affiliation, all Australians can celebrate the success of our democracy when such changes can occur so seamlessly and with such goodwill.

Those words of the Governor-General are very apt. We are fortunate to live in one of the most peaceful and prosperous nations of the world. We can change governments at the ballot box without incurring the sorts of situations that have occurred in a number of countries around the world in recent years and have done so for many years. I am going to come back to that theme later in my speech.

On 23 November, the day before the election, despite the prosperity that this country should have been enjoying and some were enjoying as a result of the minerals resources boom, housing was the least affordable it had ever been, inflation was at a 16-year high, Australia had not signed the Kyoto protocol, the federal parliament had not apologised to the Indigenous Australians for the stolen generations and for past wrongs done to them and working families were faced with Work Choices industrial legislation—a system which stripped many employees of long-held protections and entitlements. Without wanting to labour the point, almost all of the current members of the coalition leadership team and shadow ministry were members of the government that let that build up. Even
though John Howard is no longer a member of the parliament, having lost his seat, the record of the Howard government is also the record of Brendan Nelson, the current Leader of the Opposition. It is the record of Julie Bishop, the Deputy Leader of the Opposition. It is the record of Senator Nick Minchin, who was Leader of the Government in the Senate in the previous parliament. It is the record of Malcolm Turnbull, the now shadow Treasurer and a minister in the former government. I could go on and on. These are the same people who sat in the last parliament and cheered so loudly when the Work Choices legislation was passed by parliament.

That legislation was the realisation of John Howard’s dream, and I have spoken about this before. I can recall when John Howard was shadow minister for industrial relations many years ago when the Hawke and Keating governments were in power. I have to say, he never made any pretence about it. He always believed that, if he ever got into power and got control of both houses of parliament, he was going to dismantle as far as possible the system of industrial award protection and industrial justice in this country. He also had two other objectives. One was to introduce a goods and services tax and the other was to privatise just about anything that the government owned or operated. He had many other agendas, but those three in particular were the most important. It is a fact that he pretty much achieved each of those.

Of course, his crowning glory, or so he and his supporters and fellow ministers such as Brendan Nelson, Julie Bishop, Malcolm Turnbull, Joe Hockey and Tony Abbott thought, was getting the Work Choices legislation through the parliament. They all thought that was their greatest achievement. How wrong they were. One of the great tragedies of the previous government’s time in office is not only that that legislation proceeded to hurt ordinary working Australians and their families but that the government at the time never understood what was happening or they were prepared to ignore what was happening. They blindly went on running advertising campaigns costing hundreds and hundreds of millions of dollars trying to convince the Australian public and indeed themselves that somehow Work Choices was a good thing.

Whilst we have seen the commencement of the dismantling of Work Choices this week with the legislation that was passed regarding AWAs, the only virtue in this for the opposition is that they were humiliated in the last election and consequently had to support the repeal of this terrible legislation. They did not want to, of course. They did not want to accept the verdict of the people on Work Choices. They wanted to continue on and oppose this, as we know. Wiser political heads in the opposition prevailed, but in their heart of hearts I think they still wanted to see it continue.

The Governor-General’s speech outlining the agenda of the Rudd government was an affirmation of the Australian people’s faith in electing the Rudd Labor government last November. From day one, we started doing the things we had promised to do—such as repealing Work Choices and signing the Kyoto declaration. The very first act of the Rudd Labor government was to sign the Kyoto protocol. That was a single administrative act of the new Labor government that was applauded around the world.

Yet we had Mr Howard, only the second Prime Minister in the history of the country to lose his seat, over in the United States last week or the week before making speeches condemning the Rudd Labor government for implementing what it promised the Australian people at the election.
Senator Brandis—He is a private citizen.

Senator FORSHAW—Senator Brandis says that Mr Howard is a private citizen. I have a great deal of respect for Senator Brandis and the fact that he is prepared to have regard to conventions and the principles of government. From time to time, he speaks very eloquently in this parliament about how there has to be consistency. I have sat in this Senate since 1994 and since 1996 in opposition—long hard years—and I have heard time and time again comments by the previous Prime Minister, Mr Howard, about how members of parliament should not go overseas and denigrate the Australian nation.

Senator Brandis said that Mr Howard is now a private citizen. Mr Howard is the immediate former Prime Minister of this country. He lost office only a few months ago. He was in the United States as a guest because of the fact that he had been Prime Minister of this country. He made speeches about his own record in government. I think it is completely wrong for a former Prime Minister of this country to go overseas within the first one or two months—and he has not done this in Australia—speak to a foreign audience and dump on the new Australian government. If he had any sense of patriotism, if he had any sense of respect for the people’s decision of last year, he would have kept his mouth shut. But, no, he sneaked off to his far right wing friends in America and, after a nice dinner and a few ports, no doubt—maybe even a cigar—he decided to trash the Australian government that had been in office for just over 100 days. How much respect does he really have for this country if that is his approach?

The fact of the matter is that Mr Howard and many in the opposition still cannot accept that they actually lost. I have enough memory of political history to know that I have never seen a situation where a former Prime Minister has gone overseas within the first month or two and trashed the new Australian government. You could at least wait a little while.

Senator Brandis—He just criticised them. What’s wrong with that?

Senator FORSHAW—Oh, criticised! Anyway, let’s get back to the fine speech of the Governor-General. One of the important reforms that the new government is of course undertaking is in the area of electoral reform. I note that the minister responsible, Senator Faulkner, is in the chamber.

Senator Faulkner—I’m here to listen to your speech.

Senator FORSHAW—Thank you, Senator Faulkner. I know you will listen with great interest to what I am about to say. I sat on both the Joint Standing Committee on Electoral Matters and the Senate Standing Committee on Finance and Public Administration inquiries which looked at the changes made by the Howard government on electoral laws—some of the most disgraceful changes ever implemented, disenfranchising hundreds of thousands of Australian voters, because they closed the rolls the day the election was called. Previously, of course, people could have up to a week to regularise their enrolment. The previous government—

Honourable senators interjecting—

Senator FORSHAW—Mr Acting Deputy President Chapman, could you draw these people to attention to listen to these fine words that I am now speaking? They should listen.

The ACTING DEPUTY PRESIDENT (Senator Chapman)—Order! Opposition senators should understand that interjections are disorderly.

Senator FORSHAW—At least I want to hear what I have to say. The previous government of course scandalously increased the
limits from $1,500 to $10,000 before you had to disclose the identity of political donations. I believe it is a great achievement that the Rudd Labor government is already moving to correct those scandalous changes and I congratulate Minister Faulkner for doing that. I think it goes back to what the Governor-General said at the start about this great democracy that we have, where we can have elections where governments can change by the will of the people. I appreciate that it does not happen that often at the federal level, but they do change and it can be done peacefully. I think it is because of the strength of our electoral system, and creating opportunities for these massive political donations to be given to political parties of whichever persuasion undermines that system.

I note that, at the same time that we had our election last November, there were elections held shortly after in a range of other countries around the world and questions were asked about the efficacy of them. We saw the tragedy of what happened in Pakistan where Benazir Bhutto was assassinated in the lead-up to the election campaign. Questions have been raised about the recent elections in Georgia and in Russia. We need to ensure that our electoral laws are appropriate and not undermined in any way, and I believe that the legislation of the previous government which disenfranchised so many people undermined the integrity of the electoral system.

One of the other important aspects of the new Labor government’s program that we are moving to implement is in the area of trade and multilateral negotiations. The previous government had a policy of withdrawing from multilateral negotiations. They paid lip-service, really, to the Doha Round. They preferred the approach of seeking to negotiate free trade agreements with individual countries at the expense of trying to partici-pate fully in the multilateral system. That was clear, of course, with respect to climate change, where we did not really even have a seat at the table until the new Rudd Labor government signed the Kyoto protocol. The previous government did not really think it was an important issue.

It is the same with trade. I think one of the standout features of the new Rudd Labor government will be that it will lift the profile of the Australian government and the Australian nation around the world. Once again, we will be in there forcefully arguing to reinvigorate the Doha Round and endeavour to get an outcome, something that was one of the great achievements of the Hawke and Keating governments through the establishment of the Cairns Group and APEC, through the Uruguay Round of trade negotiations and so on. At the end of the day the prosperity of Australians depends, obviously, on the economic policies of the Australian government, but it also depends very much on our ability to trade, to negotiate and to punch above our weight in the international arena. I applaud the fact that the Prime Minister will shortly be visiting the United States and Europe to promote that objective.

Senator Brandis—What about Japan?

Senator FORSHAW—He will get to Japa-n. The Governor-General’s speech was one of the best Governor-General’s speeches that I have heard. I think it is the best one I have heard since 1996, and I compliment the Governor-General on that speech and wish him well.

Senator HUMPHRIES (Australian Capital Territory) (11.53 am)—Well, there we have it on the record: it is unpatriotic to criticise the Australian government, especially if you are overseas—perhaps only if you are overseas—a very interesting new test. I must make sure that, if I criticise the Australian government, I do it at home. I will be doing
plenty of that in the next few years, I can assure you.

Senator Brandis—Two and a half years.

Senator HUMPHRIES—Two and a half years at least, yes.

Senator Faulkner—You are anticipating debate; that is disorderly!

Senator HUMPHRIES—That is just foresight, Senator Faulkner. I have to say, though, that I was struck by the fact that, in Senator Forshaw’s speech—in which he addressed bills which are about the future and about the plans of this government for the next 2½ to three years—he spoke almost entirely about the past. What that suggests to me is how wafer-thin the vision of this government actually is—how much you need to talk about the past because what you have in store for the future is not really clear even to you at this point in time. What you as a government are laying on the table at the moment is a large succession of fairly thin platitudes and motherhood statements about where you want to go, in a very impressionistic sense, but the detail is not really much at hand at this stage.

In fact, the only detail which is at hand at this stage—to everyone’s great regret, I have to say—is the detail of the many cuts which this government is making, entirely contrary to the impression created before the election that many of the initiatives of the former Howard government would be retained and built upon. That is very different to what is actually happening in that they are, in fact, being cut. This government’s approach to a large number of important projects which had built and enriched the Australian community has been quite a horrendous one. I want to talk today particularly about one project which represents the future of this city, and that is the Griffin Legacy, the plan for the revitalisation of a large and important part of the Parliamentary Triangle.

We have heard announced by this government a succession of cuts to a number of areas, particularly a direct and violent attack on the infrastructure, and investment in the Public Service, in this city. Included in these cuts—some $643 million in savings—is a planned reversal by the government of a number of decisions made by the former government with respect to the planning of Canberra. One of those was the decision, overseen by the National Capital Authority and supported by the Australian government—and, I thought at the time, by the then Labor opposition—to establish the Griffin Legacy, which was embodied in publications like this one here by the National Capital Authority, outlining a plan to complete the vision for Canberra outlined by Walter Burley Griffin almost a century ago.

In May 2007 the former government announced that it would provide more than $70 million over four years to fund the redevelopment of Constitution Avenue and the replacement of the Russell roundabout as part of that plan. These works were several years in the planning, having grown out of the National Capital Authority’s 2004 review of the Walter Burley Griffin plan for Canberra. This review examined how much of Griffin’s original vision had already been accomplished and what was yet to be fulfilled.

Constitution Avenue was identified as a key part of the Griffin plan which remained incomplete. Over several years, the NCA worked with architectural and town planning experts to put together a design which was faithful to Griffin’s original vision but met the city’s contemporary needs. Because the former coalition government had the foresight to recognise the significance of this project, those funds were committed. But with a single stroke of the pen the new government dashed this vision and, with it, years of painstaking work. On 8 February the Minister for Finance and Deregulation, Mr Tan-
ner, announced that $46.5 million would be slashed from the project as part of the government’s round of spending cuts. Just enough money would be allocated to develop the Russell roundabout—which, no doubt, the minister would use on his way to the airport—but not a cent more. The grand plans for the development of Constitution Avenue would be shelved indefinitely and with them any sense of vision for our nation’s capital.

I would like to describe, for the benefit of those philistines in the government who make these kinds of decisions, exactly what this $46 million cut will mean to the continuing development of the national capital. Currently, Constitution Avenue is a potholed, single-lane road which runs from City Hill in Civic out to the Defence hub at the top of Russell, passing through the heritage suburbs of Campbell and Reid. In the mornings and evenings overflow traffic from Parkes Way sits bumper to bumper along its entire length, spewing fumes into the old oak trees which line it. On one side, dirt car parks overflow with commuters from Canberra’s outer suburbs, creating a dusty jumble of bikes and cars. On the other side, the fading 1960s architecture of the Canberra Institute of Technology jars against the elegant silhouette of St John’s Church at Reid, Canberra’s oldest church. As the cars inch up the hill towards Russell, their drivers are tantalised with a brief glimpse up Anzac Parade, towards the solemn architecture of the War Memorial, and down the boulevard across Lake Burley Griffin to Parliament House beyond. But upon crossing Anzac Parade they are again surrounded by car parks, empty lots, and chain link fences all the way to Defence.

Contrast this reality with the vision laid down by Walter Burley Griffin and Marion Mahony Griffin in their original plan for Canberra, which was faithfully developed by the National Capital Authority through its Griffin Legacy project. Griffin envisaged Constitution Avenue as the third arm of the parliamentary triangle, combining with Kings Avenue and Commonwealth Avenue to link the city centre with the seat of government. He drew Constitution Avenue as a grand boulevard, wide enough for vehicle and pedestrian traffic, lined with shady trees, and dotted with cafes, shops and cultural facilities. Cars would be ferried quickly away from the city by the overpass at the Russell roundabout, clearing Constitution Avenue of heavy traffic. As with the great boulevards of Europe, the avenue would become a destination—a place for people to meet, socialise, live and work.

Griffin intended Constitution Avenue to be Canberra’s vibrant city heart—the heart which visitors to Canberra, some members of this parliament amongst them, so often claim is missing. But thanks to the scorched-earth budgetary approach of this government, Griffin’s vision will not now see fulfilment. Short-term penny pinching has triumphed over strategic vision. In pointing out what a great loss this really is I would like to quote from the Australian Planning Institute, which in 1955 stated:

Griffin’s plan of 1912 won the international competition for the design of the Federal Capital City of Australia because it embodied, above all others, a central idea in civic design which would express in the finest possible way the heart of the new nation. The idea was derived from a ... deep sympathy with the national and aesthetic aspirations of the founders of the Commonwealth ... half a century of planning experience since can add nothing to its quality.

What the institute has so neatly captured in these few lines is the fact that Griffin’s plan for Canberra was about much more than just streets and roundabouts, bridges and lakes. It was about building a city which expressed through its design the best characteristics of Australian democracy—openness, egalitarianism, and freedom of communication and...
movement. In short, it was about building an ideal city.

Now, of course, something like that does not necessarily come cheap. But having invested as much money as this nation has in Griffin’s vision since 1927—not just in the last 10 years—surely it is worth protecting that investment. Surely we cannot just turn around one day and say: ‘Well, we’ve finished the national capital. The work’s done; the job’s done; what’s next?’ The work of building a truly great city is ongoing.

Obviously this government does not think so. Apparently clawing back financial savings is more important, no matter what the cost to our national city’s development might be. It is worth pointing out that this investment by the Commonwealth was not the only money required to make the Griffin Legacy plan come to fruition. It was designed to leverage a very large amount of private sector investment, as well, in the national capital. That is investment which now cannot take place. That augurs very badly for the financial future of this city in the next few years.

The government has also decided to compound this lack of vision by silencing the keepers of the legacy, the National Capital Authority, by cutting deeply into its budget and staff resources. There is a debate to be had about the role of the NCA, and about its relationship with the ACT’s own planning bodies. That is a debate which is going to take place in an inquiry by the Joint Standing Committee on the National Capital and External Territories, in which I will enjoy participating.

But the fact remains that the government has put the cart before the horse by ripping out a significant proportion of the NCA’s funding and staff without any analysis whatsoever of the agency’s capacity to bear this. Until this parliament decides otherwise through legislation, the NCA has a statutory responsibility to protect and promote Griffin’s vision for Canberra, yet it is hamstrung in that task by the loss of significant funding and 33 of its 89 staff.

That demonstrates once again, and powerfully, that this government simply has no vision. This is a government which is too busy counting its pennies to think and plan for the future. It is a government which is needlessly ripping money out of very valuable projects, like the project on Constitution Avenue, to create the illusion of fiscal toughness.

I do not object to the passage of Appropriation Bill (No. 3) 2007-2008 and Appropriation Bill (No. 4) 2007-2008; I do object to the complete lack of vision displayed by a government which is prepared to cut funding for short-term political gain at the expense of long-term visionary planning. Our nation’s capital would not be the international marvel that it is today if it were not for successive governments having seen fit to invest in Walter Burley Griffin’s vision. I think the new government should seriously consider whether it wishes to be known as the one government—in a long succession of Australian governments of both political persuasions—which lacked the vision and the foresight to invest in a decent long-term plan for the national capital.

Senator FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (12.05 pm)—I would like to thank all those who have contributed to the debate on Appropriation Bill (No. 3) 2007-2008 and Appropriation Bill (No. 4) 2007-2008 and seek the leave of the Senate to have other remarks concluding the second reading debate incorporated in Hansard. The usual courtesies of providing these comments have been extended to the opposition.

Leave granted.
The remarks read as follows—

I rise to bring the debate on Appropriation Bill (No. 3) 2007-2008 and Appropriation Bill (No. 4) 2007-2008 to a close, and I thank those members who have made a contribution.

The Additional Estimates Bills seek appropriation authority from Parliament for the additional expenditure of money from the Consolidated Revenue Fund, in order to meet requirements that have arisen since the last Budget. The total additional appropriation being sought through Additional Estimates Bills 3 and 4 this year is $3.3 billion.

This proposed appropriation arises from:

- changes in the estimates of program expenditure, due to variations in the timing of payments and forecast increases in program take-up,
- the reclassifications of certain appropriations; and
- policy decisions taken by the Government since the last Budget.

The Government has promised to apply sensible fiscal restraint to put downward pressure on inflation and interest rates, and boost investment in the productive capacity of the Australian economy. The Additional Estimates Appropriation Bills deliver a modest first instalment on these objectives.

I want to speak first about the Government’s savings initiatives and their effect on the Additional Estimates Appropriations. The appropriations proposed in these Bills reflect the effect of part-year savings in estimates resulting from the Government’s election promise to identify savings in budget outlays. A comprehensive review has commenced and has achieved initial savings from a number of sources, some of which I outline below.

The Government has decided not to proceed with some measures announced by the previous Government; for example, we will not be proceeding with are contributions to the Rugby League Hall of Fame and the Australian Rugby Academy producing a cash saving to the Budget this year of $35 million.

The first part-year instalment on the Government’s election promise to deliver an additional two per cent efficiency dividend will be achieved this financial year, with an estimated saving in expenses against annual departmental appropriations of around $100 million in 2007-08. These savings have served partially to offset an increase in departmental appropriations in the Additional Estimates. Efficiency dividend savings are estimated to increase to around $430 million in 2008-09.

In addition, the Government is also requiring a 30 per cent reduction in Ministerial and opposition staff, yielding a net saving of $15.4 million this year.

More efficient administration will also arise this year from the transition from Australian Workplace Agreements to collective enterprise agreements and statutory individual contracts. The Workplace Authority will achieve a funding reduction of $30 million in 2007-08 as a result of the simplified administration.

The Government is also redirecting savings in annual appropriations to superior policy outcomes including, to name but a few:

- Redirecting the savings from cancelling the previous Government’s Skills for the Future program work skill vouchers to fund our better plan for more Vocational Education and Training places as part of our Skilling Australia for the Future program. A part-year saving of $16.3 million will be achieved this year;
- Abolishing the Access Card project providing a saving this year of $250.6 million; and
- Abolishing Australian Industry Productivity Centres, saving $10.2 million this year and redirect the savings to a better targeted program.

A review of a number of programs has identified savings, including:

- a saving of $33 million this year for the Renewable Remote Power Generation Program;
- a review of the Ethanol Production Subsidy and Ethanol Distribution Programs has identified scope to reduce funding by $15.8 million while still meeting the objectives of the programs of increasing the availability of ethanol in the community;

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an examination of the Child Support Reforms communication strategy has identified a saving of $4.9 million for some activities that do not need to proceed, or can be delivered more cost effectively;  

• a saving of $45.0 million has been identified for the Murray-Darling Basin Authority due to delays in the Authority's establishment arising from delays in the passage of the Water Act 2007; and  

• a saving of $5 million in departmental funding for the Bureau of Meteorology resulting from delays in recruitment arising from delays in the passage of the Water Act 2007 and the Bureau taking on its new water information functions.

These modest savings, which are a harbinger of more substantial savings to come, have served to contain the additional appropriation sought in these Bills.

I now take the opportunity to outline the more significant measures contained in the Bills.

• The Department of Education, Employment and Workplace Relations will be provided with additional funding including:
  
• $100 million to establish the National Secondary Schools Computer Fund, which will provide grants of up to $1 million for schools to assist them to provide for new or upgraded information and communications technology for secondary school students in years 9 to 12; and
  
• $33.3 million for the Government's Skilling Australia for the Future program which will provide a total of 450,000 additional training places over four years at a cost of $1.3 billion. Funding in 2007-08 will deliver 20,000 Vocational Education and Training places that are aimed at people currently outside the workforce.

• The Department of Infrastructure, Transport, Regional Development and Local Government will be provided with $2.5 million to establish Infrastructure Australia to ensure genuine rigor and accountability in infrastructure spending.

• Additional funding is proposed for the Department of Health and Ageing for investing in hospitals and community health under the Better Outcomes for Hospitals and Community Health program. This includes funds for specific commitments announced during the election such as:
  
• $10 million for the Flinders Medical Centre clinical teaching facilities upgrade; and
  
• $15 million for the Launceston Integrated Cancer Care Centre.

• The Department of Health and Ageing will also be provided with $33.1m to provide upfront capital grants and recurrent funding for the establishment of 31 GP Super Clinics around Australia, and to provide incentive payments to GPs and allied health providers to relocate to these clinics.

