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- **SYDNEY**: 630 AM
- **NEWCASTLE**: 1458 AM
- **GOSFORD**: 98.1 FM
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- **GOLD COAST**: 95.7 FM
- **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—THIRD PERIOD

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

Senate Officeholders

President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Hon. Alan Baird Ferguson

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. Helen Lloyd Coonan

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 Barnaby Thomas Gerard Joyce
Deputy Leader of the Nationals—Senator Hon. Nigel Gregory Scullion
Leader of the Australian Greens—Senator Robert James Brown
Leader of the Family First Party—Senator Steve Fielding

Government Whips—Senators Kerry Williams Kelso O’Brien, Donald Edward Farrell and Anne McEwen
Liberal Party of Australia Whips—Senators Stephen Shane Parry and Judith Anne Adams
The Nationals Whip—Senator John Reginald Williams
Australian Greens Whip—Senator Rachel Mary Siewert
Family First Party Whip—Senator Steve Fielding

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(1) Chosen by the Parliament of South Australia to fill a casual vacancy vice Amanda Eloise Vanstone, resigned.
(2) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Ian Campbell, resigned.
(3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.

PARTY ABBREVIATIONS
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—A Thompson
RUDD MINISTRY

Prime Minister
Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion
Treasurer
Minister for Immigration and Citizenship and Leader of the Government in the Senate
Special Minister of State, Cabinet Secretary and Vice President of the Executive Council
Minister for Finance and Deregulation
Minister for Trade
Minister for Foreign Affairs
Minister for Defence
Minister for Health and Ageing
Minister for Families, Housing, Community Services and Indigenous Affairs
Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House
Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate
Minister for Innovation, Industry, Science and Research
Minister for Climate Change and Water
Minister for the Environment, Heritage and the Arts
Attorney-General
Minister for Human Services and Manager of Government Business in the Senate
Minister for Agriculture, Fisheries and Forestry
Minister for Resources and Energy and Minister for Tourism

[The above ministers constitute the cabinet]
RUDD MINISTRY—continued

Minister for Home Affairs
Assistant Treasurer and Minister for Competition Policy and Consumer Affairs
Minister for Veterans’ Affairs
Minister for Housing and Minister for the Status of Women
Minister for Employment Participation
Minister for Defence Science and Personnel
Minister for Small Business, Independent Contractors and the Service Economy and Minister Assisting the Finance Minister on Deregulation
Minister for Superannuation and Corporate Law
Minister for Ageing
Minister for Youth and Minister for Sport
Parliamentary Secretary for Early Childhood Education and Childcare
Parliamentary Secretary for Defence Procurement
Parliamentary Secretary for Defence Support
Parliamentary Secretary for Regional Development and Northern Australia
Parliamentary Secretary for Disabilities and Children’s Services
Parliamentary Secretary for International Development Assistance
Parliamentary Secretary for Pacific Island Affairs
Parliamentary Secretary to the Prime Minister
Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion
Parliamentary Secretary to the Minister for Trade
Parliamentary Secretary to the Minister for Health and Ageing
Parliamentary Secretary for Multicultural Affairs and Settlement Services

Hon. Bob Debus MP
Hon. Chris Bowen MP
Hon. Alan Griffin MP
Hon. Tanya Plibersek MP
Hon. Brendan O’Connor MP
Hon. Warren Snowdon MP
Hon. Dr Craig Emerson MP
Senator Hon. Nick Sherry
Hon. Justine Elliot MP
Hon. Kate Ellis MP
Hon. Maxine McKew MP
Hon. Greg Combet AM, MP
Hon. Dr Mike Kelly AM, MP
Hon. Gary Gray AO, MP
Hon. Bill Shorten MP
Hon. Bob McMullan MP
Hon. Duncan Kerr MP
Hon. Anthony Byrne MP
Senator Hon. Ursula Stephens
Hon. John Murphy MP
Senator Hon. Jan McLucas
Hon. Laurie Ferguson MP
SHADOW MINISTRY

Leader of the Opposition
Deputy Leader of the Opposition and Shadow Treasurer
Leader of the Nationals and Shadow Minister for Trade, Transport, Regional Development and Local Government
Shadow Minister for Broadband, Communications and the Digital Economy and Leader of the Opposition in the Senate

Hon. Malcolm Turnbull MP
Hon. Julie Bishop MP
Hon. Warren Truss MP
Senator Hon. Nick Minchin

Shadow Minister for Innovation, Industry, Science and Research and Deputy Leader of the Opposition in the Senate
Shadow Minister for Infrastructure and COAG and Shadow Minister Assisting the Leader on Emissions Trading Design

Senator Hon. Eric Abetz
Hon. Andrew Robb MP

Shadow Minister for Foreign Affairs and Manager of Opposition Business in the Senate
Shadow Minister for Finance, Competition Policy and De-regulation and Manager of Opposition Business in the House

Senator Hon. Helen Coonan
Hon. Joe Hockey MP

Shadow Minister for Energy and Resources
Shadow Minister for Families, Housing, Community Services and Indigenous Affairs

Hon. Ian Macfarlane MP
Hon. Tony Abbott MP

Shadow Special Minister of State and Shadow Cabinet Secretary
Shadow