• The Department of Families, Housing, Community Services and Indigenous Affairs will be provided:

• $57.9 million in Appropriation Bill No. 3 to provide: additional in-home support for people with disabilities being cared for by carers; additional supported employment places; and to ensure support is available to people in disability business services; and
  
• an increase of $30 million for the Commonwealth State and Territory Disability Agreement, to allow grants to the States for people with disabilities and their carers.

These Bills are important pieces of legislation which underpin the Government's new direction – in both spending priorities and fiscal restraint and deserve widespread support.

I am not convinced, after listening to the members of the Opposition in the Senate Estimates hearings, that they actually appreciate the importance of these Bills and this new direction.

Their questions and comments suggest that the Opposition members have not only failed to grasp the seriousness of the inflation challenge – a headline inflation running at a level not seen in 16 years – but they are also in denial about their own responsibility for delivering this risk to the Australian economy and the Australian people. And this is after 10 interest rate rises, and 20 plus
warnings from the Reserve Bank about critical capacity constraints in our economy.

In government, the Coalition had no regard for the budget process, no regard for the ERC and was about as familiar with a budget savings process as it was with a fair AWA. It showed no fiscal restraint during its 11 years in government and during the election campaign this record blew out even further.

There is no clearer picture of the Coalition’s fiscal record than the former Prime Minister spending a record $9 billion in the campaign launch – just weeks after the first time the RBA was forced to raise rates during the election campaign.

There is no clearer record of the Coalition’s fiscal record than their legacy of big government, with the cost of running government almost doubling over the ten years to 2007-08. This supposed party of small government was responsible for delivering:

- the most regulated and expensive industrial relations system this country has ever known;
- the biggest spend on advertising;
- the biggest spend on consultants even though public service employment has grown much faster than overall employment since 2000 (excluding Defence, ASIO and AFP personnel, public service employment has grown by 25.3 per cent over that time – total employment growth has been 15.1 per cent);
- an increase in the number of senior public servants by 44 per cent; and
- an increase in the number of ministerial staff by 30 per cent.

Labor must now confront the serious task of re-focusing government on fiscal policy. We cannot rely on monetary policy alone to protect the Australian economy and its households from the inflation challenge.

Fiscal restraint and tough decisions on spending are required to ensure that the government does all it can to combat inflation. Choices must be made to ensure that downward pressure is placed on inflation – this means that lower order priorities or priorities of the previous government will be subject to close scrutiny.

This task has already commenced in these additional estimates bills. We stand by the difficult decisions we have had to make to start delivering on our promise to rein in inflation. We do not falter in the face of questions from Opposition Senators – particularly those who were on the staff of the former Treasurer or those who were former Sports Ministers and accustomed to taking the easy options and showing no restraint – the so-called “cheque was in the mail” culture.

The Government does not oppose the Second reading amendment moved by Senator Murray on behalf of the Australian Democrats. The Government has a clear policy to enhance budget transparency. This was set out in our Operation Sunlight policy document which complements the recommendations of the Senate Finance and Public Administration Committee in its March 2007 report. Much work has been done on improving budget transparency and the Government expects to respond to the Senate Committee shortly. The Government is also committed to dealing, as soon as practicable, with the issue raised by the Senate Appropriations and Staffing Committee about the treatment of the ordinary annual services of the Government in the appropriation Bills.

I commend the Additional Estimates Bills to the Senate.

Question agreed to.

Original question, as amended, agreed to.

Bills read a second time.

Third Reading

Bills passed through their remaining stages without amendment or debate.
ADVANCE TO THE FINANCE MINISTER
In Committee

Senator Faulkner (New South Wales—Special Minister of State and Cabinet Secretary) (12.08 pm)—I move:

That the committee approves the statement of Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2007.

Question agreed to.
Resolution reported; report adopted.

GOVERNOR-GENERAL’S SPEECH
Address-in-Reply

Debate resumed from 17 March, on motion by Senator Wortley:

That the following address-in-reply be agreed to:

To His Excellency the Governor-General
MAY IT PLEASE YOUR EXCELLENCY—

We, the Senate of the Commonwealth of Australia in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign and to thank Your Excellency for the speech which you have been pleased to address to Parliament.

Senator Sterle (Western Australia) (12.09 pm)—I rise to respond to the Governor-General’s speech in the address-in-reply debate. I think it is important to recognise that for over 100 years of Australia’s industrial relations system there were awards and safety nets, and wages and conditions were collectively negotiated between employers and employees. But, unfortunately, around 1996 there happened to be some major shake-ups. I would be the first to admit that no system is ever flawless or perfect, and there is always an opportunity to improve any system. I know that because I played an integral part from 1991 trying to improve award conditions and take-home pay for truck drivers and transport workers in Western Australia.

It is important to have a brief look at the history going back to 1996 and the election of the Howard government. The Howard government had a mandate; they clearly won the election by the will of the Australian voters. But part of their shake-up in industrial relations set the scene for a very rocky road over the following 10 years. In 1996, with the help of the Democrats in this chamber, major changes were made, and Australian workplace agreements were brought in. With the greatest of respect to the Democrats and Senator Murray—I know the contribution he made to try to improve the lot that was confronting the Senate at the time—the Australian workplace agreements had this no disadvantage test. That was introduced as part of the workplace relations reform back in 1996. With the greatest respect to the Democrats, who were trying to do the best thing, there was a government department called the Office of the Employment Advocate that was charged with making sure that when workplace agreements were negotiated there would be no disadvantage, as I said, and workers would not find themselves going backwards. Sadly, it was a disgraceful part of our history. The Office of the Employment Advocate clearly was just another annexure to the Howard Liberal government. I know this because on many occasions Australian workplace agreements came across my desk and had it not been for the ability of employees to use their union to try to negotiate a better outcome there would have been a greater number of workers disadvantaged.

At the same time, running in parallel across the other side of the country, we had the Court Liberal state government, and we had a certain minister who had an absolute—I don’t know—disregard for workers and who introduced individual workplace agreements. These individual workplace agreements were disguised in what were called the first, second and third waves of IR reform,
which saw some of the most abhorrent workplace agreements that you could ever imagine, where workers lost numerous conditions. To make it worse, it really was on a take it or leave it basis.

When we talk about individual workplace agreements there is a misconception on the other side of the chamber that it is all about flexibility and what is best for both parties. Sadly, that could not be further from the truth. And we witnessed this. In fact, we witnessed it to the stage that it got so bad in Western Australia that we had some 20,000 workers filling the streets of Perth and marching up to Parliament House. I remember attending that rally. To those from Victoria, 20,000 people on the street might not seem like a lot. Twenty thousand workers on the street protesting against archaic industrial relations legislation in Sydney might not be a lot. But, coming from that great state of Western Australia, 20,000 people on the streets is a lot—they were probably on their way to a West Coast Eagles–Fremantle derby or to the Perth Cup. So there were a significant number of workers protesting. Finally, it led to the demise of the Court Liberal government. And that election was very clearly fought on industrial relations.

We saw the same thing happening here. In 2004 the Howard government took control of the Senate. There was no mandate to tip industrial relations on its head. There was absolutely no mandate in the 2004 election yet the Prime Minister, the Treasurer and the minister for industrial relations said they were going to tip industrial relations on its head. There was absolutely no mandate at all. Unfortunately, Mr Howard could not help himself; he had control of the Senate and he could do what ever he liked. So in 2004 along came the Work Choices legislation.

We have had all the arguments for and all the arguments against. Every senator on this side of the chamber spoke against Work Choices. Sadly, on the other side, not all senators spoke in favour of Work Choices. Deep down in their heart of hearts there were senators opposite who knew this system was flawed. There were senators opposite who knew that Work Choices would disadvantage those in the community. Sadly, it would disadvantage those who did not have a profession and those who were not tradespeople. Women were affected by this and so were those who had English as a second language. But the worst part about the advent of Work Choices—after the 1,620 pages of explanatory memoranda and legislation—was the $121 million of taxpayers money that was spent. The amount of $121 million rolls off the tongue very easily. God help us! I know what we could do with $121 million if we put it into hospitals, dental care, child care or police stations. It cost $121 million to tell the people of Australia what a great thing Work Choices was. The rest is all history, but we will never get back that $121 million. That will not be rightfully returned to the taxpayers of Australia.

I am one of the first people to stand up and say that change is not necessarily harmful. Change can be good and we must always change and be evolutionary, whether it is in industrial relations or anything else we do. In my journeys as a Transport Workers Union official, as a truck driver, I met some fantastic employers. Make no mistake: I met some very, very genuine people. They were people who got up in the morning and worked damn hard. They put their family homes on the line to build their business. They put their family homes on the line and they lost hours with their children and their spouses. They worked seven days a week to create a business and a better future for their children. By the same token, they also gave employees an
opportunity to share in that common wealth or that prosperity. As a TWU organiser, I always used to say to the employers, ‘I really want your business to be successful, because I want your employees, who chose to be members of my union, to share in that.’ Over the years we have seen an array of employers—and I say ‘employers’—who were unfairly treated through the advent of Work Choices. We knew the rule book was thrown out with Work Choices. We knew that decency and fairness could be consigned to the scrap heap if there were unscrupulous employers who would take advantage of that shocking legislation.

In my home state of WA it is no secret that the mining industry is a major driver of our economy. Those employed in the mining industry share in that productivity and that prosperity. I would be the first one to admit that those on Australian workplace agreements in the mining industry had no reason to feel that they had been shafted. They had no reason to feel that they had been disadvantaged, because they were rewarded—there is no doubt about that. At the same time, there was a host of workers who were not employed in the mining industry—workers in contract cleaning, contract security, hospitality, retail and transport, to name a few—who were, for want of a better word, shafted, because unscrupulous employers had the Work Choices legislation at their hand where they could belt those who did not have the power to negotiate collectively or those whose skills were not in great demand, as they were in mining and construction.

This will not surprise anyone: when the Senate Standing Committee on Education, Employment and Workplace Relations toured the country over the past few weeks, we had employer bodies, namely the Australian Chamber of Commerce and Industry and the mining and metals industry—surprise, surprise!—who claimed to be representative of all industry. When they were asked whether Work Choices had unfairly disadvantaged a host of their members, because of unscrupulous employers who chose to use it to undermine their competitors, they would not have a bar of it. They said their members supported it or that everyone was in favour of it.

It has been only three years since I first sat in the Senate. It has been three years since I sat in the boardrooms of numerous trucking companies who used to say to me that the worst thing that ever happened was when awards or collective bargaining started breaking down without the true safety nets that could protect not only their employees, their future employees and other road users but also, just as importantly, the truck drivers behind the wheels of those juggernauts. They were undermined. They could be undermined in major contracts, because unscrupulous employers would do the wrong thing. With my hand on my heart, I sincerely hope and pray that they are the minority. But they are out there.

Fortunately, with the election of a Rudd Labor government, we have the chance now of righting the wrongs. We will right the wrongs. Senators opposite who did not oppose the bill—they did not support it, but they did not oppose it; I have heard some mealy-mouthed words over the years, but that was a beauty, an absolute classic—knew in their heart of hearts that there was not the flexibility in every workplace for employers and employees to negotiate, one on one, to improve their lot.

During our inquiries around the country, BGC, a major construction company involved heavily in mining in WA, put a submission to us. We asked BGC what they thought about patent bargaining. The employers all wanted to raise the bogey of the
unions who might pattern bargain, because we cannot have a level playing field, and that is fine. When we asked BGC and other employers in the Perth hearings, and employers in Queensland, New South Wales and Victoria, about the difference between individual and collective workplace agreements that were between the employer and the employee, they all gave the same answer. They all told us very categorically that they were not any different; they were the same agreement. The only difference between them was the expiry date. So one has to ask this question: where is the flexibility? What it really boiled down to was that these agreements were pattern agreements. BGC even confessed—and these are not the precise words of BGC, but they can be checked on the Hansard—that when they interviewed their future employees it was take it or leave it. ‘That is what you will be paid. If you do not like it, find something else.’ Where the heck is flexibility? Where the heck is the individual choice? Where is the ability to improve your lot if you are presented with take it or leave it pattern agreements?

I have listened to some of the input from senators opposite. There has been some very good input from senators opposite. And, my God, there has been some rubbish. They sit there and try to have us believe that the worst thing that Australians could confront is the fear of a worker daring to call his or her union in to negotiate on their behalf when you have major employers who have flouted these laws and owned up and said on Hansard: ‘Yes, we do use these agreements. No, there is no difference; they’re all the same, and it really is take it or leave it.’ Fortunately, a lot of things came out of those hearings.

Senator STERLE—Senator Fisher, you were there. Some of your performances were talked about, too. We enjoyed listening to your input.

Senator Hutchins—Memorable.

Senator STERLE—Memorable is the word that I will use, Senator Hutchins, for fear of a glass flying across the chamber at me. Senators opposite said that they would die in a ditch over these fantastic Australian workplace agreements. Senator Johnston, the last time I looked at you you looked alive and well, and you certainly were not in a ditch. Western Australian Liberal senators said that they would die in a ditch to keep these and that the employers being represented by ACCI would all die in a ditch to keep them. But what came out of the Senate estimates through the Department of Employment and Workplace Relations was—wait for this—that their figures show that probably five per cent to seven per cent of Australians are on Australian workplace agreements.

I have already said that they were very popular in mining. They are popular in construction. And they were also supposedly popular in those other industries such as contract cleaning, contract security and hospitality. If they were that damn popular, why are only five per cent to seven per cent of Australians on them? That just sends the message home—in my interpretation—that not all employers wanted them. A host of employers were quite happy having collective agreements. A host of employers were happy having union negotiated agreements. A host of employers were happy to have the award system. For those five per cent to seven per cent who used them, the arguments do not stack up.

While I am on this, there was overwhelming evidence once again from those industries that were not directly employed in min-
ing that they grossly undervalued the workers. Some of the employers could not help disadvantage not only their employees but also their clients. I support improvement. I support moving with the times. I support taking conditions and wages and moulding them to suit not only the employee but the employer. Employers employ Australians who may choose to be a member of a union and those who do not.

I will present one reason why we need an umpire, fairness, laws and rules. In the *West Australian* newspaper on Friday, 14 March there was an article that talks about a very high profile builder in Western Australia. He is high profile for a number of reasons. One is that he loves to come out and fight with the CFMEU. That is between him and the CFMEU—I am sure that they will sort that out between themselves. His notoriety is highlighted here. Low and behold, he got caught exploiting foreign workers—migrant workers from the Philippines. This is a very high profile builder who happens to be a donor to the Western Australian division of the Liberal Party. There is nothing wrong with being to a donor to the Liberal Party, but here we have people saying that they will die in a ditch to keep Australian workplace agreements while a major employer gets caught red-handed exploiting foreign workers. I will quote from the *West Australian*:

Migrant workers claim controversial builder Gerry Hanssen, who has been fined a record $174,000—

How do reputable employers get fined $174,000? For exploiting workers. It goes on:

... lured them to Australia with false promises of free airfares, accommodation and tools.

The article goes on to say that the migrant workers:

... claimed that six months after they arrived in Perth, Mr Hanssen, who is a Liberal Party State councillor—

yes, he is a state councillor—

gave them only one day to consider a new Australian Workplace Agreement which removed the benefits, despite being aware they would sign anything for fear of deportation.

The article goes on:

Outside the court on Wednesday, Workplace Ombudsman Nick Wilson accused Mr Hanssen of threatening the workers with dismissal and deportation unless they agreed not to date their AWAs.

Further:

The workers, who did not want to be named—and I can understand why—
said yesterday they had paid back their airfare and bought their own tools. They said they lived in constant fear of deportation, which one described as a ‘psychological war,’ and that they were too scared to decline being rostered to work 12-hour days for six or seven days each week.

It all goes back to this. I say once again that there are a host of very decent Australian employers out there. But they are being undermined by the ratbag minority who were given the chance to exploit anyone using laws that those on the other side passed. I know that some of the senators opposite could not hold their heads very high. I know that some of the senators opposite had the same fears that Labor had. (Time expired)

**Senator FISHER** (South Australia) (12.29 pm)—I note Senator Sterle’s speech and congratulate Labor for retaining a form of individual statutory agreement, subject to a safety net, in Australia’s workplace relations system. I rise to comment on the Governor-General’s speech in this address-in-reply debate and in particular an interesting line—a claim made by the Governor-General about the Commonwealth establishing a new framework for cooperative Commonwealth-state relations. While the Prime Minister has
trumpeted cooperative federalism, so far during his time in office there has been very little evidence of it. More than 100 days of the Rudd Labor government and where are we at on a national water plan? It has stalled. In fact, tragically, I would say that it is drying up. Where are we on a national workplace relations plan? Grounded. What about a national plan for genetically modified crops? There simply isn’t one. What about a new health funding agreement across Australia? That has been labelled ‘blackmail’ by Labor’s own. What about a national deposit scheme for drinking cans? You would think a Rudd Labor government could manage that. Indeed, we have seen legislation introduced on that topic by Family First.

Cooperative federalism is nothing new. It has been high on the new Prime Minister’s agenda for a number of years. Mr Rudd gave a speech to the Don Dunstan Foundation, Queensland chapter, back in 2005. It was called ‘The case for cooperative federalism’. In that speech the now Prime Minister reiterated that Labor was the party of nationalism. He went on to wax lyrical about the history of cooperative federalism under Labor and what could happen under a future Labor government led by the Prime Minister. It is too bad, but it seems that the states and his state colleagues obviously missed that speech because they are launching into a new round of complaints, accusation and very open threats.

Cooperative federalism as a concept can of course have benefits for all Australians. Governments working together in the national interest are to be welcomed, especially when state governments have been derelict in their duty of representing their constituents. In themselves, savings coming from removing duplication of services and agreement on how to treat national issues so that no state is left behind. They are important in ensuring that Australia continues to enjoy the prosperity that we have been able to enjoy and achieve over the last decade.

After last year’s election we saw glowing newspaper headlines, such as ‘Brumby predicts ends to feuds with Canberra’ and ‘A new era of cooperative federalism says Rudd’. New South Wales Premier Morris Iemma stated, ‘For the first time in 15 years we are in a period of cooperative federalism.’ Queensland Premier Anna Bligh stressed the need for a more cooperative approach to Commonwealth-state relations. Well, it is more than 100 days since then and where are we at now? Almost four months after the election we have noted there is no consensus on issues that have been labelled as urgent by the new government on issues that have been labelled their ‘first priorities’. We find the states are still fighting for their own slice of turf.

What about water? Water, of course, continues to be a critical issue for my home state of South Australia. The lack of rainfall and continuing low flows from the River Murray are continuing to cause South Australian irrigators and households major problems. Yet what progress have we seen on a cooperative national plan since 24 November last year? Well, colleagues, we have had a headline from the Adelaide Advertiser on 22 December entitled: ‘Missed Chance to Break River Murray Deadlock’. That was of course after COAG left the river off the agenda for its first meeting. Since then we have seen a meeting of Australian premiers completely ignore the issue again. What was their reasoning? Because the federal government did not attend the meeting. So progress on any Murray-Darling Basin agreement remains incremental at best, with the Victorian Premier warning that an agreement could take months, at least. This is not a very good start to cooperative federalism of unheralded proportions.
To top it all off we had the Prime Minister come to South Australia late last month and urge us all to be patient, because the Minister for Climate Change and Water had to do the hard yards of negotiation before Mr Rudd would step in and take over, as we learn he will. We seem to be lurching from one talkfest to another, but on this critical issue the Prime Minister is going to China, isn’t he? So he obviously does not see this issue as important over the next seven or so weeks, because we know that there will be no significant progress on this issue without him there to control it.

Meanwhile we see incremental steps on water. These get celebrated while the major questions and issues remain. It is as if the progress is a trickle but the government continues to ignore the major blockage up the line. There is a press release from the Minister for Climate Change and Water, Senator Penny Wong, claiming that cooperation on the Murray-Darling is a step closer. Independent water commentator Professor Mike Young, who is a professor in water economics and management at the University of Adelaide, said on Adelaide radio, ‘Look, it’s too early to say that any progress has been made.’ So after four months a water crisis continues to hit South Australia, in particular, and the eminent independent expert in the field says it is too early to say what progress has been made.

The concept of an independent national commission to control the Murray-Darling water system has gone out the window, effectively, with the states putting forward a position that they will have a say in the selection of chairs and commissioners. This does not strike me as being very independent. Pandering to state self-interest is not progress, and it does not strike me as cooperative federalism either. Indeed, it will not solve the fundamental problem.

In South Australia we are struggling continually with the issue of a sustainable water supply. We have just come out of a record-breaking heatwave, and the South Australian resources minister refused to allow an extra one-off day of watering for household gardens to help them through the heat. So South Australia can enjoy being a barren gateway. Water security through the Murray-Darling Basin is not something that South Australians can continue waiting for Victoria to move forward on. It is not an issue that has just occurred. A deal was first put on the table over 14 months ago, so why do we continue to wait while cooperative federalism on this issue moves at glacial pace?

Just as foolish to me seems to be the issue of not removing a moratorium on genetically modified crops across Australia. I was somewhat taken aback by the South Australian government’s recent announcement that our state would join Tasmania and Western Australia—sadly, Senator Johnston—in continuing to have a moratorium on genetically modified crops. Going against the South Australian experts and the advice sought by the South Australian government and with agriculture minister Rory McEwen himself appointed to independently review the relevant act, the South Australian Premier and Minister McEwen announced that the moratorium would continue. So what do we now have in this country? We have New South Wales and Victoria looking to push forward on the issue of genetically modified crops, with new research and technology which will benefit farmers and the community in lifting their moratorium; we have Queensland, which never had a moratorium in the first place; and South Australia, Western Australia and Tasmania keeping a moratorium.

There are very significant questions about genetically modified technology that need to be asked and debated. These include legal questions posed by the technology and health
and scientific issues, but we will not be answering them from a South Australian base in a hurry, particularly in a country where some people can grow genetically modified crops and others cannot. As one of my very wise South Australian colleagues asked about the issue recently in a speech in the South Australian Legislative Council:

Will there be roadblocks at the border—

of course we are talking about the South Australian-Victorian border—
to ensure that no farmer from the South-East gets a bag of seed from his neighbour in Victoria? Will a farmer who has half his farm on either side of an imaginary line be forced to grow our old redundant canola on half of his farm but be able to use the new technology on the Victorian side? Does this then prevent free trade between the states for grain or seed? Does it also mean that contract harvesters and carters who work across the border will no longer be able to do so? And, if they are able to, will they have to have certification?

She finally asked:
Who will carry out the inspections?

These are all issues that need to be addressed if our governments cannot get together and work out a nationwide policy on the issue. In the face of the lifting of moratoriums and the ability for the eastern states to grow and produce genetically modified crops, what value does a South Australian Premier, what magic does a South Australian Premier, think exists in a border? What is a border going to do, for example, that industry self-management and industry self-segregation cannot do? What value is there in a state border which is not already being achieved—it must be—in respect of some 21 experimental plots for genetically modified crops in the south-east of South Australia? If those experiments are able to be carried out with the blessing of the South Australian government then clearly genetically modified crops must be able to be grown with management of the issue. What value is there in a state border to then continue to have a moratorium on the growth of genetically modified crops state wide, particularly in a country where some can grow and some others cannot?

ACT Chief Minister Jon Stanhope said that he would have preferred a national approach to any lifting of the moratorium. Sadly, instead of that we have seen a frantic push by states to try to mark their individual territory on the issue. South Australians and South Australian farmers in particular deserve to be able to debate the important aspects of genetically modified crops. The really important issues that must be debated include the right to plant and seed rights, challenges that may be faced by those who consider themselves to be the owners of those plants and seeds, and the ability for farmers to compete into the future if we are to keep abreast of where the rest of the world is going—that is, essentially producing genetically modified crops. But as South Australians, for example, how can we engage with any credibility on that issue when we are not even allowed to grow the crops in the first place? How can South Australia continue to attract talented scientists and talented researchers to research the future of genetically modified crops, or not, if we cannot even credibly engage in the debate in the first place because, whilst others can grow them, we cannot? Where is the Rudd government leadership on this issue?

Health is a pretty prickly topic for cooperative federalism these days. It was supposed to be the major issue where the state premiers and the federal government could find common ground. Throughout 2007 Kevin Rudd proudly went on television and radio to proclaim that the election of a Labor government would lead to better health services for all Australians. But again, just as with water, incremental moves get made and they get celebrated as a major milestone.
Debate interrupted.

**TRADEX SCHEME AMENDMENT BILL 2008**

Second Reading

Debate resumed.

Senator ABETZ (Tasmania) (12.45 pm)—The purpose of the Tradex Scheme Amendment Bill 2008 is to decouple Tradex from duty drawback, thereby removing unintended consequences to Tradex of changes made to duty drawback in September 2006. It is also designed to strengthen the regulatory procedures surrounding Tradex. Tradex is a coalition government initiative which commenced on 24 June 2000. It was introduced through the coalition government’s 1997 ‘Investing for Growth’ industry statement. Under Tradex, duty and GST are exempted upfront for imported goods intended to be re-exported or used in the manufacture of goods destined for export. Importers are the focus of Tradex. Tradex is closely related to and coupled in legislation with duty drawback, under which exporters can make a claim for reimbursement of the duty and GST on goods imported into Australia and subsequently re-exported. Exporters are the focus of duty drawback.

This bill will do two things. Firstly, it will decouple Tradex from duty drawback. Changes made to duty drawback in October 2006 specifically restrict to exporters and their assignees eligibility for a duty drawback refund. Since Tradex is aimed at importers, this prevents importers from claiming if they import the good but are not the ultimate exporters of a good or value added good—for example, if they have on-sold to a manufacturer who then exports the product. Secondly, the bill improves the administration of Tradex, most specifically in increasing the powers of the Secretary of the Department of Innovation, Industry, Science and Research, and in issuing and revoking or suspending Tradex orders. The bill also introduces an increased burden of proof on Tradex claimants that the nominated goods will be re-exported.

Having said that, I do believe that more can be done to improve this scheme, and I would urge the government to consider these suggestions. While I support the tightening of procedures regarding claiming for Tradex, it has been brought to my attention that there remains a possible loophole which may need to be addressed. As the scheme stands, there is nothing in place, I am informed, which would prevent an importer from importing, say, brand-name handbags and then selling those very same handbags to international tourists, who would then take those handbags—that is, export them—back out of the country. The importer could, under Tradex, claim an exemption for duty and GST. I am sure that the minister and the government would agree that, if my information is right, this is very much against the intent and spirit of Tradex. The goods have not been value-added in any way, nor have they been used in manufacturing in Australia. I urge the government to advise on my suggestions and, if they are found to be correct, I would ask Labor to consider closing this loophole. At the same time, I would also ask the government to consider streamlining the administration of the scheme from the importer’s point of view. The scheme should be as easy as possible to access, without compromising its rigour.

Currently, importers are required to get very specific licences to import under Tradex. This could be much broader—that is, it could give an importer a licence to import generally under Tradex. This would greatly reduce the required paperwork, and it would not necessarily weaken the scheme as, under the amendment bill before us today, importers will be required to prove the product will be re-exported anyway.
The issues I have raised need assessment and possible addressing at a future time. These issues have been raised with me since the coalition’s original bill was tabled. I would be surprised if Labor has not received similar feedback. Nevertheless, since this is a bill of the former coalition government, the coalition supports its passage.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (12.50 pm)—I thank the Senate for its consideration of the Tradex Scheme Amendment Bill 2008. This is an urgent matter that requires the attention of the chamber and I thank the opposition for their consideration in ensuring that this matter is treated as non-controversial. With regard to the matters that Senator Abetz has raised with me, quarters that know a great deal about these questions have suggested to me that in terms of the ‘Louis Vuitton issue’, where tourist shopping operators are able to use the scheme, the decoupling of Tradex from the drawback regulations will clarify these circumstances and the eligibility of other tourist shopping operators for Tradex refunds without impacting on that eligibility. The changes apply to existing Tradex users. They will be able to ensure that the new arrangements will have no material effect on existing operators and that the eligibility will become more certain. I am advised that the requirements of this scheme allow for the secretary to approve the concessions that are available and to ensure that requirements are met to the best interests of the users of the scheme. Again, I thank the Senate for its consideration of the bill.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

COMMITTEES

Regional and Remote Indigenous Communities
Membership

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—The President has received a letter from a party leader nominating senators to a committee.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (12.53 pm)—by leave—I move:

That Senators Adams, Johnston and Scullion be appointed as members of the Select Committee on Regional and Remote Indigenous Communities.

Question agreed to.

Sitting suspended from 12.53 pm to 2.00 pm

MINISTERIAL ARRANGEMENTS

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (2.00 pm)—by leave—I just want to make a short statement regarding ministerial representation. Senator Wong will be absent today as she is attending the funeral of former minister Clyde Cameron, along with Senator Minchin. Senator Carr will represent Senator Wong’s responsibilities in terms of her environment portfolio and climate change portfolio, Senator Ludwig will take over her responsibilities in terms of employment, industrial relations and social inclusion, and I have the pleasure of representing her in terms of her status of women portfolio.

Senator ABETZ (Tasmania—Deputy Leader of the Opposition in the Senate) (2.00 pm)—by leave—I advise the Senate that Senator Minchin will not be present for question time today as he is also attending the
funeral of the Hon. Clyde Cameron AO in Adelaide, representing the opposition. In his absence, I will be the acting leader.

QUESTIONS WITHOUT NOTICE

Climate Change

Senator BIRMINGHAM (2.00 pm)—My question is to the Minister representing the Minister for Climate Change and Water, Senator Carr. Will the minister guarantee that all of the additional revenue earned by the government through the proposed emissions trading scheme will be returned to consumers, households and working families to help them meet the higher costs that will be associated with Labor’s emissions trading regime?

Senator CARR—Thank you, Senator Birmingham. Emissions trading will drive the most significant economic transformation in Australia since the trade liberalisation of the 1980s. As I understand, a policy brief has been released which refers to revenue which will result from emissions trading. The whole government is interested in all contributions to the discussions about emissions trading, but it would be premature to speculate about revenue from emissions trading. That will depend upon a range of inputs, and there will be a range of factors affecting likely revenue from any scheme. Senators would be only too well aware of the enormous cost to this society and to this economy if we do nothing about climate change. The government’s approach is to move quickly but carefully to ensure that Australia is best placed to build a society and economy able to cope with the effects of climate change. I am advised that Professor Ross Garnaut will release a discussion paper on emissions trading shortly. (Time expired)

Pensions and Benefits

Senator MOORE (2.05 pm)—My question is to the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, Senator Evans. Can the minister outline to the Senate the recent changes to the pension system that will come into effect today?

Senator CHRIS EVANS—I thank Senator Moore for her question and also for her work, along with other senators, on the report A decent quality of life, following the inquiry into the cost of living pressures on older Australians, which was tabled earlier today. I think it will be a useful contribution to the debate on these issues. The committee’s report is a very thoughtful examination of the range of issues facing older Australians. I note that many of the Senate committee’s recommendations are actually ad-
dressed by the Rudd Labor government’s election commitments at the last election.

The government very clearly understands that many older Australians face very serious cost-of-living pressures. That is why we took to the election campaign a series of commitments aimed at addressing those pressures, helping them meet their daily bills. We are now implementing those election commitments. We have a very genuine and long-term commitment to supporting Australia’s seniors. We understand the financial pressures they face and recognise their vulnerability to increases in the costs of living. Those living on fixed incomes are most vulnerable to price rises. We know they are struggling now with the inflationary pressures that the previous government left behind. The reality is their grocery bills are going up and they are struggling to meet the requirements of just daily living.

Older Australians deserve adequate financial support to help them cope with those cost-of-living pressures. That is why, with effect from today, the Labor government will be providing increased financial support to Australia’s seniors through a range of changes. These include improvements to the utilities allowance, the seniors concession allowance, the telephone allowance and, of course, the indexation of pensions. From today the utilities allowance will increase from $107.20 a year to $500 a year for co-recipients, a huge increase of almost 80 per cent. The utilities allowance extends to all recipients of the carer payment, disability support pension, widow B pension, wife pension and bereavement allowance. Veterans and their partners receiving the invalidity service pension, the partner service pension or an income support supplement will also receive the allowance for the first time. For senior Australians on income support, this increase will provide much-needed additional assistance with the payment of regular household bills like electricity, gas and water. While the total payment will be $500 with the huge increase in the utilities allowance, it will now be paid in quarterly instalments of $125 to help people meet the bills as they come in. So it will be $500 for the year in four quarterly instalments.

The seniors concession allowance and telephone allowance will also increase from today. The seniors concession allowance will increase from $218 to $500 a year for holders of the Commonwealth seniors health card. That is an increase of over 50 per cent, and that will go to 277,000 persons who are in receipt of that seniors health card. So, again, there is a major increase, from $218 to $500 a year. That will also be paid in quarterly instalments. The telephone allowance will also increase from today for those with a home internet connection. For eligible seniors, the telephone allowance will increase by 50 per cent, from $88 a year to $130 a year for singles and couples combined. It will also be available for around 800,000 veterans, recipients of income support and age pension, Commonwealth seniors health card holders and recipients of carer payment and disability support payment. Of course, also today, around 4.5 million people receiving income support will benefit from a rise in the adult pension and allowance rates. (Time expired)

Fuel

Senator LIGHTFOOT (2.09 pm)—My question is directed to Senator Carr, the Minister representing the Minister for Resources and Energy. Is there a petrol supply shortage in Australia?

Senator CARR—The government has always said—in fact, the Labor Party has always said, whether we are in government or in opposition—that world oil prices are the biggest contributor to the prices that we
are actually paying at the pump. I have seen no reason—

Senator Abetz—Mr President, on a point of order: the minister may have misheard the question. The question was not about petrol prices but about petrol supply.

Senator Chris Evans—Mr President, on the point of order: I know the acting Leader of the Opposition in the Senate is keen to make his mark, but as the minister had not even cleared his throat, let alone had a chance to respond to the question, I think it is clearly a frivolous point of order. I ask you to rule it out of order and suggest that we allow the minister to at least have more than 10 seconds before we take a point of order.

The PRESIDENT—Order! Senator Abetz, Senator Carr is exactly 21 seconds into his answer, and we have always allowed ministers to develop an answer. There is no point of order, but I just remind Senator Carr of the question.

Senator Kemp—Mr President, on a point of order: I have just heard a report that, when that question was asked, unfortunately the microphone in Senator Carr’s desk was turned on early and he was heard to say he has ‘no bloody idea’. I think that comment should be withdrawn.

Senator Chris Evans—Mr President, on the point of order: the opposition may not care about the impact of petrol prices on Australian families, but the government does, and this point of order—

The PRESIDENT—Order! Senator Evans, resume your seat or come to the point of order.

Senator Chris Evans—Senator Kemp sought to verbal the minister with an untrue allegation about his response.

The PRESIDENT—What is your point of order?

Senator Chris Evans—My point of order is that they should not be allowed to disrupt question time with frivolous points of order.

The PRESIDENT—Order! Senator Kemp, there is no point of order.

Senator CARR—What is apparent from today’s discussion is that the opposition seems to have no regard for the real issue that concerns Australians—Australian motorists in particular, especially as we move into Easter—and that is the price of petrol. The effect that this is having on people’s disposable incomes, I think, should be understood more clearly by the opposition. What we have had is, in fact, a decade of inaction and silence on this question from the opposition. On the question of the issues—

Opposition senators interjecting—

Senator CARR—I am sorry if your concern about the effects that prices of petrol are having on Australian motorists is so poor. The fact remains that the current pressure on prices is a result of a number of factors. The concern that this government has is to take action to relieve pressure on motorists and to ensure that the ACCC takes the necessary steps to ensure that motorists are not abused, particularly as we move into—

Opposition senators interjecting—

Senator CARR—I am sorry if the opposition finds this such a humorous question. I am very disappointed that there is so little regard for the Australian motorist and the Australian family and the effect—

Senator Ronaldson—Mr President, on a point of order: we know one Carr that has run out of petrol already! I would draw your attention to relevance. We have been going now for three minutes, and the minister refuses to answer this extremely important question.

The PRESIDENT—Order! Senator Carr, when the initial point of order was taken you
had only been speaking for 20 seconds. The question was about the supply of petrol, and I would remind you of the question.

Senator CARR—I repeat: we have a situation here where the opposition wishes to deny the great concerns that Australians have about the price of petrol. They wish to run a different set of arguments about the question of supply. There are many arguments with regard to the issue of peak oil. There are many concerns being expressed about the factors that affect the supply of petrol. The issue that motorists are concerned about this weekend is the price of petrol. What they are very concerned about is that, with the price of petrol going from—

Senator Lightfoot—I rise on a point of order. The motorists are concerned about the price of petrol—

The PRESIDENT—What is your point of order?

Senator Lightfoot—My point of order is on relevance. My question was simple and concise. I repeat: is there a petrol supply shortage in Australia?

The PRESIDENT—you do not need to repeat the question, Senator Lightfoot. The minister is now being relevant.

Senator CARR—There have been many factors affecting the supply of petrol in this country. The main concern that motorists have this weekend is the price of petrol. The concern that people have is the fact that prices are rising, and it would appear to many people to be a very convenient rise indeed. Prices moving up, to over $1.50 a litre, is a matter of deep concern to people who are trying to go on holidays this weekend. I would have thought there would be greater concern expressed by the opposition on that issue. On the issue of refining and other such matters there has been an ongoing debate in this country about the capacity of the industry to respond to the international pressures that have arisen.

Senator Brandis interjecting—

Senator CARR—The real question, Senator Brandis, is: what is the government doing about the price of petrol? We have indicated clearly our intention and our actions with regard to the ACCC. Action is being taken in that regard and I have nothing further to add.

Senator LIGHTFOOT—I am still at a loss as to whether Senator Carr’s answer was yes or no. My supplementary questions are: who exactly is monitoring fuel supply and pricing issues over the Easter break, given that the government’s so-called petrol commissioner has not even started work yet, and does the minister believe that anything under $1.50 a litre is a good price? What price, exactly, should motorists be paying for petrol this Easter?

Senator CARR—I think the Senate knows that it is the ACCC that is undertaking the monitoring of the price of petrol.

Honourable senators interjecting—

The PRESIDENT—we will not continue with question time until there is order in the chamber.

Indigenous Health

Senator HOGG (2.18 pm)—My question is to the minister representing the Minister for Health and Ageing, Senator Ludwig. Can the minister inform the Senate what the government is doing to close the gap in life expectancy between Indigenous and non-Indigenous Australians?

Senator LUDWIG—I thank Senator Hogg for the question. I know he has a great interest in Indigenous health. The government is committed to tackling the serious challenges in Indigenous health, and we are dedicated to closing the gap in life expec-
tancy between Indigenous and non-Indigenous Australians.

This morning the government made important announcements in this area—down payments on our commitment to closing the gap. We will invest $14.5 million in tackling high rates of smoking in Indigenous communities. Smoking is a leading cause of chronic disease which contributes to Indigenous people’s low life expectancy, so we know that smoking poses a serious challenge. In fact, half of Indigenous people aged 18 years and above are current smokers—that is more than double the smoking rate of the non-Indigenous population. In Aboriginal and Torres Strait Islander people tobacco smoking is the No. 1 risk factor for chronic conditions such as cardiovascular disease and cancer. In 2003 smoking was responsible for one-fifth of the deaths amongst Indigenous Australians and 12 per cent of the burden of illness.

Clearly, action is required. The government’s initiatives will tackle the serious challenges in three ways. Firstly, we will support research into Indigenous tobacco control in partnership with research organisations such as the Cooperative Research Centre for Aboriginal Health. This initiative will help build the evidence base around what is helping Indigenous people to quit smoking. Secondly, the initiative will trial a range of innovative community interventions, including targeting culturally appropriate communication activities. Thirdly, the initiative will offer smoking cessation training to staff working in Indigenous health.

The government will also invest $19 million in a national Indigenous health workforce training plan. It is designed to get more Indigenous people into the health workforce. Improving health services and increasing life expectancy of Indigenous people requires support for a strong Indigenous health workforce and the encouragement of more Indigenous people to take up careers as health professionals. Our health workforce training plan initiative will support the Australian Indigenous Doctors Association to expand its work of mentoring and networking young Indigenous doctors, and support the work of the Congress of Aboriginal and Torres Strait Islander Nurses, helping them to expand their network of mentoring Indigenous nurses, and encouraging Indigenous students to join the Indigenous health workforce by supporting the Aboriginal community-controlled health sector. It will also assist by providing additional training opportunities to Aboriginal health workers and support for the establishment of a national Aboriginal health workers association.

Of course, one of the key areas is to support the Leaders in Indigenous Medical Education Network to ensure that Indigenous health is expanded into the curriculum in medical and allied health and nursing schools. These initiatives build on the $260 million commitment to Indigenous early childhood to improve maternal and children’s services. We have already announced our commitment to the innovative nurse home visiting program which has been shown to have a huge impact on the life chance of young children. This morning the government also signed a statement of intent committing us to practical measures to close the appalling 17-year gap in life expectancy. I hope all senators in the chamber recognise the dire need to address Indigenous health and will support the government initiative to take these important steps forward.

Plastic Bag Levy

Senator KEMP (2.22 pm)—My question is to the Minister representing the Minister for the Environment, Heritage and the Arts, my old friend Senator Carr.
Government senators interjecting—

Senator KEMP—He is an old friend. I have never agreed with Senator Conroy on Senator Carr. I refer to the government’s attempt today to soften up Australian consumers for a plastic bag checkout charge by leaking a so-called confidential report claiming that a voluntary plastic bag phase-out is not working. Will the minister categorically rule out Australian shoppers being charged for each plastic bag they use at the checkout?

Senator CARR—The government—

Opposition senators interjecting—

Senator CARR—If the opposition are interested in an answer we will seek to provide it; if they are not then I guess we will have to muddle on in any event. I can say that the government, along with other members of the Environment Protection and Heritage Council, is committed to the phase-out of free single-use plastic shopping bags, and would like that to be underway by 1 January 2009. This is a timetable that was agreed by the previous government. In fact, under the former minister for the environment, the member for Wentworth, that was announced through an EPHC communique on 2 June 2007. I will quote from that because it is quite clear that the opposition have a very poor memory on these matters. That communique said:

Ministers reaffirmed their commitment to phasing out plastic bags by January 2009. They welcomed the submissions received during the recent public consultation process on regulatory options for dealing with plastic bags and agreed to consider this issue again along with a revised Regulatory Impact Statement at their next meeting.

That is why this government now understands, in the lead-up to the council’s next meeting next month, that the state and territory ministers will be considering a range of options which were agreed to by the former government and in fact by the member for Wentworth last June. We now have a situation where there is widespread consultation. In fact, one of the options that the previous government did agree to was a proposal that the government impose a levy on plastic bags. That was the previous government’s policy.

Honourable senators—What’s yours?

Senator CARR—I note here in the brief that the Leader of the Opposition indicated that the cat was out of the bag. That was what he said. So we can only assume that that is in fact what the position of the opposition is today.

Senator Kemp—Mr President, I raise a point of order going to relevance. It was a very specific question which asked whether Senator Carr would rule out any charge on plastic bags at the checkout. It is very important to consumers that we get a clear answer to this question.

The PRESIDENT—Senator Kemp, you are starting to debate the point of order. I have listened very carefully. Ministers are not required to give specific answers, but they are required to be relevant, and Senator Carr is being relevant.

Senator CARR—I was indicating that the opposition had agreed to these policies, not the government. The opposition, when it was the government, presented these policies. This is the problem. We have an opposition with a very short memory of what it actually did in government. What I can tell the present opposition is that this government will not impose a Commonwealth levy on plastic bags, and actions on plastic bags should not be used as a government revenue raiser.

Senator KEMP—Mr President, I ask a supplementary question. The question was not about a Commonwealth levy; the question was whether the Commonwealth would allow a charge to be mandated on plastic bags at the checkout. That is the question
before the chamber. Could Senator Carr particularly address that issue?

Senator CARR—I thank Senator Kemp, and I understand he does have a small fan club in this chamber—it is very small indeed. Senator Kemp, I will repeat: the policy position that you are accusing this government of is in fact your policy. You have confused yourself on this matter. The policy position you are arguing is in fact the position of the previous government.

Senator Kemp—Mr President, I raise a point of order. I did not ask about our policy; I have asked about the government’s policy. Can we get a clear statement of the government’s policy?

Senator Conroy—Mr President, on the point of order. This is now reaching a farcical stage where the opposition are taking frivolous and repetitive points of order, and you should rule them out of order and ask them to desist.

The PRESIDENT—No, I will not rule them out of order in taking points of order, Senator Conroy, because I do not believe they have been frivolous. I have ruled them out of order but they are entitled to take points of order.

Senator CARR—I have explained that the Rudd Labor government will not be imposing a Commonwealth levy on plastic bags. I have indicated this to the Senate on, I think, three occasions. We have a situation where the government has yet to consider the deliberations of the council meeting to be held next April. We can only speak for the Commonwealth government on this issue. We can speak only for this government. Unfortunately, the opposition cannot even speak for itself. *(Time expired)*

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**Fuel Prices**

Senator FIELDING (2.29 pm)—My question is to the Minister for Competition Policy and Consumer Affairs, Senator Sherry. The Australian Competition and Consumer Commission has been very vocal this week in warning the petrol giants not to take advantage of families by hiking the price of petrol over Easter. Families are concerned that they are always the bunnies when it comes to petrol prices. If there are examples of petrol price gouging over Easter, what confidence can the public have that action will be taken against the petrol companies?

Senator SHERRY—Thank you, Senator Fielding. As we have always said, whether in government or in opposition, world oil prices are the biggest contributor to the prices we pay at the pump. That is the very reason why this government believes that it cannot sit on its hands and do nothing—that was the response of the previous government—and it has not. After some 11½ years under the previous government, we have acted in order to ensure greater transparency and competition in the market. We have had, for the past decade, inaction on this critical issue. It was only after pressure from the current government that the former Treasurer—I was almost about to say the former member for Higgins but that is for the future—reluctantly agreed to an inquiry into petrol prices. Unlike the previous government, we will not simply sit on our hands and ignore the pressures on hardworking families. I know Senator Fielding’s long interest in this issue and I acknowledge his active concern for hardworking families and the impact of petrol prices.

Let me move to issues leading up to Easter and the long weekend. This will be the first time that the ACCC, under Mr Samuel, has formal monitoring powers. That has
never existed before. These powers will put serious pressure on companies to think twice before hiking up petrol prices before and over the long weekend. As I say, it is the first time these powers have been given to the ACCC. These powers are important, and relevant because of the alleged activity by some petrol stations over the last few days. There have been some very serious allegations made. The allegations include that consumers are driving into petrol stations that are advertising cheaper unleaded petrol only to find all the pumps are out of order and their only option for filling up is with the more expensive premium unleaded petrol. I can report to the Senate that the ACCC is working with the Office of Fair Trading in Queensland and the Department of Fair Trading in New South Wales to investigate this particular section of allegations. Over recent days the ACCC, under the firm direction of Mr Samuel, has almost 50 inspectors from the ACCC and also inspectors from the states actively monitoring petrol stations and they will be inspecting over the Easter period. To find out if this activity is occurring, the ACCC chair has said:

What we can do is if we see a service station that had no fuel available on Tuesday but has it available on Wednesday, we could ask to see the delivery dockets and if they don’t have them you’d want to then ask how they’ve suddenly made available fuel overnight.

There are also allegations that this practice is happening in clusters or groups of petrol stations. The government warns these companies, in the strongest terms, that there are fines for collusion that can total more than their yearly earnings. The Senate will also know that the government has acted quickly to release its draft legislation to criminalise cartel conduct, something the former government refused to do in over 11½ years in office. The former government refused to act in this area. (Time expired)

Senator FIELDING—Mr President, I ask a supplementary question. Minister, the ACCC was also vocal about gaps between the international price of petrol and the retail price of petrol in December and January, but two months later it still cannot explain the gap, even using its new powers. Families are hopping mad over petrol prices in the lead-up to Easter. Minister, how many petrol companies has the ACCC successfully prosecuted over price gouging in the past? Will the government guarantee that action will be taken against petrol price gougers, or is the tough talk just more hot air?

Senator SHERRY—I am not sure that your assertions and claims about the ACCC are correct. However, I will take that aspect of the question on notice and refer it to the ACCC and Mr Samuel, asking for the precise prosecution activities that he has undertaken, and I will seek further information for you on this particular issue. But, as I have said, this Labor government is the first government to have given these extra powers to the ACCC so that it can act in a more comprehensive and thorough way to examine the allegations of malpractice that I have referred to in this period up to and through the Easter break.

Education

Senator MASON (2.36 pm)—My question is to the Minister Representing the Minister for Education, my new friend Senator Carr. Can the minister guarantee that no families will bear any of the extra and ongoing costs associated with the so-called digital education revolution?

Opposition senators interjecting—

The PRESIDENT—Order!

Senator Carr—Can I ask that the senator repeat the first part of that question? I did not catch it with all the noise that was occurring in the chamber.
Senator MASON—Can the minister guarantee that no families will bear any of the extra and ongoing costs associated with the so-called digital education revolution?

Senator Abetz—He still cannot find the brief.

Senator CARR—There is a very simple reason for that: there is no brief.

Senator Faulkner—How can you expect him to find it if it does not exist?

Senator CARR—Exactly right. Senator Mason, what the government has indicated is that we have embarked upon an educational revolution. What this government has commenced is the delivery of a policy commitment to provide access to a computer for every student in the years 9 to 12. We have delivered the first instalment of that program by the introduction of $100 million of the $1 billion digital education revolution rollout this financial year.

The initial national audit of the IT needs of schools was conducted and the neediest schools have been identified and have been invited to submit applications to take part in this program. Some 937 schools from across Australia have been asked to submit an application. These are schools where students do not have access to a computer in the numbers that they do in the rest of the system. In fact, these are schools where there are eight students for every computer. That is a situation which even this opposition, which has so little regard for the educational opportunities of Australians, would appreciate is totally unsatisfactory. The government is investing $100 million this financial year to move from a ratio of one computer to eight students to a ratio of one computer to two students. This will be a dramatic improvement for some of the poorest families in this country. Senator Mason, I am sure that you agree that that would mean a significant improvement to not just the educational opportunities for those students but their life opportunities. We all understand that without access to the tools of modern learning we are not going to be able to share in the full benefits of this society.

This program is designed to provide assistance particularly to the poorest families in this country. These are not additional costs to parents; this is a mechanism by which opportunities can be opened up to all Australians. That is the real nature of the program. This is a chance for many Australians to share in the prosperity that this nation enjoys and not be left behind.

Senator MASON—Mr President, I ask a supplementary question. Let me make it very simple: Minister, who will bear the costs for teacher training, internet connections, maintenance and repair of computers, insurance and software? Who will bear these ongoing costs, both in public and private schools?

Senator CARR—Thank you, Senator Mason. He knows enough about the education system to appreciate that all of these issues are joint responsibilities.

Senator Mason—What about private schools?

Senator CARR—Senator Mason, as you know, of the $42 billion in the forward estimates for the education system, some $32 billion will go to private schools. Let me be clear about this: if you want to engage in this argument, get your facts straight. What you will find is that these are issues that the Commonwealth and the states will be discussing and working through to ensure that the costs are properly attributed, particularly in regard to the operation of this program. It is not just about the provision of the hardware; it is also about the provision of software, the provision of teacher education and the provision of the facilities within schools. As I have already indicated to you, this is an
ongoing process of discussion between the Commonwealth and the states.

Broadband

Senator CAROL BROWN (2.41 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister update the Senate on government policies to improve broadband services in rural and regional Australia?

Senator CONROY—I thank the senator for her question and for the opportunity to dispel a popular myth put about those opposite. Contrary to their propaganda, this government sees that telecommunications services are of critical importance to Australians living in rural and regional areas. Telecommunications—and in particular access to high-speed broadband—allows the tyranny of distance to be overcome. Anyone with a real understanding of the needs of rural Australia recognises that fact.

Only yesterday, Dr Glasson of the Regional Telecommunications Review commented on the importance of broadband to education in regional areas.

Senator Brandis—When did you last go to rural Australia?

Senator CONROY—Forty-two broadband forums all over Australia in the last 12 months, Senator Brandis. Anytime that you wanted to join me on any of them, you were welcome. You might have learnt something. Dr Glasson said that many parents have told him—

Senator Brandis interjecting—

Senator CONROY—Senator Brandis may not be interested in these views, but Dr Glasson said that many parents have told him that the lack of broadband is impeding their children’s education. Unlike the former government, this government’s national broadband plan will benefit all Australians. We are building a high-speed fibre network that will deliver minimum speeds of 12 megabits per second to 98 per cent of homes and businesses. I remind the chamber that those opposite preferred to restrict high-speed fibre networks to only metropolitan areas. That is the process the former minister put in place only last year. As per our election commitment, Australians who do not get access through the new national broadband network will have access to broadband via the best available satellite, wireless and fixed line technologies.

Last week I announced that the government will provide an additional $95 million to fund the Australian Broadband Guarantee in 2008-09. This announcement once again seems to have missed the opposition’s attention. Only yesterday, the member for Wannon was quoted in the press accusing the government of remaining silent on the Australian Broadband Guarantee. May I remind the chamber that it is those opposite who were silent on this issue. Despite all the rhetoric of telecommunications in rural and regional areas, those opposite did not provide any details about ongoing funding for the ABG in the lead-up to the federal election. Not one cent was in their promises going forward into the federal election. Conversely, Labor stated that they would continue to support the Australian Broadband Guarantee, and the $95 million commitment is consistent with our election promise. This government is committed to ensuring all Australians have ongoing access to high-speed— (Time expired)

Australia-United States Free Trade Agreement

Senator ABETZ (2.46 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Does the minister stand by his statement made just
prior to the ratification of the Australia-US Free Trade Agreement:
... Australian manufacturers will not be able to get
... benefits out of this arrangement.

Senator CARR—Thank you, Senator Abetz, for the question. What I think we
need to analyse is the effect of the free trade agreement on manufacturing in recent times.
There have been mixed results. The Holden ute, which, it was announced last weekend,
is to be exported to the United States, may
well be regarded in some people’s view as
being an example of the strength of such ar-
rangements. I will point out, however, that
there were examples of products—the Mon-
aro and others—exported to the United
States for some time that were made prior to
any such agreements being signed.

The fact remains that on the manufactur-
ing question, with regard to the US free trade
agreement, the results have been mixed. Ac-
cess to government procurement programs—
such as the Joint Strike Fighter, and there
might well be others—are examples of
where we have seen Australian companies
adapt and enjoy access to programs that they
otherwise might not have. I know that
through the Global Opportunities program in
the Department of Innovation, Industry, Sci-
ence and Research, for instance, some com-
panies have had the opportunity to transform
themselves to be able to compete. There have
been occasions in recent times when Austra-
lian companies were not able to provide the
wherewithal to participate in tender ar-
rangements.

The Australian government’s attitude to
trade policy, as reflected by Minister Crean,
is that we are pursuing trade agreements
around the world in a range of different
forms. We are very concerned to ensure that
market access issues are not an impediment
to the development of Australian manufac-
turing. It has been a matter of some consid-
erable concern to me that there are a number
of areas in which Australian manufacturers
are not able to enjoy proper market access as
a result of a range of non-tariff barriers out-
side of any agreements and irrespective of
agreements. They remain questions that I
wish to pursue and I know that Australian
manufacturers are most anxious to pursue,
and I trust that the opposition will join with
the government in ensuring that Australian
manufacturers are able to enjoy proper ac-
cess to markets, whether they be in the
United States, Thailand, China, India or
anywhere else where we are able to ensure
that the makers of high-quality Australian
goods are able to enjoy the arrangements that
one would expect.

What we do know is that, in terms of our
general trading arrangements, Australia’s
exports to the United States have grown by
only 2.7 per cent in 2006-07. One would
hope that these exports will continue to grow
even higher than that, and I trust that Austra-
lian manufacturers will be able to be very
much part of that. I am concerned to ensure
that all the barriers are reduced to ensure that
there is proper access by Australian manu-
facturers to these markets.

Senator ABETZ—Mr President, I ask a
supplementary question. Is it not a fact that
the removal of the 25 per cent import tariff
on utes under the Australia-US Free Trade
Agreement is the primary reason—as ex-
pressed by Mr Kevin Foley, the South Aus-
tralian Treasurer—that Holden is now able
to export the iconic Australian ute to the United
States? Why did the minister studiously
avoid mentioning the US free trade agree-
ment in his dixer yesterday about Holden’s
impending ute exports? Is it because the min-
ister remains fundamentally opposed to free
trade? How can the minister be both opposed
to free trade and an economic conservative,
as he so laughably claims?
Senator CARR—What I can say is this: the two-way goods and services trade has grown by eight per cent to over $48 billion. Australian exports—

Opposition senators interjecting—

Senator CARR—Would you like to listen? If you do not, perhaps we can move on to something else.

The PRESIDENT—Order! Ignore the interjections, Senator Carr, and address the chair.

Senator CARR—I just advise you, Mr President, that clearly the opposition is not interested in the answer. Australian exports grew by 2.7 per cent to $15 billion and those from the US to Australia accounted for 14.6 per cent of the total. What we have seen is that the Holden ute has been able to be developed by a range of factors, including the extraordinary ability of Australian workers, the research and development capacity of Holden and the capacity to enjoy— (Time expired)

Climate Change

Senator MILNE (2.52 pm)—My question is to Minister Carr, the Minister representing the Minister for Climate Change and Water, Senator Wong. Does the minister agree that energy efficiency is one of the cheapest and fastest ways to substantially reduce greenhouse gas emissions? Does he further agree that the vast majority of Australia’s 7.4 million homes are energy inefficient and that the poor uptake of cost-effective energy efficiency opportunities is due to barriers such as high up-front costs and the fact that 30 per cent of homes are rented? Hence I ask: does the minister further agree that cash payments or low-interest loans will not remove these barriers and nor will they address the impacts of a carbon price on low-income households?

Senator CARR—I thank the senator for her question. What I think needs to be made clear is that the Australian people decided last year that we as a nation needed to take responsibility for climate change. What this government has done in response is give a commitment to reduce Australia’s greenhouse gas emissions at the least cost and adapt to the impacts of climate change which cannot be avoided. We see it as our responsibility as the government, on behalf of this nation, to help shape a global solution to this global problem.

The government is committed to a target of reducing Australia’s greenhouse gas emissions by 60 per cent of 2000 levels by 2050. What we do say is that climate change is the challenge of this generation. What we say is that there is probably no more significant issue for this society than developing an appropriate response to climate change, whether it be in terms of our houses—

Senator Faulkner—It may not be the biggest challenge faced by the Liberal Party.

Senator CARR—of the road transport system or of any other measure.

Senator Joyce—Mr President, I rise on a point of order. I refer to standing order 197 with regard to interjections. I know we have interjections, but Senator Faulkner is actually interjecting into the other senator’s microphone so we have two people answering the question.

Opposition senators interjecting—

The PRESIDENT—Order, senators on my left! I am trying to give a response to Senator Joyce and I would appreciate order in the chamber. Senator Joyce, interjections are disorderly, as people well know, but it has been the practice of this chamber that interjections are a commonplace part of the debate that takes place here. I would remind Senator Faulkner that it is possible to hear two voices coming over the microphone.
Senator CARR—I am afraid we have yet another example of the contempt with which this opposition deals with these issues. We have a contemptuous attitude being displayed by this opposition to one of the most fundamental issues this society can face. The Intergovernmental Panel on Climate Change projects that global temperatures will increase within a range of 1.1 to 6.4 per cent of a degree by the end of the century. If that is not a matter of deep concern, I do not know what is. The Australian Bureau of Agricultural and Resource Economics—

The PRESIDENT—Senator Carr, I would remind you that the question was from Senator Milne, not from the opposition.

Senator CARR—Mr President, I am only too well aware of where the question came from. But I think it is important for the opposition to change its attitude on these issues. What is obviously a prerequisite to them changing that attitude is to understand the seriousness of the issue. What we have quite clearly is a situation where it has been indicated that Australia will be one of the most adversely affected regions of the world. Of course it is appropriate in that context that we take all the steps that we can to improve our houses and our road transport system and any other means which will effectively improve our operations in terms of our impacts on the environment.

Senator MILNE—Mr President, I ask a supplementary question. I thank Senator Carr for that answer. He finally got to the point that whatever we could do to upgrade our homes would be a good idea. In that context of energy efficiency I was asking firstly, whether he agreed that cash payments and low-interest loans would not remove the barriers to the uptake of energy efficiency; and, secondly, whether they will address the impacts of the carbon price on low-income households.

Firstly, given that I think there is an acceptance everywhere that they will not, does the minister agree that financing the up-front cost of energy efficiency would be a highly desirable use of funds from the auctioning of permits under an emissions trading scheme? Secondly, will the government now consider implementing the Greens easy policy to retrofit all of Australia’s houses with solar hot water and insulation? That is a cost-neutral policy.

Senator CARR—I would have to agree.

Environment: Burnett River

Senator IAN MACDONALD (2.59 pm)—My question is also to Senator Carr in his role representing the Minister for the Environment, Heritage and the Arts. The minister will be aware that an audit of the EPBC Act approvals for the Burnett River dam showed that condition 3, relating to the critically endangered lungfish, had not been complied with. I ask the minister: what action is the federal government taking against the Queensland Labor government for its breach of this condition and of the EPBC Act?

Senator CARR—Thank you, Mr President.

Senator Bernardi—Don’t just say you agree!

Senator CARR—No, I will not be saying that. What I will be saying is that the minister I am representing today has this matter before him at the moment as far as his responsibilities under the EPBC Act are concerned, and there are a number of these measures in south-east Queensland. The decision on the Traveston dam will be made by the minister after full and thorough consideration of all the relevant information that emerged during the assessment process. The Traveston Crossing dam is being assessed under this act, as well as by the Queensland government under relevant state legislation.
There are some 15,000 public submissions in response to the draft EIS and these matters will be considered thoroughly—as is the minister’s responsibility under the act.

Senator IAN MACDONALD—Mr President, I ask a supplementary question. I asked about the Burnett River dam, not the Traveston Crossing dam. But the minister has drawn my attention to the Traveston Crossing dam, which is the point of my supplementary.

Senator Conroy—He saw you coming!

Senator IAN MACDONALD—I rang him and told him what it is about. I have given him notice and he still cannot answer it! Minister, because the Queensland government breached the condition imposed on the Burnett River dam, can the minister assure us that he will not give approval for the Traveston Crossing dam because the Queensland government is simply incapable of complying with conditions put on it by the federal government?

Senator CARR—I have indicated to the senator that the decisions with regard to the Traveston dam and the Traveston Crossing dam are being assessed under the EPBC Act, as well as by the Queensland government. There have been a considerable number of public submissions. The minister will consider them in accordance with his responsibilities under the act.

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

ANSWERS TO QUESTIONS ON NOTICE

Question No. 92

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.00 pm)—Pursuant to standing order 74(5), I ask the Minister representing the Minister for the Environment, Heritage and the Arts for an explanation as to why an answer has not been provided to my question on notice No. 92, which I asked on 12 February 2008.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (3.02 pm)—I am advised by the minister’s office that, owing to the complexity of the question, there is a delay in its answer. I seek leave to table that answer today.

The PRESIDENT—Senator Allison, are you going to take note of that answer?

Senator Allison—Yes.

The PRESIDENT—Before we do that, I call Senator Ludwig, who has additional answers to questions.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Queensland Minister for Health

Senator LUDWIG (Queensland—Minister for Human Services) (3.03 pm)—On Tuesday this week, Senator Boswell asked me a question about the Queensland Minister for Health. I undertook to provide Senator Boswell with any available information. There have been several media reports with regard to a nurse being raped on a remote island in the Torres Strait, who was then told she would lose pay if she left the island. The government takes workforce safety and security very seriously.

May I offer my personal sympathies to the woman who was subjected to this attack. According to a Queensland health report, there have been significant long-term problems with regard to maintenance and security of the medical premises, the nurse’s accommodation and phone services. Minister Roxon’s department has been in contact with the Queensland chief nurse to offer assistance and support in addressing the issue. I am advised that the Queensland government has instigated urgent action on repairs and maintenance work to improve security across
all island health facilities and initiated a review into departmental procedures in support of managing critical situations involving staff working on distant islands.

The government understands that the Queensland Director-General for Health and the Queensland Chief Nursing Officer were scheduled to visit the island to ensure the requested improvements were being carried out.

**Welfare Reform**

Senator LUDWIG (Queensland—Minister for Human Services) (3.05 pm)—I make the following statement in response to Senator Siewert’s question and further to Senator Wong’s answer yesterday regarding the government’s consideration of the impact on parents of participation requirements. This information has been provided to me by the Department of the Education, Employment and Workplace Relations. The Minister for Employment Participation, the Hon. Brendan O’Connor, is reviewing the previous government’s employment policies, including the operation of employment service programs and the impact of participation requirements.

Dr Mohamed Haneef

Senator LUDWIG (Queensland—Minister for Human Services) (3.06 pm)—In response to a question asked of me by Senator Brandis last Thursday, 13 March 2008, I table the transcript of the press conference given by the Attorney-General last week. This goes to the terms of reference of the inquiry. I also add that whomever Mr Clarke meets with in conducting the inquiry is ultimately a matter for Mr Clarke. Mr Clarke would be able to seek meetings with persons overseas if he considers they may have relevant information, and they could also choose to make submissions. The focus of this inquiry is not on overseas agencies but on how our Australian agencies are operating and working together. Obviously, our intelligence and law enforcement agencies work closely with overseas agencies in counterterrorism investigations. However, the Australian government does not control foreign agencies. We make no apology for keeping the inquiry focused on an area where the Australian government is in a position to make improvements, to ensure public confidence in the way our Australian agencies operate.

As I indicated earlier, I have taken the opportunity to table the transcript of the media conference for assistance in answering the question.

**ANSWERS TO QUESTIONS ON NOTICE**

**Question No. 92**

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (3.07 pm)—I have been provided with an answer from the Minister for the Environment, Heritage and the Arts in response to a question asked by Senator Allison. I seek leave to incorporate that.

Leave granted.

The document read as follows—

Senator Allison asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 12 February 2008:

With reference to the Renewable Remote Power Generation Programme, initiated in 2001:

1. For each year of its operation, what has been the expenditure on the program,

2. How many recipients, in each of the categories of individuals, pastoral stations, other businesses and aboriginal communities, have been recipients of funding under the program.

3. What is the estimated level of displacement of diesel fuel due to the program.

4. What is the estimated level of greenhouse abatement due to the program: (a) to date; and (b) to 2010.
Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the Honourable Senator’s question:

(1) For each year of its operation, what has been the expenditure on the program.

<table>
<thead>
<tr>
<th>RRPGP</th>
<th>99 - 00</th>
<th>00 - 01</th>
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</thead>
<tbody>
<tr>
<td>$ million</td>
<td>0.328</td>
<td>3.798</td>
<td>11.823</td>
<td>19.759</td>
<td>23.118</td>
<td>22.421</td>
<td>29.223</td>
<td>14.521</td>
</tr>
</tbody>
</table>

(2) How many recipients, in each of the categories of individuals, pastoral stations, other businesses and aboriginal communities, have been recipients of funding under the program?

To the end of June 2007, the number of RRPGP rebate recipients is summarised in the following table.

<table>
<thead>
<tr>
<th>Housingholds</th>
<th>Pastoral stations</th>
<th>Other businesses</th>
<th>Aboriginal Communities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,796</td>
<td>926</td>
<td>1,007</td>
<td>345</td>
</tr>
</tbody>
</table>

Notes
1. Recipient numbers include those receiving small rebates for renewable energy water pumping applications, rebates for stand-alone power systems and rebates for major projects.

2. Other businesses include community organisations, not-for-profit organisations, government facilities, retail/roadhouses, tourism facilities and utilities.

3. Aboriginal Communities include outstations where there may only be one house. Outstations where there are 2 to 4 houses, each with a renewable stand-alone power system, are counted as 2 to 4 recipients.

4. This table does not include RRPGP Industry Support projects.

(3) What is the estimated level of displacement of diesel fuel due to the program.

Projects completed by the end of June 2007 are estimated to displace the consumption of approximately 21.7 million litres of diesel per year.

Notes
1. In 2004, program eligibility was expanded to include renewable generation projects displacing any fossil fuel in remote areas, for example, petrol, LPG, natural gas, fuel oils. The above figure represents a power generation diesel equivalent.

2. Some rebate applicants do not provide an estimate of diesel savings, (for example, new facilities or sites where power was previously not available). For these sites, diesel savings have been interpolated from the average of the sites in that state that do estimate diesel savings.

3. Diesel savings for the installation of 1 kilowatt of photovoltaics can vary depending on the type of power system used prior to the installation of renewable generation. In some cases, there may be no actual reduction in diesel consumption but rather a change in power availability from 10 to 24 hours per day and increased electrical load due to the replacement of old kerosene and LPG fridges with electric fridges and other new electrical appliances.

(4) What is the estimated level of greenhouse abatement due to the program a) to date; and b) to 2010.

(a) The estimated greenhouse gas savings for installations completed as at 30 June 2007 is about 65,000 tonnes per year, ongoing over the lifetime of the technologies installed.
Notes
1. A full fuel cycle figure of 3kg/litre of diesel has been used for this estimate.

2. It is difficult to estimate the exact level of cumulative greenhouse abatement from the program to date because of the different commissioning dates for each of the more than 4000 installations. The estimated level is in the order of 230,000 tonnes to June 2007, however, the annual greenhouse abatement noted above is more commonly used.

(b) Based on installations to date, the forecast greenhouse gas savings for installations completed as at 30 June 2010 is about 100,000 tonnes per year, ongoing over the lifetime of the technologies installed.

Notes
1. It is difficult to predict the amount and mix of fixed photovoltaics, tracking photovoltaics, concentrating photovoltaics, wind, hydro and biomass generation technologies that will be installed in the period to 30 June 2010. The amount spent on essential enabling equipment and the scale and location of the projects will also influence the amount of annual greenhouse gas abatement.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Answers to Questions

Senator MASON (Queensland) (3.07 pm)—I move:

That the Senate take note of the answers given by the Minister for Innovation, Industry, Science and Research (Senator Carr) to questions without notice asked today.

It all sounded so very simple. The government was going to bring schools into the 21st century, apparently from the Stone Age. They developed this glib promise: a digital education revolution. You might remember during the election campaign Mr Rudd turned up at a school surrounded by adoring teachers and students, grabbed hold of a laptop and said, ‘This is the toolbox of the 21st century.’ He was half right. It is a toolbox, but without any tools. What we now know about the digital education revolution is that the way that Mr Rudd is going to play it is this: he will turn up at the school gates and he will dump some shiny new objects, some shiny laptops, at the school. He will stay there for the media conference, smile benignly and then jump in his Comcar and head overseas again, and the ongoing maintenance costs will be borne by both government and independent schools. These are ongoing costs that will last for years.

What are these costs? For a start, there is co-financing the broadband rollout, because we now know after estimates that the $100 million allocated for that purpose by the federal government will not be enough to provide all secondary schools in Australia with a broadband connection of up to 100 megabits per second. The ongoing costs of broadband access—who will be paying for that? Not Mr Rudd. Rewiring the schools to give them a sufficient number of outlets to power all the computers is a cost of over $100,000 for the average school—who will be paying for that? Not Mr Rudd. The ongoing costs of all the extra electricity consumption, the air-conditioning to keep the computers at the right temperature, the insurance and the security—who will be paying for all that? Not Mr Rudd. The maintenance of all the hardware; repair and replacement of broken, damaged and stolen units; the maintenance and repair of the broadband connection; the software and software updates—who will be paying for that? Not Mr Rudd. Almost 120,000 secondary school teachers will have to be retrained to be able to teach in the new digital education environment—this wonderful, glorious revolution—and who will be paying for that? Not Mr Rudd.
This reminds me of one of those mobile phone deals. Remember Crazy John? He gives you the free mobile phone and what do you do? You get a free mobile phone and then you pay forever for the ongoing costs. The digital education revolution works like this: we give you a shiny new laptop, and Crazy Kev’s education revolution is that you pay the ongoing costs forever.

The DEPUTY PRESIDENT—Senator Mason, you should refer to people in the other place by their correct title and not those that you might construct on the spur of the moment. Thank you.

Senator MASON—Mr Deputy President, when I said ‘Crazy John’ I was not referring to you, sir.

The DEPUTY PRESIDENT—No, you used the Prime Minister’s name in a way that was not fitting—and it would not matter who was the Prime Minister; I would ask you to correct that.

Senator MASON—I apologise, Mr Deputy President. In the case of state schools that means that state governments will bear the costs. Who here would charge state Labor governments with looking after our schools? I know in my home state that the state Labor government cannot even air-condition the schools for the students. How can we trust them to look after all those ongoing costs? When it comes to independent and Catholic schools, who is going to be—

Senator Birmingham—Working families.

Senator MASON—Working families will be footing the bill—those schools and those parents will be footing the bill, not Mr Rudd. And, of course, what we now know after the embarrassment of estimates is that the deception goes much deeper. In fact, the minister confirmed this today. Initially the argument was: there will be one computer for every student. Now we know from estimates and today’s answer that at best it might be one computer for every two students. This was a deliberate deception at the time of the election—a very glib phrase, it sounded great, but an absolute deception. What we now talk about, apparently, is access. That is now the new argument, that is the new terminology, not ‘one computer each’. And we learnt yesterday that apparently broadband may not be unrolled to schools until next year. Senator Coonan uncovered that atrocity. So we now know these great laptop computers may not be fed from broadband. So what have they got? Nothing better than typewriters. This education revolution is a glib sham and it is typical of the first 100 days of the Rudd government: all symbolism and nothing below it. (Time expired)

Senator WORTLEY (South Australia) (3.12 pm)—This government is concerned that, as we lead into the Easter break and families are preparing to head off to country and seaside locations, or interstate to visit friends and relatives, they may end up paying more for their petrol. But, as I say that, I look at those opposite and think: do they really believe that this is the first time that Australian families have had to pay more for petrol at Easter time, on weekends or during the Christmas holidays? They had 11 years in government. Are they saying that that did not occur during their reign?

But there is a difference. The Rudd Labor government has put in place mechanisms to assist in addressing this issue. The first point is that we have introduced greater transparency into the petrol market in Australia in the last four months than the previous government managed to do in 11 years. Since its election the government has moved to appoint a full-time petrol commissioner. Patrick Walker has spent 10 years as Western Australia’s Consumer Protection Commissioner. He will keep a continual watch on the industry and regularly report to the govern-
ment. The government has also asked the ACCC and the new commissioner to commence a renewed focus on LPG and diesel prices to advise it on whether any further powers for the ACCC in this area are necessary or desirable. Pat Walker is due to start on 31 March.

Formal monitoring powers are also being given to the ACCC on unleaded petrol prices. This gives the ACCC the power to seek documents and to subpoena witnesses about decisions at any point in the supply chain to ensure that there is no anticompetitive conduct. The government and the ACCC have also agreed that the commission will undertake a more detailed examination and ongoing monitoring of buy-sell arrangements; will complete an audit of terminals suitable for importing refined petrol into Australia, covering terminal capacity, use, leasing and sharing arrangements; will provide ongoing monitoring of the use, leasing and sharing of terminals suitable for importing refined petrol into Australia—and it goes on.

We have always fessed up to the Australian people on the key factors that drive Australia’s retail petrol prices. However, we depart from the coalition on what the government can and should be doing in promoting competition and transparency in the petrol market. Members opposite need to look at what they did in 11 years of government. Over Easter we will have ACCC inspectors and officers for fair trading in New South Wales and Queensland on the ground investigating petrol prices and taking action against any companies which are engaging in misleading and deceptive conduct.

The Rudd government take both consumer affairs and competition policy seriously. We take seriously the plight of working families and small businesses, both of which would bear the burden of high petrol prices. The Rudd government is committed to making a difference for consumers. Indeed, it wants to empower consumers by making markets fairer. As well as working for retail price transparency in the petrol market, we on this side will crack down on cartels which defraud consumers and we are instituting a significant inquiry into the grocery industry. The Rudd government is doing everything it can to put downward pressure on petrol and grocery prices, to help ease cost-of-living pressures on working families, together with its five-point plan to win the war on inflation.

I cannot move on without looking at education, another issue that was raised by senators over there, and computers in schools. The Rudd government made an election promise and the government is keeping that promise. The government policy promises access to a computer for every student in years 9 to 12. We are on the way to delivering this promise. The first $100 million of the $1 billion for the digital education revolution will be rolled out this financial year. We have already opened round 1, inviting 937—(Time expired)

Senator BIRMINGHAM (South Australia) (3.18 pm)—What a remarkable performance we witnessed today in question time from Senator Carr. It was truly remarkable. At one stage today the minister asked those opposite whether we found his performance humorous. Well, it was humorous to a degree—humorous in the like of a tragic comedy. It was a true comedy of errors that we saw taking place opposite. As Senator Carr flailed around, shuffling his notes, shuffling his folders and struggling to find a brief, he was given only brief respite by the occasional point of order that allowed Senator Faulkner to whisper some advice in his ear.

Senator Hutchins—You called the points of order.
Senator BIRMINGHAM—It truly was a remarkable performance. Senator Carr should have been grateful for the points of order because they did help him out remarkably. We found it funny. Of course, I noted not everybody on the other side found it funny. There were senators with their faces buried in their hands. Senator Ray had to leave the chamber during one of Senator Carr’s remarkable performances, such was his lack of humour at the performance we saw put on.

We saw Senator Carr flail from issue to issue today. When asked up-front about the news that is across all the newspapers today about the estimated windfall revenue gain that the government may get from its carbon emissions trading scheme—the government may receive up to $20 billion—Senator Carr had no idea. He clearly had not read his clips, had not been briefed or could not find the brief. Whatever it was, he had no idea that there could be $20 billion coming the government’s way and could not tell us whether they were going to pocket that or whether they were going to give it back to households, to working families and to Australians to meet the increased costs that will come with climate change. Indeed, when asked directly by Senator Milne about the Labor Party’s policies and how they might go about helping working families adjust to the costs of climate change, once again Senator Carr could not answer. That was not a question about somebody else’s comments; that was a direct question from Senator Milne, who I see has entered the chamber, about Labor’s policies that they took to the election. We saw Senator Carr with no idea. He had no idea on their policy, no direction at all.

When asked about petrol supply, which Senator Wortley just talked about, the best he could do was talk about petrol prices because he looked up ‘p’ for petrol, found something on petrol prices and thought, ‘This will do.’ Nothing on petrol supply was uttered—nothing, because he could not find a brief to refer to, quite clearly. He was hapless and hopeless without finding such a brief. It really was a remarkable performance.

Then when questioned about plastic bags he repeated the ‘no Commonwealth levy’ assurance given by Mr Garrett, after some flip-flopping on the issue, of course, and after overturning what had been said in Senate estimates evidence. The minister for the environment had already changed where the government was going on this. Senator Carr today was asked not about a Commonwealth levy—because we will take the government at its word that there will not be a Commonwealth levy—but about the government’s position on any levy on plastic bags. Indeed, what I suspect will occur when the environment ministers meet is we will see an agreement to have a uniform national levy implemented by the states and territories. It will be a national levy by backdoor mechanisms. They will be able to say it was not a Commonwealth levy, but it will be a national levy and it will hurt working families. It will hurt working families just because this government wants glib headlines about plastic bags rather than seriously tackling issues of waste management.

Senator Carr has another six or seven weeks now to sweat it out before he has to face question time again. And sweat it out I have no doubt he will. We will no doubt see, if these performances continue, that one day the Prime Minister will have to say to Senator Carr, as they do in the TV show The Weakest Link, ‘You are the weakest link—goodbye!’ and welcome somebody else to the front bench to replace the unable Senator Carr. (Time expired)
Senator HUTCHINS (New South Wales) (3.23 pm)—Mr Deputy President, you and I were sitting next to each other in question time and you may recall that I commented to you that I thought it was ‘pensioner day’ today because Senator Kemp got up and then Senator Lightfoot. I am not sure whether to categorise Senator Ian Macdonald that way. I do not know whether he has one foot in the grave or not. That is for his own side to work out.

I want to comment on the silly strategy that the opposition conducted today. The minister in charge of petrol pricing is Chris Bowen, the Assistant Treasurer. Not one of the opposition’s questions was to the Assistant Treasurer.

Senator Abetz—It wasn’t about prices.

Senator HUTCHINS—It was about prices. Then there was a question to a minister representing a minister representing a minister. Senator Carr attempted to answer the questions they were giving him, but in fact they should have been sent to the Minister representing the Assistant Treasurer. This is Eric’s first day of taking over the leadership of his party in the Senate and already their strategy is in a shambles. On his first day of taking over, the first thing Senator Abetz did was let the pensioners off the leash and let them have a go.

Senator Abetz interjecting—

Senator HUTCHINS—Withdraw that.

The DEPUTY PRESIDENT—Senator Abetz, I do not need you to adjudicate as the chair. Senator Hutchins, you should withdraw that.

Senator HUTCHINS—I withdraw that.

Senator HUTCHINS—As I said, the strategy today seemed a bit pointless. If you want to know about petrol prices, you ask the Minister representing the Assistant Treasurer, not Senator Sherry, not Senator Carr and not a minister representing a minister representing a minister. You should ask the Assistant Treasurer, because that is the area that involves this portfolio.

You asked what the government is doing in relation to petrol prices. Let me tell you what we have been doing. We have been doing more than you ever did in 11½ years.

Senator Abetz interjecting—

Senator Ian Macdonald interjecting—

Senator HUTCHINS—You were both ministers in that government and you did bugger all.

The DEPUTY PRESIDENT—Excuse me; withdraw that.

Senator Abetz—Withdraw that.

The DEPUTY PRESIDENT—Senator Abetz, I do not need you to adjudicate as the chair. Senator Hutchins, you should withdraw that.

Senator HUTCHINS—I withdraw that. As you are well aware, and you were advised of this in question time, Mr Graeme Samuel, the head of the ACCC, has written to the oil companies and put them on notice about unfair prices at the bowser. He has asked them to justify themselves to him if anything happens over this Easter break. A hotline has been set up by the ACCC to monitor prices so that if anybody believes that the oil companies or the petrol stations are ripping them off they will be able to go straight to that hotline and, as Senator Sherry said, cooperate with the inspectors from the departments of fair trading in New South Wales and Queensland in particular to ensure no ripping off goes on.

As I said, you lot were in power for 11½ years. Both Senator Abetz and Senator Ian Macdonald were ministers in the former government and they did nothing at all. We
are now acting. In the 100 days that we have been in power, we have said that we will set up a petrol commissioner. That will be Mr Patrick Walker, as Senator Wortley has outlined. We have also advised the oil companies in writing that, as well as the fines at the moment for collusion, we will criminalise cartel conduct. There will be no few hundred thousand dollar fines which they can cover; we will criminalise it so that those oil company directors or people who cooperate in trying to push up the price of fuel may find themselves spending a few years in jail if cartel conduct is proven. We have done that; what did the opposition do while they had the opportunity to do anything about it? Nothing at all.

I do not know what they expect the government to do in relation to this. Are they really suggesting that we should nationalise the petrol companies? I know Senator Brandis and Senator Mason like to travel around the world, popping in on the odd communist dictatorship, like they did in Cuba. I know they would like to nationalise that in Cuba and I think they have in Venezuela or Colombia. Maybe that is the solution. Maybe that is what Senator Ian Macdonald will get up and advise us we should do: take a leaf out of George's and Brett's book and go over to Cuba and see what Fidel would do. That is what they want us to do: just nationalise.

We have acted, and we have acted swiftly. The oil companies know that they are on notice. Petrol stations know that they are on notice. If they misbehave over this weekend—(Time expired)

Senator Ian Macdonald—Mr Deputy President, I rise on a point of order. I did not want to interrupt Senator Hutchins during his speech, but I want to rise on a point of order about Senator Hutchins' language. He made a derogatory comment about pensioners. Senator Birmingham, Senator Kemp and I do not care if he is referring to us, but it was a derogatory slur on pensioners in Australia and I think that Senator Hutchins should be invited to apologise to pensioners for being derogatory in the way in which he referred to them.

Senator O'Brien—Mr Deputy President, I rise on a point of order. That is an outrageous proposition. There was no attempted slur on pensioners in this country. This is an attempt to verbal Senator Hutchins in relation to what he said. He was suggesting in a colourful way that there are certain senators here who are not going to be in this chamber for very long. I think everyone understood that. Therefore, there is no point of order.

The DEPUTY PRESIDENT—There is no point of order.

Senator ABETZ (Tasmania) (3.29 pm)—It is quite obvious that the talent pool within the Labor Party is very shallow. We on this side thought that the performance of Senator Carr was such that people like Senator Hutchins and Senator Wortley might be champing at the bit to replace him, but I must say that their performances were even more abysmal than Senator Carr's, hard as that is to believe. We had the hapless Senator Hutchins tell us about the issue of prices for petrol. He made exactly the same error as Senator Carr. The question that was asked was: is there a petrol supply shortage in Australia? Senator Carr, not having a brief on the matter but having a brief on petrol prices, spoke all about petrol prices. Even in taking note of answers, Senator Hutchins, having no idea about petrol supply, talked about petrol prices. It was completely irrelevant to the issue that was actually raised.

Senator Wortley raised petrol prices. She said, 'What did you do about petrol prices during your 11½ years?' One thing we were was honest with the Australian people. Prime Minister Rudd went to the election last year
promising that he could do something about petrol prices—like King Canute, saying that he could turn back the tide. At the time King Canute said it, people rushed around him and said, ‘What a great idea. We like this King Canute fellow,’ and they went and followed him. But, of course, as time went by, King Canute realised that he could not turn back the tide. I understand in that fable that King Canute at least was honest enough to say that he had become too arrogant and sought an apology. I think that is what Prime Minister Rudd ought to do, because he went to the Australian people saying: ‘I hear you on petrol prices. We will do something about it.’ But what has happened with petrol prices? In Sydney they are already at $1.50. One of the issues confronting Australia is the supply of petrol. It was a very large article in the Sydney Morning Herald. That Senator Carr should come in here not briefed on the topic was an absolute disgrace.

For Senator Hutchins to somehow say that this was an issue being asked of a minister representing a minister representing a minister of course is also wrong, because the supply of petrol falls very neatly within the jurisdiction of the Minister for Resources and Energy, who he represents in here on a regular daily basis. He should have been fully briefed on the matter, but he was not. So no matter where we go with Senator Carr, be it on a free trade agreement, be it on plastic bags, be it on schools, be it in any area whatsoever of the responsibilities that he has in this chamber, he is unable to give a coherent answer. It is either because of his overblown sense of self-importance or it is because of his incompetence. I unfortunately fear it may well be the latter. But, of course, when incompetence is there then the arrogance comes in to try to make up for the incompetence.

Senator Ian Macdonald—But I tipped him off on the question!

Senator ABETZ—You are quite right, Senator Macdonald. In relation to the question that Senator Macdonald asked, he actually rang Senator Carr’s office and said, ‘I’m going to ask you a question about this particular dam.’ So what did he do? He comes in here and reads out a brief—I think the only brief he had at question time, the one that he was warned about—but he had the wrong brief. What do you have to do to assist a minister? Indeed, Senator Faulkner and Senator Conroy were trying to assist him during question time as well. Senator Faulkner unfortunately let out some words that Senator Kemp misunderstood as having been said by Senator Carr. But really, Senator Carr had no idea. It was an embarrassment. The people of Australia clearly deserve better ministerial representation in this place.

Prime Minister Rudd made a promise to the Australian people that there would be accountability, that there would be transparency and that ministers would give full and proper answers. What we saw today from Senator Carr was obfuscation writ large in relation to every single area that he was asked about. Senator Carr has dismally failed on all the counts that Mr Rudd says that we as the Australian people can judge him on. (Time expired)

Senator MILNE (Tasmania) (3.34 pm)—I wanted to say first of all that I was disappointed that Senator Carr did not pick up more quickly the import of the question I asked about energy efficiency. It was basically to recognise that we are going to have a carbon price, that a carbon price is going to increase the cost of energy to Australian consumers, and that that will have a disproportionate impact on low-income earners. I think we all accept that that is the case. The Garnaut report out this afternoon on the emissions trading system acknowledges that as well.
The point I was making to Senator Carr was to say that cash payments and low-interest loans do not work and that a far more desirable option is to use money from the auction of permits to pollute to invest in energy efficiency. It is the old saying: if you give people a fish, you feed them for a day; if you teach them how to fish, you feed them for life. The proposal with energy efficiency is this: if you assist people to upgrade their homes to be more energy efficient then their energy bills are going to be less and it is going to be less permanently over time because you have fully insulated their house and you have reduced the cost of their hot water by installing solar hot water. The Greens have thought about this for a long time. We have the EASI policy initiative to upgrade the whole of Australia’s existing housing stock—7.4 million houses—and that takes into account of course all rental accommodation, because there is no incentive at the moment for landlords to upgrade when their tenants are in a position where they have to pay regardless. This would allow us to spend money up-front retrofitting the country and reducing people’s power bills permanently. Do you give them a small amount of cash in their hand, which is inflationary, or do you invest the money in giving them lower power bills permanently?

I am pleased to say that Professor Garnaut in his report today acknowledges that investment in energy efficiency is one of the ways that you can help low-income households. I really welcome the fact that he has said that. I welcome the fact that there is a recognition of the importance of energy efficiency, but now I am delighted that Senator Carr said this afternoon, ‘I would have to agree,’ when I asked him if the government would consider implementing the Greens’ Energy Efficiency Access and Savings Initiative, or EASI, for investment in retrofitting 7.4 million households across Australia. I am very pleased that the minister has said that they will consider implementing it, that they agree in relation to energy efficiency, and I look forward to working with the government to see if we can roll out energy efficiency. The other advantage of it, above cash payments, is that it helps with the structural adjustment to help declining communities. There are going to be some communities that are losers in a low carbon economy, but they can be made winners if you introduce new industries. If we made solar hot water compulsory and if the government paid up-front then there would be a whole new industry, a massive expansion in energy efficiency technology. That would mean rolling out that technology, employing people in those fields, in those jobs. And, of course, that would mean not only the manufacture of those energy efficiency technologies but also their initial installation and their maintenance. There would be jobs around that whole new low carbon economy. It is also a support for public infrastructure, because you would not only do it for private housing but also move into the commercial sector. It has the advantage of being anti-inflationary, it gives you long-term lower energy prices and it assists in new job creation in the new low carbon economy. It is a win all around.

There is no disadvantage to the scheme of using money that you get from selling the permits—and Professor Garnaut is recommending 100 per cent auctioning—and I hope that the government will agree with him and recognise that, for this system to have integrity, auctioning the permits is the way to go. I also welcome it dovetailing with international emissions trading schemes so Australia is not out on its own, that we are ready to dovetail with other schemes. I also recognise the importance of Professor Garnaut saying that we should not be taking agriculture and forestry in straightaway because the data is not good enough to have
integrity in the scheme as yet. But I am concerned about shifting the burden to the future. I do not want to have a scheme which is tightened up later. We should be taking the tightening now and tightening further later on. Because the science is moving very fast, I am concerned that if we think we have it right to start with we are going to leave future generations with a terrible burden. *(Time expired)*

Question agreed to.

**MINISTERIAL STATEMENTS**

The DEPUTY PRESIDENT (3.40 pm)—My advice is that the proposed ministerial statement has not been made in the other place.

Senator IAN MACDONALD (Queensland) (3.40 pm)—by leave—Mr Deputy President, the copy I have from the parliamentary liaison officer, which I do concede says it is under embargo until the statement is made in the House of Representatives, is actually dated 20 March.

The DEPUTY PRESIDENT—It may well be, Senator Macdonald, but I understand it has not been made. Let me see if the parliamentary secretary on duty can enlighten us.

Senator Stephens—I understand that the statement has not yet been made in the House of Representatives and therefore it will be tabled here at the first available opportunity after that.

The DEPUTY PRESIDENT—There is your answer, Senator Macdonald.

Senator IAN MACDONALD—Thank you, Mr Deputy President. I take the parliamentary secretary’s advice in all good faith. However, it would seem to me that by this time it may well have been made.

The DEPUTY PRESIDENT—The advice is that it has not been made, Senator Macdonald.

**INTERNET FILTERING FOR SENATORS**

The DEPUTY PRESIDENT (3.42 pm)—On behalf of the President, I read a statement on internet filtering for senators:

Following discussion in the Senate Appropriations and Staffing Committee, I have agreed that the internet filtering that currently applies to Department of the Senate employees on the parliamentary computing network be extended to all senators and their staff. Should a senator require access to a website that may be restricted by the filtering system, they can arrange temporary or permanent access through the Usher of the Black Rod.

The Department of Parliamentary Services provides the internet filtering system on behalf of the parliamentary departments. I understand that DPS is currently engaged in identifying a replacement filtering system in conjunction with Senate and House of Representatives officials.

**COMMITTEES**

Appropriations and Staffing Committee Report

The DEPUTY PRESIDENT—I present the 45th report of the Standing Committee on Appropriations and Staffing on the Department of the Senate’s budget; Ordinary annual services of the government; and the Parliamentary computer network.

Ordered that the report be printed.

Membership

The DEPUTY PRESIDENT—The President has received letters from party leaders seeking variations to the membership of committees.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (3.44 pm)—by leave—I move:
That senators be discharged from and appointed to committees as follows.

Community Affairs Committee—

Appointed, as a substitute member: Senator Crossin to replace Senator Polley for the committee’s inquiry into the provisions of the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008

Appointed, as a participating member: Senator Polley

Electoral Matters—Joint Standing Committee—

Discharged: Senator Fifield

Appointed: Senator Ronaldson

Regional and Remote Indigenous Communities—Select Committee—

Appointed: Senator Siewert


Rural and Regional Affairs and Transport Committee—

Appointed, as a participating member: Senator Murray.

Question agreed to.

MIGRATION LEGISLATION AMENDMENT (COMPLEMENTARY PROTECTION VISAS) BILL 2006 [2008]

Second Reading

Debate resumed from 13 September 2006, on motion by Senator Bartlett:

That this bill be now read a second time.

Senator BARTLETT (Queensland) (3.45 pm)—This legislation was introduced in the Senate by me on behalf of the Australian Democrats nearly two years ago and reinserted to the Notice Paper after the recent federal election. It proposes the establishment of a new category of visa, known as a complementary protection visa. It seeks to significantly improve the efficiency and effectiveness of a significant category of visa applications under the Migration Act. There are around 150 different visa classes and subclasses, and I am on record calling for a significant rationalisation and reduction of them—so it might seem a bit strange that I am proposing legislation to add a new category of visa to the existing ones, but this mechanism would deal with what is a serious ongoing inefficiency and, I might say, a very non-transparent process that affects thousands of people each year.

The purpose of a complementary protection visa is to deal with those claims made in Australia by people whose circumstances do not meet the refugee convention definition of a refugee but nonetheless have compelling humanitarian or safety reasons why they cannot return to their country of origin and do not have any other place or any other country that they can go to. This gap is due to the fact that the protection of the refugee convention does not cover every possible humanitarian situation. So, whilst in general parlance we might use the term ‘refugee’ to mean somebody who has fled a dangerous circumstance, in a legal sense the definition of ‘refugee’ under our Migration Act, as reflected in the refugee convention, is actually fairly narrow. It does not necessarily deal, for example, with cases where people are stateless, cases of people who have come from a country enveloped in civil war, cases of people who have been subject to gross violations of their human rights for reasons other than those in the refugee convention, cases where people would face torture upon returning to their country, or other sorts of circumstances where people have come from a country.
where general law and order no longer exist. All of those circumstances can apply without somebody falling into the category of ‘refugee’ under the convention.

I believe, and the Democrats believe, that a clearly defined statutory model of complementary protection would provide a fairer, far more consistent, far cheaper, far more efficient and much quicker system for determining and resolving the situations of people in Australia who have clear and strong humanitarian reasons why they cannot be returned to their country of origin. It should also be emphasised that, particularly at a time when we still have mandatory detention existing under the Migration Act, it is people in this category that have often been amongst those who have been in long-term detention. I note the new Minister for Immigration and Citizenship, Senator Evans, has, to his great credit, indicated his desire to finalise and resolve the circumstances and claims of people who have been in detention for prolonged periods of time. He identified 61 people who have currently been in detention for a period longer than two years—not all of them are in this situation, I might say; but some of them are.

In addition to those, there are many others out there in the community—on return pending bridging visas, removal pending bridging visas and other forms of bridging visas—whose refugee claims have not been successful but who are, nonetheless, not realistically able to be returned. This includes people who are stateless. I know of some circumstances of people who have been in detention for four, five or six years, and who have been refused—correctly, in a legal sense—a protection visa because they have not met the refugee convention criteria but nonetheless clearly cannot be returned to their country of origin. These people are stateless and have nowhere else they can go. We know that. They know that. They have actually said, ‘We will go anywhere—any country that will take us, please.’ But there is nowhere that will take them. So, as a consequence, they have stayed in detention for very long periods of time. Some of those people are now out in the community, but they are still in the community on temporary visas—temporary humanitarian visas, bridging visas, removal pending visas. All of these sorts of visas have differing entitlements attached to them but have one thing in common, and that is a lack of security, a lack of certainty, and they leave the circumstance unresolved. This is particularly stressful for the person but it is also unsatisfactory for the department and our migration system, because it leaves a case that is still pending. It is inefficient, it is expensive, and it is frankly inadequate.

The other big problem with the existing system is that all of these people have no direct, clear process to make an application to deal with their circumstances. Even people who know they do not fit the refugee criteria, and who are quite honest about that but believe they have a compelling humanitarian case—people who, for example, may face torture for other reasons if they are sent back—have no alternative but to apply for a visa they know they are not entitled to. They do this—even where they know they are not entitled to the visa—so that their application can be rejected and they have to appeal to the tribunal. At that stage, they can put in a specific request for the minister to make a personal intervention. This is because, under the current legislation, the minister cannot intervene to make a decision about a visa until somebody has had their application for a specific reason rejected, and had it rejected again on appeal to the Refugee Review Tribunal or the Migration Review Tribunal.

So we are forcing people to apply for visas they are not eligible for, forcing them to appeal to a tribunal when they know they are
not eligible for it, wasting the resources of the department, wasting the resources of the tribunal, and then going into a ministerial discretion process that is completely arbitrary, totally nontransparent and unpredictable. This process is also grossly overloaded for precisely this reason—or at least in part for this reason. People have no other avenue.

It is an absurdly inefficient system and one that is not codified, which leaves a real risk of it being inconsistently applied, and not transparent with regard to the reasons behind why some applications are accepted and others are rejected. I can certainly attest to that fact, as can a number of parliamentarians who make requests to ministers. There are many people in the community who make requests to ministers to intervene in humanitarian cases. They have been doing this sort of thing for years—as I have—and have no idea why one person is successful and another person is not. At least, with a normal visa statutorily defined, if you are rejected you will get reasons why you were rejected and you can see if the reasons make sense. If they have any errors of fact, you can appeal if necessary on the basis of a mistake, an error in law—any of those sorts of things. You cannot do that with ministerial discretion; it is completely at the discretion of the minister. It is not appealable, not compelable and not transparent. It is a very inefficient system.

I should emphasise that this is not a new problem; this is not some recent frolic or little quirk that the Democrats are trying to identify. This has been identified a number of times in Senate committee inquiries. As long ago as June 2000, a report entitled A sanctuary under review: an examination of Australia’s refugee and humanitarian determination process was tabled in this chamber by the Senate Legal and Constitutional References Committee. The committee, which was then chaired by Senator Jim McKiernan from Western Australia, a Labor senator, brought down an almost unanimous report; it was certainly unanimous in this regard. It recommended that the government examine the most appropriate means by which Australia’s laws could be amended so as to explicitly incorporate the non-refoulement obligations of the convention against torture and the International Convention on Civil and Political Rights into domestic law. I was a member of that committee and the rationale behind that recommendation was, in part, because of the inefficiencies of having to go the circuitous and opaque route of ministerial discretion. That was, as I said, a unanimous report, including from the Liberal Party members of the committee, which at that time were Senator Payne and Senator Coonan. It also included me and three Labor senators, one of whom was Senator Ludwig, who has now gone on to greater things.

I urge the new Minister for Immigration and Citizenship, Senator Evans, to examine that report and, even more so, to examine the report of the Senate Select Committee into Ministerial Discretion in Migration Matters, which reported in 2004. By that stage, sadly, migration issues had become much more partisan and politicised, so the Liberal members of that committee did not sign on to the recommendations, but nonetheless the Labor and Democrat members did sign on. That committee was chaired by the aforementioned Senator Ludwig, as well as having Senator Wong and Senator Sherry—and those three Labor members are all now senior members of the ministry. The report included a recommendation that the government consider adopting a system of complementary protection to ensure that Australia no longer relies solely on the minister’s discretionary powers to meet its non-refoulement obligations under various international conventions, such as the convention against torture, the Convention on the Rights
of the Child and the International Convention on Civil and Political Rights. For those who are not aware, ‘non-refoulement’ basically means ‘non-return’—not returning people to face torture, persecution or other serious circumstances.

The report—and, again, I urge the minister to examine the material and the rationale put forward in that report, supported by all of the Labor members of the committee, all of whom are now ministers in the new government—examined and agreed that we needed a system of complementary protection. From pages 138 onwards of that report is evidence from the human rights commission proposing these sorts of things. Other material was put forward that pointed to the proposals by the Executive Committee of the United Nations High Commissioner for Refugees program, EXCOM, talking about the need to operate and have an effective system of complementary protection. The Refugee Council of Australia put forward proposals in that regard and had a paper presented to the inquiry, entitled ‘Complementary protection: the way ahead’. I know that some of those bodies working in this area—the Refugee Council of Australia, A Just Australia and others—are continuing to explore and propose ways to implement a system of complementary protection.

This legislation is based on a recognition of a longstanding need to improve the efficiency and fairness, quickness and transparency of our migration system. I do believe that it is a simple and effective way of doing it. I know the new minister is examining, as is understandable, the way the Migration Act as a whole works now and areas where he can make improvements. I understand that he wants to take time to do that and to look at the best ways to do it, so I urge him to look at the model that it is put forward in this legislation and some other similar models.

I note from today’s Age newspaper that the minister is looking at trying to streamline and fast-track the operation of the temporary skilled worker visa program. I very much support him in doing that and making it work more efficiently and effectively—not putting in place lots of pointless red tape that costs enormous amounts of money and makes the whole system work less effectively and makes it harder. This is one of the key reasons for these things; I think it is often forgotten. It is against our own interests as a nation to make it harder for people to get a clear, quick, understandable, consistent decision on a visa application. The same principle applies whether you are talking about a visa application for a skilled worker, an engineer coming here from India or somebody who is already here and seeking a decision on whether or not they can stay on humanitarian grounds.

It is in the public interest to have quick decisions made and to have them made fairly, consistently and openly. That saves enormous amounts of money. It means that people who do get a successful decision are able to contribute economically and socially to the Australian community much more effectively. We all know that the longer people live in a state of uncertainty, the longer they have to struggle on without proper opportunities to get support, the harder it is for them to settle. They develop difficulties in regard to mental health issues and the like from the stress and that diminishes their potential for contributing effectively to the Australian community.

It is not just some bleeding heart measure to say, ‘We need to help these poor people; let’s be nice to them.’ It is not just to make us feel good. It is actually in our own interests economically, as much as anything else, to have people receive quick, open, fair decisions so that those that are accepted on valid grounds are able to contribute effectively as
quickly as possible in the Australian economy, community and culture and those that are rejected are given clear reasons why. They do not have to go round and round in circles and then get a letter back from the minister saying, ‘I just choose not to exercise my discretion,’ but giving no reasons. Then nobody is clear why this person is rejected and the other person is not. It is precisely the sort of uncertainty that leaves people in a situation where they keep fighting, dragging it out year after year at great stress to themselves and great cost to the taxpayer.

Overall, it does not really help the effectiveness and coherence of our migration system and laws. If people get a decision with clear reasons as to why they are rejected, they are much more likely to say: ‘Okay, I’m not happy but I understand; I’ll look for other options. I’ll return, if that’s possible, or I’ll do other things’. I am not saying that will happen automatically all of the time, but the evidence shows that that is what happens. If people are actually given open, clear reasons that they can test, they feel like they have had at least a fair go and a fair hearing and they are much more likely to accept the decision than if they feel they are getting the run-around.

I support the new Minister for Immigration and Citizenship in his attempts to streamline the skilled visa program and expand it. I support the minister for, as it says here, considering allowing climate refugees to resettle in Australia and allowing unskilled workers from Pacific islands as well. It might seem like it is a separate issue but it all links to having a clear and coherent system based on rational reasons which operates as quickly and as clearly as possible.

I might say in regard to climate refugees that that is another example where we use the word ‘refugees’ in a general sense. We all know what it means, but it is actually not and it is never going to be part of the refugee convention. There is no way the refugee convention is going to be reopened and redefined to include climate change refugees. It does not come under the current criteria of the refugee convention, not surprisingly. But it does come under precisely the sort of criteria that would apply in regard to complementary protection. This would actually be a very clear-cut, simple way for climate change refugees, as we use the term in the general sense of the word, to be accepted in Australia. There are clear humanitarian circumstances where people cannot return as a direct consequence of severe environmental degradation, for example, and they could fit under this category. That would be much better than having to just use ministerial discretion or have set up some specific things just for climate change refugees. It allows flexibility within the context of a clear set of statutorily defined guidelines.

I support the minister in what he is doing in the Migration Act more broadly whether it is in the area of skills or other areas. But I would also urge him to look at it in regard to this area. Even under the previous government a number of ministers clearly acknowledged that the ministerial discretion system is broken. It is not the job of the migration minister to be micromanaging thousands of individual migration visa requests. You employ a department to assess claims. There is a whole section set up that deals with these now but the power can only be exercised by the minister, and dealing with individual claims is not what our migration minister should be doing.

This legislation would significantly reduce the dysfunctionality of the ministerial discretion system that currently operates, and that is needed. I think all sides of politics would agree on that. It puts in place a scheme that is clearly defined and therefore contained. It does not just open up open slather for anyone...
we feel sorry for, but it removes the inconsistency and the lack of transparency that currently applies. Any change to the Migration Act that means it will operate at less taxpayer cost, at greater efficiency and quickness and with fairness is something that we should seriously consider and I hope the government and the new minister does.

Senator Abetz—Mr Acting Deputy President, I rise on a point of order. It is a point of order that I do not expect a ruling on now, but I would seek to draw to your attention that the official tape of the Hansard does disclose Senator Carr saying the words alleged by Senator Kemp during question time through his point of order. I therefore ask the President to consider whether that language was in fact unparliamentary and should be withdrawn.

The second matter that I would raise for consideration by the President is this. On that point of order being raised by Senator Kemp, Senator Evans asserted that Senator Kemp’s statement was untrue, was verbailing the minister and vexatious in circumstances where the tape now clearly bears out every single point made by Senator Kemp. In those circumstances, I believe Senator Evans should be asked to withdraw making that allegation against Senator Kemp. I do not need a ruling now, Mr Acting Deputy President, I realise it may put you in a difficult position, but I think that the matter should be dealt with after review of the tape.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Senator Abetz, I will bring to the President’s attention the remarks that you have just made.

Senator BARNETT (Tasmania) (4.06 pm)—I stand to speak to Senator Bartlett’s Migration Legislation Amendment (Complementary Protection Visas) Bill 2006 [2008]. Before addressing specifically different provisions of the bill and the comments made by Senator Bartlett, I want to say at the outset that I am very proud of the good record of the previous coalition government when it comes to having a sound immigration policy and a sound immigration system that is relevant to Australia—not just to the economic development of our great country, but to the expression of compassion and care, specifically to those who are refugees. Over the 11 years of the coalition government, we welcomed more than 100,000 refugees and humanitarian entrants. I notice that in the past 12 months or so we increased the size of our offshore humanitarian program from 12,000 to 13,000 places, and that included an increase in the refugee component from 4,000 to 6,000. You can compare the record in different ways, but Australia’s record of welcoming refugees to this country is certainly very good. It has been said that Australia has the second-best record in the world, second only to Canada, for refugee intake.

In any event, the commitment by the previous coalition government of around $500 million a year was made. It was made to support resettlement services, including the Adult Migrant English Program, which included 510 hours of English language training plus a special preparatory program providing an additional 400 hours of English training for eligible people with high needs. I want to commend those involved in the various ethnic groups and other groups around Australia, particularly in Tasmania. Barbara Blomberg, for example, who is based in Hobart, has showed leadership and advocacy for those who need it and has supported those in need—those coming in with refugee status or on some sort of humanitarian program.

The previous government provided 13,000 places for 2007-08 in that humanitarian program and an additional $209 million spent over four years on a series of programs de-
signed to assist humanitarian migrants to thoroughly integrate into Australia’s broader society. That included $128 million additional support for newly arrived humanitarian entrants to learn English. The point I wanted to make at the outset is that the record is strong, it is good, and that it is not just for the purposes of economic growth to this country, but in terms of showing compassion and care and some humanitarian objectives—not just for our country but across the globe.

In turning specifically to Senator Bartlett’s bill, it is not something the coalition can support, for a number of reasons. It is because, at the moment, we do have a system in place. The system says that the refugees are assessed in accordance with the refugee convention, as specified under the Migration Act. It is a convention which our government and our country is a signatory to. That visa can be obtained, as Senator Bartlett has noted in his comments, through ministerial discretion. The concern is that if you set up a separate system—a complementary protection visa system is referred to in the bill by Senator Bartlett—then you are affecting the lives of those people who would otherwise have obtained refugee status and entered our country through the current arrangements. By handing out the visas to people who do not meet the criteria assessed against the refugee convention as specified under the Migration Act, then you are creating what I would term a queue-jumping arrangement. That is not something we would want to support on this side of the Senate chamber. And if that arrangement did come into place, somebody out there is going to miss out. The queue will be jumped under the system that would be established under the Democrats’ regime. That is something we would not wish to support.

Senator Bartlett and the Democrats have said that the current system does not cater sufficiently for those in an arrangement where there is torture or civil war, but I am not sure that is entirely true or accurate. Under the current arrangements, certainly those situations can be addressed and those applications can be successfully made through the discretion of the minister. Under the system, it sets up a fast track approach, a fast track legislative regime which provides complementary protection mechanism for refugees. But as I said, it is unnecessary and the concern is: would it open up the floodgates? What sort of arrangements are in place in terms of the numbers and the quantity of potential refugees coming into this country? As I said, we have a very good record and I hope that we can maintain that. And I call on the government to maintain the very good and strong record that we do have. In short, it would certainly allow for some refugees to be fast-tracked and get that fast-tracked visa at the expense of others. That is what we do not want and that is why we cannot support this particular bill.

I want to empathise with Senator Bartlett and his objectives. He has had a longstanding interest and concern in this area and has expressed care in different ways through different committees. He has referred to the legal and constitutional affairs committee and a report dating back to 2001 or thereabouts, which did make reference to the need for streamlining the processes of bringing the various refugees that we have into this country. I know that Senator Payne has chaired that committee and it is a committee that I am currently deputy chair of. I thank all of the members of that committee for their very valuable contributions over many years. But my understanding of that report is that it was recommending an examination of the processes. As I said, the recommendation that has been put forward and the objectives put forward by the Democrats in this bill are not something that we could support.
I noticed that the shadow minister for immigration and citizenship, Senator Chris Ellison, has demonstrated and expressed the views of the coalition, particularly over the last week, with respect to section 457 visas, and he certainly has demonstrated great leadership and advocacy for continuing the very strong record of a sound immigration system in Australia. What we need is an orderly entry system into this country. It is true that, since 1996 when the Howard government first came to power, something like 30 per cent of the migration intake was from skilled migration and that percentage has now shifted to 70-odd per cent. Last year, something like 102,500 of the total came from skilled migration. Of course, that is important because that is a key ingredient to building a strong economy. On the other hand, we have had a very good record with respect to our humanitarian regime and our efforts to care for and look after refugees—as I said, second only to Canada. I just hope that under the Rudd Labor government that strong record can continue.

In conclusion, I want to address the comments that Senator Bartlett made with respect to the Refugee Review Tribunal and some of the litigation that occurs with respect to the immigration system. It is true that some of these matters were addressed at Senate budget estimates, not only in the February hearings but also last year and, I am sure, in previous years. It is true that there is much litigation with respect to some of the processes, and perhaps there could be some reviewing and streamlining of the processes with respect to the applications that are made and considered. Certainly the Refugee Review Tribunal has a role and, of course, other courts, whether they are other federal courts or indeed the High Court. I think the senator does have a point in terms of the importance of streamlining the processes and making it clear to not only the refugees, potential refugees or potential applicants to those particular tribunals but to the community in general that we do not want months and years of litigation in front of us, with, of course, the community footing the bill in each case. We want a streamlined, clearer and more orderly approach wherever possible. In conclusion, I commend Senator Bartlett on his objectives and efforts. I empathise with his approach, but say that on this occasion it is not possible to support the proposed legislation.

Senator KIRK (South Australia) (4.17 pm)—I rise this afternoon to also speak on Senator Bartlett’s private senator’s bill, the Migration Legislation Amendment (Complementary Protection Visas) Bill 2006 [2008]. Before I begin my remarks, I would also like to formally recognise Senator Bartlett’s longstanding interest in refugee and humanitarian issues, thank him for raising this issue of complementary protection and acknowledge his contribution to this debate and to the debate more generally on these matters. I would also like to say—and it has been acknowledged by some of the previous speakers—that the new Minister for Immigration and Citizenship, Senator Evans, has indicated that complementary protection is one of the issues that he is considering as a part of a broad-ranging review into the operation of the Migration Act.

The minister has in fact indicated that he is favourably disposed to looking at how we might advance the matter of complementary protection. However, before going ahead, jumping straight into it and trying to make the changes immediately, which would be the effect of this bill if it were supported, what Labor wants to do is consult very broadly. We want to have a conversation with the community; we want to speak to stakeholders, people who are interested in the issues and academics who have an interest in the topic; and we want to consult with groups such as the UNHCR, who of course
have a very relevant interest in this matter. It is also important to realise that complementary protection itself raises very complex issues and these require careful consideration. It is not a matter that can be dealt with in a short space of time; nor can the complexities be glossed over for a broadbrush result. It is as a consequence of these concerns, which I will outline in more detail, that we are not able to support Senator Bartlett’s bill in the form it is currently in.

A number of speakers have already talked about what complementary protection is. It is of course used generally to provide protection to persons who do not fit within the terms of the refugee convention but who cannot be returned to their country of origin due to non-refoulement obligations under other international treaties or on more general humanitarian principles, such as providing assistance to people fleeing from generalised violence. Of course, these other international obligations to which Australia is a party include the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Covenant on Civil and Political Rights. So, as I indicated, Australia has an obligation under the refugee convention to not return a person where their life or freedom would be threatened on account of their race, religion, nationality or membership of a particular social group. We also have an obligation under the convention against torture to not return a person where there are substantial grounds for believing that he or she would be subjected to torture if they were to return to their own country. A similar provision exists under the ICCPR.

These obligations that I have referred to recognise that people should not be returned to a situation where they are likely to face very serious violations of their human rights, but it is important to recognise that a broad range of rights are covered by these treaties, such as the ICCPR, and not all of them give rise to an obligation to allow people to remain in Australia, particularly where there is a risk that the right will be breached in the person’s home country. It is the complexities and implications of this that I mentioned before that give rise to our concerns with the bill and our reasons for not being able to support it.

Senator Bartlett’s bill before us today, as I read it, would entitle anyone at risk of having any of their rights under the ICCPR violated to be able to remain in Australia. It is not clear, when you look at the bill itself, whether or not their entitlement would be to a permanent visa or to a temporary visa, but they certainly would have some entitlement to remain in Australia. If this were to occur then it would have the result of going well beyond Australia’s international human rights obligations. Labor does not believe that this is a step that should be undertaken lightly and without some thought and investigation. Our international obligations do set the benchmark for what we as a country should and must do, but when we are going beyond those obligations in a way that gives people an entitlement to live in Australia—potentially permanently—it is not something that we could endorse lightly in the terms that are presented in the current bill.

There are also a number of practical issues that need to be considered. There are, of course, strong parallels between complementary protection and refugee status. If we are to have a different system of complementary protection then there may be advantages to these types of claims being considered in a single process, with some administrative and resource savings. But under the bill as it is currently drafted this is not possible. It seems that under the bill there is a possibility for chain applications: first an application for a complementary protection visa and then one for a protection visa under the refugee con-
vention. It would make better sense, in our view—with all due respect to Senator Bartlett—to assess a person seeking non-refoulement first against the refugee convention, which in many respects provides a broader or lower set of tests to be identified for those in need of protection, rather than against some other instruments like the convention against torture or the ICCPR. We also think that it would be better if this were to be done as part of a single process.

The other thing that is unclear is what type of visa we give people approved under this process. As I said before, it is not clear whether or not it is a temporary protection visa or a permanent visa that is intended to be granted to these people. So, as I said before, the bill does raise a number of complex issues, not all of which have been adequately covered by the bill, and these issues certainly deserve further attention before rushing ahead and accepting it in its current form.

There is another really important issue as well which the government needs to be able to manage. This goes to the issue of the character of some individuals. We have to think about how we deal with situations where our international obligations are engaged but the people involved may pose some kind of danger to the community, whether it be for national security reasons or other reasons, and therefore we consider them to be undeserving of protection. Under the ICCPR there are no exclusion grounds in our non-refoulement obligations, so according to this private member’s bill—if it were to be enacted—the persons I have referred to would be entitled to be granted a visa to stay in Australia and, presumably, would be released into the community. Obviously, this would cause problems. This is another complexity that the bill simply does not address.

Another area that is not addressed is the review of decisions. As we know, the RRT only has jurisdiction to review protection visa decisions. We are left wondering whether or not those people not granted a complementary protection visa would be entitled to review of the decision and, if so, what form this review would take. So this is another matter that is simply not addressed in this legislation. The other problem is what form of complementary protection should be afforded. Throughout the world, in different states and different jurisdictions, countries deal with the matter of complementary protection in different ways. These can include either permanent or temporary residence based on humanitarian concerns and other matters. So the situation we have is that there really is no clear, fixed model or standard which can be pulled out and applied in the Australian context. If we were going to look at a system of complementary protection then we would really need to examine and compare what other states are doing and work out what is going to be best for us in Australia.

Senator Bartlett referred to the fact that currently these matters more generally are dealt with by the ministerial intervention powers that exist under the Migration Act. Of course, there has been a great deal of criticism of this ministerial intervention power. It has been the subject of numerous inquiries, including Senate inquiries in 2000, 2004 and, most recently, 2006. In fact the minister himself, Senator Evans, has acknowledged that he is uncomfortable with the powers that exist under the act, and he is taking advice on how things might work differently. The difficulties that exist with the ministerial intervention power have been outlined: it is a non-compellable power, it is non-reviewable, there are no strict guidelines as to how it ought to be exercised, there is no avenue of appeal from a bad decision and there is a lack of consistency in decision making. So it is quite clear that there are a
number of problems, and it is something that has to be addressed. The minister himself has acknowledged this and said that he is concerned about the lack of transparency and accountability surrounding these decisions. He has said himself that he is inclined to support an independent, transparent and appealable decision-making process in order to resolve these types of matters.

Labor does acknowledge that the current ministerial intervention power is in need of review, and we are in the process of moving this forward. We acknowledge that complementary protection is one of the matters that ought to be considered, and the minister has said that he is in the process of considering it. He has said that he is favourably disposed towards advancing the complementary protection agenda. But Labor and the minister want to be able to consult much more broadly before taking any decision, and we want to be able to see how things are done internationally and what is the best way to do things here in Australia. As I have said, complementary protection raises very complex issues, and the bill as currently drafted gives rise to a number of problems: there are quite a few gaps and there are a number of matters that still need to be addressed in more detail. So, while Labor and the minister are interested in looking at the issue of complementary protection, we are not prepared to rush into doing this. If we are going to do it, we want to do it correctly. As a consequence, unfortunately, Labor is unable to support the bill in its current form.

**Senator BARTLETT** (Queensland) (4.30 pm)—I understand I will be closing the debate. Before I do that I seek leave to incorporate a speech by Senator Nettle.

Leave granted.

**Senator NETTLE** (New South Wales) (4.30 pm)—The incorporated speech read as follows—

The Australian Greens support the Migration Legislation Amendment (Complementary Protection Visas) Bill, and commend Senator Bartlett for introducing this Bill.

The need to institute a complementary protection scheme for Australia’s migration system is obvious and urgent. The absence of complementary protection has led to unnecessary burdens on our refugee processing system, unmeritorious cases clogging up the Refugee Review Tribunal and a huge burden being placed on the Immigration Minister to intervene.

Bureaucratic inefficiencies have been caused by the lack of a complementary protection system and this has led to suffering by real people caught up in the protection visa system. Delays in processing claims have led to people being stuck in detention for many months or years at a time. For those lucky enough not to suffer immigration detention, the processing inefficiencies mean they suffer years of uncertainty and destitution on a bridging visa where they are often denied work rights and access to basic services such as healthcare.

The definition of a refugee in the United Nations Refugee Convention and Protocol Relating to the Status of Refugees was framed in the aftermath of the Second World War. Although the Refugee Convention has served the world well, as the Refugee Council of Australia notes: “the Refugee Convention is not and was never intended to be a mechanism to cover all people in need of protection”.

There are many displaced people in the world who do not meet the strict definition of the Refugee Convention, but are in need of protection. This protection is ‘complementary to the Convention’.

Australia has dealt with these protection needs in an ad hoc way, relying on the power of Ministerial Intervention under section 419 of the Migration Act. This power is ‘non-reviewable and non-compellable’.
Over the years the reliance on Ministerial Intervention to prop up a failing system has become greater.

The Senate will be well aware of the short comings of the Ministerial Intervention system. At the recent Senate Estimates hearings it was revealed that the previous Minister for Immigration, Kevin Andrews, had 1,846 requests for Ministerial Intervention, which resulted in 479 intervention acts.

Figures supplied by the Department of Immigration to the Senate Inquiry into the Administration of the Migration Act further reveal the number of cases the Minister for Immigration must deal with.


This is a heavy workload for any person, let alone a Minister with many other responsibilities. When you take into account that the Minister should give due consideration to each case and the complex nature of many of these cases with their many supporting documents, then it is a virtually impossible burden.

Of course, much of the work is done by departmental officials. This is however, problematic in itself given the lack of transparency and review.

I am glad that the new Minister has recognised this issue. I would like to quote his statement at the recent Estimates.

In a general sense I have formed the view that I have too much power. The act is unlike any act I have seen in terms of the power given to individual cases. I am uncomfortable with that not just because of a concern about playing God but also because of the lack of transparency and accountability for those ministerial decisions, the lack in some cases of any appeal rights against those decisions and the fact that what I thought was to be a power that was to be used in rare cases has become very much the norm.

There is an industry in appealing to the Minister for Immigration and Citizenship, I have noticed.... there is a real sense of the appeal to the minister becoming very much part of the process. Rather than being a check on the system it has become institutionalised.

The lack of transparency and accountability of the Ministerial Intervention power left many applicants and advocates with a feeling that justice and fairness had not necessarily been afforded their applications.

Indeed the results of Ministerial applications in the past seems to change with the amount of media interest in certain cases and the political landscape of the day.

The problems of Ministerial Intervention have been investigated by three Senate Committees now. A Sanctuary under Review in 2000, the Select Committee on Ministerial Discretion in Migration Matters (2004) and the Inquiry into the Administration of the Migration Act (2006).

The 2000 committee report recorded concern about the Ministerial Intervention process and recommended “the government examine incorporation of the non-refoulement obligations of the Convention Against Torture and the International Covenant on Civil and Political Rights.” This was rejected by the Howard government.

The 2004 Select Committee report made the following recommendation:

The Committee recommends that the government give consideration to adopting a system of complementary protection to ensure that Australia no longer relies solely on the minister’s discretionary powers to meet its non-refoulement obligations under the CAT, CROC and ICCPR.

There was not a government response to this Select Committee’s recommendations.

Finally, the 2006 report of the Inquiry into the Administration of the Migration Act made the following recommendation.

The committee recommends that the Migration Act be amended to introduce a system of ‘complementary protection’ for future asylum seekers who do not meet the definition of refugee under the Refugee Convention but otherwise need protection for humanitarian reasons and cannot be returned. Consideration of claims under the Refugee Convention and Australia’s other international human rights obligations should take place at the same time. A separate humanitarian stream
should be established to process applicants whose claims are in this category, including a review process.

The Howard government made a practice of ignoring Senate Inquiry reports and recommendations. This is unfortunate, given that the thorough study and sounding of expert opinion on these issues by the three inquiries concluded that complementary protection was a solution that should be pursued by the government.

The current situation means that applicants who wish to apply for protection on humanitarian grounds, but do not fit the Convention definition of a refugee, must apply for a protection visa under the Refugee Convention definition anyway and fail. They must then appeal to the Refugee Review Tribunal and fail. Only then can they apply for protection under proper humanitarian grounds in an application for Ministerial Intervention.

Not only does this leave the applicant in limbo, and possibly in detention for months or years, but it clogs up the system with unmeritorious applications.

This Bill would introduce a complementary protection visa class to the Migration Act. This would allow officers processing protection applications to not only consider whether they are owned protection under the Refugee Convention definition, but also whether they should be given protection for humanitarian reasons.

Specifically this Bill lists the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the United Nations International Covenant on Civil and Political Rights as two international Conventions to which Australia is a signatory and which should be taken into account when an officer is assessing whether an applicant should be given protection under the complementary protection visa class.

I’m sure all Senators would subscribe to the articles of these two Conventions and would want Australia to give protection to those facing persecution or abuse in their countries of origin.

Implementing a complementary protection visa as a separate and parallel stream would also mean decisions could be subject to review by the Refugee Review Tribunal or similar body. Appeal rights are an important check on departmental decision making and essential in providing applicants with natural justice.

Complementary protection systems have been implemented overseas. Canada has broadened its official definition of a refugee. The European Union has created a Qualification Directive as a supranational instrument to seek to harmonise complementary protection systems in its member states.

The Australian Greens support the creation of a complementary protection system and therefore support this bill.

The Greens urge the Rudd Labor government to follow through some encouraging statements from the Minister and establish a complementary protection system. Such fundamental reform will not only ease the Ministerial Intervention workload and result in efficiencies for the protection visa processing system, but more importantly, it will provide a clear, transparent and fair framework for people needing Australia’s protection on humanitarian grounds.

I commend this bill to the Senate.

Senator BARTLETT (Queensland) (4.30 pm)—I thank the Senate, particularly because Senator Nettle expresses support for the bill. I am pleased to hear that. I understand the rationale of the Labor Party in not supporting the bill, as was outlined by Senator Kirk. I appreciate the indications she gave that the minister, Senator Evans, is examining some of the issues that are raised around complementary protection and the current inadequacies and quite enormous inefficiencies in the ministerial discretion system. I recognise that the minister would want to consult widely and do everything properly, because it is not simple to get this right, but it does need to be done. The purpose of this legislation—and, I might say, a number of other private senators bills relating to migration that I have on the Notice Paper—is to advance the agenda and put forward the case as to why change is needed.
Frankly, if the government can come up with another way of doing it that they think achieves the goal more effectively, I would be pleased. I do not have any great sense of my way being the only way. I do think that action needs to be taken to address these issues and if the government can find a better way then I am quite happy about that and supportive of it. So I welcome the indications that have been given that the minister is examining this area along with a number of others. I think the basic point needs to be made that it is about getting a migration system that is fairer; more efficient and therefore cheaper for the taxpayer; less bureaucratic and less full of red tape; and less opaque than what currently operates for people in these sorts of circumstances.

I think it has been valuable to have this debate, despite my not being successful in getting support for the legislation from either of the major parties, and to get some of these things on the record. I think it has been valuable to hear some of the arguments, including the arguments put forward by Senator Barnett. I appreciate some of the comments he made, but I think the suggestion he made—and I am sure this is what he has been told—that this equates to a mechanism that enables people to jump the queue, is wrong. It does not do that. I think some of those misunderstandings need to be corrected. When the government does make a move in this area—as hopefully they will, in six or 12 months time—these are the sorts of potential misunderstandings that could be put forward, either in good faith or perhaps with less honourable intent. I am certainly not suggesting that in terms of Senator Barnett. Obviously this is an area that has been politically contentious in the past. I think we need to try and take the political point-scoring out of it and look at the substance and facts of the issues.

One of the things that have become very apparent to me while working on this issue for the last 10 years or more is that we are dealing with human beings here; we are not dealing with faceless people who can be used as a political football. The decisions that this parliament makes, and even the words that we use in coming to those decisions, can have—and have had—direct and, in some cases, extremely harmful impacts on innocent people, some of whom have been through horrendous circumstances, and some of whom go through further horrendous circumstances as a direct result of the decisions made, and the words spoken, in this parliament and in the political arena. So we need to try and get the debate as fact based as possible. Adopting complementary protection does not automatically mean that a bunch of people can jump the queue. A quicker decision does not equate to someone jumping the queue; it means that everybody has a clearer circumstance. Those who are successful obviously get a positive result quickly but those who are not successful also have a quicker and clearer result. That is important and desirable in any area of public administration, but certainly with regard to visa applications and the migration system.

It was the decision of the previous government, quite early on in its time, during Minister Ruddock’s period as migration minister, to link the offshore humanitarian program and onshore asylum claims, which were previously dealt with separately with regard to the numbers of people. Frankly, I think that should be looked at so as to reverse that decision because the offshore humanitarian program is something that Australia has had a good record on, even during the Howard years. Despite my very severe criticisms of many aspects of the government’s actions in the migration and refugee area, with regard to the offshore program, broadly speaking it continued to be a positive. It is a
program that we quite rightly hold up as something that more countries should seek to emulate. But it is a determined program under which the government decides who they will select. I might say, in the first place, that people are not selected in the order of a queue. One of the reasons that you cannot jump the queue is that there is no queue. People who come here through the humanitarian program do not line up in a nice orderly process, even in terms of a bureaucratic list in the migration department. People do not get refugee visas or offshore humanitarian visas in order of application. It is not a matter of, ‘Well, you’re the next on the queue.’ It does not work that way.

The government makes a decision about where they will take people from, and amongst people in a particular area they then make a smaller decision about who within that group they will take. There is a whole range of criteria that are used in coming to those decisions. Quite a number of those criteria are not related to humanitarian circumstances at all. Some of them are, but some of them are not. It is simply false to say that there is a queue, in the sense that those who have been waiting longest now get their turns; it does not work that way at all. But, even if it did, implementing a complementary protection visa for people who apply in Australia is a different matter, and it would not mean taking anyone else’s place unless the program was structured deliberately to make it that way. That would be a deliberate decision of government, not a consequence of people making a visa application here. It would be no more jumping the queue than somebody coming here on a skilled visa is jumping the queue in relation to a person offshore in a refugee camp.

It is just as absurd to say that someone applying for a complementary protection visa would be taking the place of somebody waiting in a refugee camp as it is to say the same thing about somebody applying for a parent visa, a skilled visa or any other type of visa, unless the government decide to link the two—and then, frankly, that is their decision. It certainly should not be a cause for taking it out on people who are applying for a humanitarian visa here. That misunderstanding needs to be clarified for the purposes of future debate on this issue.

Whilst the majority of the Senate obviously does not support this legislation as it stands—although I recognise some degree of in-principle support with the goals, from the government at least—this debate is not going to go away. As has been made clear by the comments of Senator Kirk, there will be a need to continue to examine this. It is a simple fact. You can talk about the proud record of the previous government as much as you like. I do not particularly want to get into the areas where I disagree and the areas where I agree—that is not the purpose of this debate—but one area where clearly things were not working efficiently is in the area of ministerial discretion. You cannot have a system where an immigration minister has to examine thousands of individual visa applications. It is ludicrous and it is horrendously inefficient. It is just bad public policy. You get inconsistencies, lack of transparency, enormous delays and great cost to the taxpayer and to the applicants and the people supporting them. It does need fixing. This would not fix it in totality but it would go to a clear part of it, particularly the part that makes people apply for visas they know they are not eligible for and go all the way through an appeal process that they know they are going to fail just so they can then seek ministerial discretion.

Once again, I point to the Senate committee reports that I referred to earlier on which highlighted that serious problem and that absurd inefficiency. It is not just chewing up the resources of the minister in having to
examine all of those requests for intervention but also chewing up the resources of the tribunals. Every time somebody has to go through this process, because we do not have a clearly defined visa such as a complementary protection visa, means a delay for everybody else. If all of those people were taken out of the system and did not have to go through what is by definition a futile process before they could access ministerial discretion then that would obviously mean that things would flow through more quickly for all the other people who are waiting for decisions from the Migration Review Tribunal or the Refugee Review Tribunal. There would be significant savings and efficiencies to the taxpayer, and increased speed of decisions for everybody in the migration and appeals system. That is something we should be aiming for.

I welcome the indications from the government through Senator Kirk that the new minister is looking at these things. I believe from my own understanding that it is something he is doing, and he does recognise the need to make our system work more fairly and more efficiently. There are a lot of reasons why it does not work as well as it should and could, and they are not all the fault of the previous government. It has built up over a long period of time for a lot of reasons. But it does need fixing and I urge the government to do that as promptly as possible. The sooner it does do that the better the outcome will be for a lot of people who have compelling humanitarian grounds. It is also better for the taxpayer, the economy, society, the community and the overall effectiveness, transparency, fairness and efficiency of the migration system.

Question negatived.
ter of donated excess assisted reproductive technology embryos—embryos that were surplus to requirements from IVF processes. One of the arguments that was used as to why we needed to allow cloning for stem cell research was that there were not enough embryos available for research through surplus IVF or ART embryos. That was an argument that was made repeatedly as part of persuading people. I would say, in passing, that it was a debate I was actually a bit disappointed in, in the sense that it became so polarised. In a sense, a lot of the time you got the impression that, if you supported the legislation, you were accused of not caring about the sanctity of human life but, if you opposed the legislation, you were accused of being heartless and not caring about people with terrible diseases who were being denied a potential cure. There was a huge amount of emotional blackmail on both sides, which tended to cloud the substance of the issue on occasion, I might say, without suggesting that those views were not sincerely held.

One of the arguments used was that we have to allow cloning for research because, if we do not, there are just not enough embryos available; we have got to allow some to be created through cloning. So I was interested to read in this report that a survey commissioned by the NHMRC, through the National Perinatal Statistics Unit of the Australian Institute of Health and Welfare, showed that there is not an undersupply of excess ART embryos for research. There are currently 117,000 ART embryos in storage, of which nearly 6,000 had been declared excess and donated to research. Of those, the NHMRC Embryo Research Licensing Committee had issued 10 licences authorising the use of up to 2,015 excess ART embryos for research, and, of those, only 443 embryos had been used by researchers. So it indicated that only around one-third of available embryos are being sought for use by researchers.

It is worth noting and putting on the record that there are actually plenty of surplus embryos available from ART processes for stem cell research. I thought that was an interesting fact. That then led to the proposal here that we actually do not need to set up a national register, because there are plenty of spare embryos. I thought that information was useful and it would have been nice to have had that information at the time of that debate, but that is a separate matter. I would encourage people to continue to follow the progress of this issue, because it is something that will continue to come up in public debate and, I am sure, will come before this chamber again in one shape or another some years down the track. (Time expired)

Question agreed to.

Consideration

The following orders of the day relating to government documents were considered:


Native Title Act 1993—Native title representative bodies—Report for 2006-07—Northern Land Council. Motion of Senator
Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Torres Strait Regional Authority—Report for 2006-07. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.


Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Government response to reports by the Commonwealth Ombudsman—Personal identifiers 221/07 to 346/07. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.


General business orders of the day nos 4, 5, 9, 10, 16, 17, 19 to 21 and 23 to 33 were called on but no motion was moved.

**COMMITTEES**

**Consideration**

The following order of the day relating to committee reports and government responses was considered:

Education, Employment and Workplace Relations—Standing Committee—Report—Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008. Motion of the chair of the committee (Senator Marshall) to take note of report agreed to.

**AUDITOR-GENERAL’S REPORTS**

**Consideration**

The following order of the day relating to reports of the Auditor-General was considered:

Auditor-General—Audit report no. 26 of 2007-08—Performance audit—Tasmanian forest industry development and assistance programs—Department of Agriculture, Fisheries and Forestry. Motion of Senator Abetz to take note of document agreed to.

**ADJOURNMENT**

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Order! There being no further consideration of committee reports, government responses and Auditor-General’s reports, I propose the question:

That the Senate do now adjourn.

**Homelessness in the ACT**

Senator LUNDY (Australian Capital Territory) (4.48 pm)—I seek leave to incorporate my adjournment speech into *Hansard*.

Leave granted.
The incorporated speech read as follows—

Introduction
Tonight I want to talk about the very serious issue of homelessness in our society. And I am very proud to say that this is an issue that the Rudd Labor Government has already set about tackling head on following a decade of neglect by the former government.

I believe that access to safe and secure housing is one of our most basic human rights, and yet on any one given night 100,000 Australians are homeless. We believe this is unacceptable.

However, from meeting with local community groups with an interest in this issue, it has become absolutely apparent to me that homelessness is not just about housing. Homelessness fundamentally affects the lives of those individuals and families experiencing homelessness. They are denied many of the rights and privileges others take for granted; such as missing out on education and social security, being subjected to discrimination and unable to participate fully in the community.

One of the community groups I met with gave me a collection of pictures and quotes from children who had experienced homelessness called ‘No Place But Home’. The collection of stories from a child’s perspective really highlighted the fundamental way homeless effects a Childs life, from broken friendships, feeling unsafe and lost opportunities.

An 8 year old girl reflected that “you do not get to play with your friends when you move”

Many of the stories also talked about lost education opportunities. A 21 year old male was quoted as saying:

“From when I was homeless with my Mum till now I’ve never been at school. From when mum took me out of school when I was like 9—I’ve never been back”

The Rudd Labor Government has a comprehensive plan to address homelessness across Australia — I will outline some of these initiatives later.

Homelessness in the ACT
Although Canberra is commonly perceived by the rest of the nation as being a relatively affluent, this image masks the poverty that many individuals and families are experiencing here in Canberra.

This image of relative affluence leaves out the 120-315 people who sleep rough in Canberra on any given night and the recorded 5,300 Canberrans that experience homelessness every year. Of course, in reality even these concerning figures are grossly understated as the Census is unable to accurately count the homeless and many don’t seek the support of local services.

In 2005-2006 SAAP services in the ACT supported 1,950 clients with 1000 accompanying children, but many more homeless people and families were turned away from SAAP services as there were no available beds.

From discussions I have had will local crisis accommodation service providers and community groups it is clear that the sector is simply unable to accommodate the high levels of demand for crisis accommodation. Of particular concern in the ACT is the availability of crisis accommodation for indigenous people, families and women, as shown by high turn away rates from crisis accommodation services.

Housing Affordability
Closely linked to the problem of homelessness, is housing affordability.

In the ACT, the lack of housing affordability presents a particularly difficult problem to those facing homelessness, or trying to escape homelessness. Despite the efforts of the ACT Government through its Housing Affordability Strategy housing affordability remains a critical issue in the ACT. Canberra’s median house rents are the highest in Australia with 35.9% of ACT renters spending more than 50% of their income on rent in 2005-2006.

With 18% of homeless people reporting to ACT SAAP services that they had issues maintaining tenancy at their previous accommodation, the serious lack of affordable rental accommodation Canberra is clearly having an effect on individuals and families becoming homeless and those trying to re-enter the housing market.

The Rudd Labor Government has a number of plans to address the long term affordability of housing in Australia. The National Rental Aff-
fordability Scheme will create 50,000 new affordable rental properties by providing tax credits to build affordable homes. Also, a new National Affordable Housing Agreement will bring together community, public and crisis housing to create pathways for people to leave homelessness and get a home for the long term.

Why is This Problem Persistent?
While the rates of homelessness across Australia is very concerning, what is worse, is that it appears that homelessness in may be getting worse. Preliminary data collected from the 2006 Census suggests that there is an overall national increase in the number of people sleeping rough.

Rather than addressing the very serious and pressing issue of homeless, the former government cut funding from crisis accommodation services to the tune of cutting $3.1 billion in real funding to the Commonwealth State Housing Agreement. This disgraceful act forced the States and Territories to target the provision of social housing even more tightly to those in greatest need.

Nationally, ABS data shows that in 1995, 22 per cent of applicants for social housing were accommodated. Ten years later, only 14 per cent were able to move off waiting lists and into housing.

The previous government’s decade of neglect means that now the most disadvantaged Australians are waiting longer than ever just to get a roof over their heads.

We need a new approach that prevents homelessness, improves crisis services, helps people to get long term secure housing and stops the cycle of homelessness. This means Government, business, community and charitable groups – a whole of community effort.

Labor’s Plan
Unlike the previous government, we understand that homelessness is serious problem. It is serious for those who experience it and for the community as a whole. We also understand that this problem won’t just go away, and that it is the role of the Federal Government, in cooperation with the States, to have a plan to address homelessness in the ACT and across Australia.

We also understand that more can be done to reduce homelessness in Australia, and the Rudd Labor Government is committed to developing a comprehensive, long-term plan to tackle homelessness as a matter of national priority.

We will build on our $150 million election commitment to construct new homes for Australians in crisis accommodation by developing a White Paper on how Australia can systematically reduce homelessness over the next decade.

Given the urgency the Rudd Government attaches to reducing homelessness, the Prime Minister has directed that the White Paper be completed by August.

The Prime Minister has appointed Tony Nicholson, Executive Director of the Brotherhood of St Laurence, to lead a Steering Committee of experts to oversee the process.

The paper released by the Government earlier this year ‘Homelessness: A New Approach’ recognises that the best responses to homelessness provide more than a bed. Providing an individual or family with comprehensive services including access to education, employment and counselling.

Already we have made specific commitments to tackle homelessness including:

- Working with the States and Territories to build an additional 600 houses for homeless individuals and families over the next 5 years
- Working with the states and territories to expand the reach of homeless services across the country, and
- $2.8 million to expand cultural and sporting programs for homeless people providing essential life skills and social networks

Conclusion
Unlike the previous government, we believe the issue of homelessness in Australia is urgent and we are committed to reducing the number of people and families experiencing homelessness in the ACT and across Australia by delivering and building on our election commitments.

World Down Syndrome Day

Senator BOYCE (Queensland) (4.49 pm)—I am as conscious as everybody else that it is nearly Easter, but I would like to
make a few brief remarks on the fact that tomorrow marks the third World Down Syndrome Day. It will be celebrated on 21 March quite deliberately—it is the 21st day of the third month and Down syndrome is in fact caused by a triplication of chromosome 21; the technical name for it is trisomy 21. This is only the third World Down Syndrome Day there has been and yet Down syndrome is one of the oldest disabilities known to humanity. It has taken a long time for the global community to come together to celebrate this day and that, in many ways, is a reflection of the very disparate treatment of people with Down syndrome in different countries.

The Down syndrome organisations of the world are the same as most groups around people with an intellectual disability: the people who have the intellectual disability are not the drivers of these organisations. The organisations are driven by parents, friends, family, academics, researchers and medical and other health professionals. There is something of an irony in the fact that a significant number of the supporters of these Down syndrome organisations see the condition of Down syndrome in itself as a deficit—as something that needs to be fixed or to be avoided. So those of us who want to celebrate with people who have Down syndrome are sometimes a little uneasy about the company that we keep.

The very first World Down Syndrome Day was in 2006 and it followed a world conference in Singapore. It was interesting to note that many of the Singaporeans who had organised and developed that conference were being brave in doing so, in attending it and in publicly admitting within their own society that they had a child with Down syndrome. They spoke generally of a very unsupportive society where disability was hidden away and where, in the main, you were ashamed to have a child with such a deficit. It was not many years ago that the same attitude prevailed in Australia and many other western countries.

A former member in this place, Senator John Herron, a former government minister and a former ambassador, said that when his first-born daughter, who had Down syndrome, was born in the 1940s, he was told, ‘Put it in a home and don’t have any more children.’ Former Senator Herron and his wife went on to have another nine children, so I am pleased see that they completely ignored the advice they had been given.

Dr Herron was also very crucial in the establishment of the Down Syndrome Association of Queensland, which has just celebrated its 31st anniversary. As an outstanding physician, Dr Herron also spent some time in Britain and assisted in ending the use of the term ‘Mongol’ to refer to people with Down syndrome. It is an example of the sort of activity that happens when you have a close experience with someone with Down syndrome. People become advocates.

Sometimes, it seems as though we have not come very far at all. The Down Syndrome Association of Queensland runs an e-group, which is an online forum. Right now, the controversies that are raging on that e-group are about rude staring at adults and children with Down syndrome and experts who have quite happily said that all those people—meaning all the people with Down syndrome—spit at other people. The parents and supporters are very briskly and rapidly saying: ‘I don’t know anyone who spits. Do you know anyone who spits?’ But these sorts of arguments go on and on. We recently had the example from the UK of a child with Down syndrome who had cosmetic surgery. This is the second example from the UK that I am aware of in about the last four or five years along these lines. We are very right to be looking at legislation that would stop
people giving children of any sort cosmetic surgery. It is worse in a situation where the parents are claiming that, for this child to be accepted by others, they have to change the way the child looks and not the way the community behaves.

Down syndrome is one of the oldest known disabilities in the world. There are paintings from the 14th and 15th centuries with children portrayed as angels. Their futures are very distinctly those of children with Down syndrome. The syndrome was not described until the 1880s by John Langdon-Down, after whom it is named. Dr John Herron was one of the people who suggested that change. Unfortunately, Dr Down, in keeping with the science of his time, used racial epithets to describe a range of disabilities and thought that people with Down syndrome looked most like Mongolians. It was a term that stuck for a long time. It is unfortunate that Dr Down has been portrayed as a racist. He was a very forward-thinking man. There was shock and horror within the medical community when he went off to work at the asylum for idiots to undertake some very good research into intellectual disability. It was considered that he should have had a stellar career in the leading hospitals as a surgeon in London. He certainly does not deserve to have a negative reputation.

Probably one of the most surprising aspects of Down syndrome for me was that in 1929 the average lifespan for a person with Down syndrome was nine years. This was partly medical, because people with Down syndrome have a higher incidence of heart and respiratory problems than the general population. But it was also partly about the way that people with a disability were treated. A lot of that has been overcome. One of the myths that I would like to try to particularly overcome tonight is the idea that people with Down syndrome die young. They now live into their late sixties and beyond.

It was only in the 1980s, in fact, that the Victorian state government became the first Australian government to declare that people with Down syndrome were educable. Before that, it was quite common to have teenagers living in wards of hospitals because they had been born there, their parents had been told not to take them home and no-one quite knew what to do with them. So they stayed there. There was a group of more than 30 people like this who a very brave woman in Brisbane worked to get put into institutions where they were at least doing something rather than sitting in a ward of what was then the Chermside Hospital. That did not happen until the 1970s. Many of these families had terrible stress and trauma when they were told that they needed to do something about these children. They had been told to go home and forget about them, and some of them had done that quite deliberately. Other children within the family did not even know that these brothers and sisters existed. We have moved on a long way there. People with Down syndrome are in mainstream schools and workplaces all over Australia.

On the flipside, though, from my perspective, there have also been scientific developments that mean people with Down syndrome are less likely to be born at all. Most pregnant women in developed countries will now be offered a fairly simple test to discover if the foetus that they are carrying has indicators of Down syndrome. These women who have a positive test result are offered a termination. Choice is an excellent thing. I do not know that guided choice is such a good thing. Sadly from my perspective, 70 per cent to 90 per cent of them will accept the offer for a termination. It is my view that the world is a much poorer place without people with Down syndrome. The view of the Down Syndrome Association, which has

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been adopted as a national policy position statement on this subject, is that Down syndrome is not in itself a reason for termination. Couples can choose to terminate for whatever reason, but Down syndrome should not of itself be a reason, and nor should it be put to parents by genetic councillors as a reason, to terminate the birth of a child.

We should forget all the stereotypes about people with Down syndrome, too. They are not all very loving. All the people with Down syndrome that I know love music and dancing. But, when I think about it, the majority of people I know without Down syndrome love music and dancing, too. Most people with Down syndrome demonstrate ingenuity and an ability to cut through to the basic humanity of things to get to the truth and to the things that enrich their world. The theme for this year’s World Down Syndrome Day is ‘Aim high enough’. We owe it to ourselves to ensure that we do aim high enough all the time to support people with Down syndrome into the mainstream in our society.

**Senate adjourned at 5.00 pm**

**Indexed Lists of Files**

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2007—Statements of compliance—

- Australian Public Service Commission.
- Australian Taxation Office.
- Commonwealth Ombudsman.
- Department of Education, Employment and Workplace Relations,
- Human Services portfolio agencies.
- Infrastructure, Transport, Regional Development and Local Government portfolio agencies.
- Office of the Privacy Commissioner.

Resources, Energy and Tourism portfolio agencies.

Treasury portfolio agencies.

**Tabling**

The following documents were tabled by the Clerk:

*[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]*

Financial Sector (Collection of Data) Act—Explanatory statement and Financial Sector (Collection of Data) (Reporting Standard) Determinations Nos—

- 46 of 2008—Reporting standard ARS 330.3 Other Operating Expenses [F2008L00486].
- 47 of 2008—Reporting standard ARS 331.0 Selected Revenue and Expenses [F2008L00512].
- 52 of 2008—Reporting standard ARS 394.0 Personal Finance [F2008L00519].
- 54 of 2008—Reporting standard ARS 396.0 Points of Presence [F2008L00521].
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Brain Tumours**

(Question No. 271)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 13 February 2008:

1. What data is collected on the: (a) incidence and incidence rate trends for primary non-malignant and malignant brain tumours; and (b) outcomes of treatment options for primary non-malignant and malignant brain tumours.

2. Are clinical practice guidelines for the management of non-malignant and malignant brain tumours available.

3. What steps, if any, does the Government propose to take to improve knowledge about non-malignant and malignant brain tumours and best practice treatment.

Senator Chris Evans—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

1. (a) Malignant brain tumours are notifiable by law to the state and territory cancer registries. Data on incidence and incidence rate trends for malignant brain tumours are published online by the Australian Institute of Health and Welfare (www.aihw.gov.au).

   Non-malignant brain tumours are not notifiable by law. Therefore, reliable and comprehensive data on incidence and incidence rate trends on this kind of tumour are not readily available.

   (b) The Australian Institute of Health and Welfare Hospital Morbidity Database holds data on all admissions to hospitals in Australia, including surgery for brain tumours.

   Outcome indicators of treatments such as mortality rates provide a proxy for treatment outcomes.

2. There are no clinical practice guidelines for the management of non-malignant and malignant brain tumours which are specifically developed or approved by the National Health and Medical Research Council (NHMRC).

   However, there are Clinical Practice Guidelines for the Psychosocial Care of Adults with Cancer endorsed by the NHMRC in April 2003 which cover issues relating to cancer care generally.

3. Cancer Australia, the Australian government’s national cancer agency is managing or implementing a suite of initiatives aimed at improving outcomes for all cancer consumers, including those with malignant brain tumours. These initiatives include: the development of educational resources for cancer professionals; the establishment of seven Cancer Service Networks (CanNET) across Australia which support a multi-disciplinary team based approach to best practice care; the establishment of a Cancer of the Central Nervous System National Reference Group involving specialists, researchers, allied health professionals and cancer consumers to help identify opportunities to improve cancer care and outcomes for people affected by these cancers; supporting the establishment of a new national Cooperative Trials Group for Neuro-Oncology; and implementing the new Boost Cancer Research measure from 2008-09 which will support research relating to cancer treatments generally.
Medical Services
(Question No. 307)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 27 February 2008:

(1) Is the Minister aware of the recent letter in the Australian Doctor magazine that reports that some medical practices are refusing to perform Pap smears.

(2) What information is available on the prevalence of medical practitioners or medical practices refusing to provide services to patients requesting them, including the nature of the services.

(3) What information is available on the reasons that medical practitioners or medical practices may be refusing to provide services to patients requesting them.

(4) Does the Government intend to investigate why some medical practitioners or medical practices may be refusing to perform particular services; if not, why not.

(5) What are the legal requirements for medical practices and individual medical practitioners with regard to providing access to medical services.

(6) What processes, if any, does the Government require medical practitioners receiving government funds to put in place to ensure that their patients have access to comprehensive medical care.

Senator Chris Evans—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) Yes (Australian Doctor magazine, 17 March 2006).

(2) Prior to this media coverage, the Commonwealth Government had not been aware of reports of GPs refusing to do Pap smears.

(3) Media reports have suggested that doctors may be refusing to do Pap smears because of medico-legal considerations.

(4) The Department of Health and Ageing has investigated these reports and it appears the reports refer to a few isolated incidences. The Department has continued to monitor this issue and there have been no further reports of medical practices refusing to perform Pap smears.

(5) The Commonwealth Government does not legislate the services that must be provided by a medical practitioner. Services provided by individual medical practices are a matter for medical professionals. However, peak professional bodies may set standards of practice. For example, the Royal Australian College of General Practitioners’ standards define general practice as the provision of primary continuing, comprehensive, whole-patient medical care to individuals, families and their communities.

Individuals who have concerns about their medical practitioner may complain to Medical Registration Board or Health Complaints Commissioner in their state or territory.

(6) Commonwealth Government funding for medical services is a mix of fee-for-service and incentive payments. Medicare provides a patient rebate for services provided by medical practitioners. Medical practitioners must be registered and qualified to undertake the services they provide. Payment is based on Medicare Benefits Schedule items claimed rather than an agreement to provide a particular range of services.

General practices wishing to access financial incentives through the Practice Incentives Program (PIP) must provide services from an accredited general practice. These general practices must meet professional standards including the provision of initial, continuing, comprehensive and coordinated medical care. In February 2008, 81% of general practice care was provided by accredited practices participating in the PIP.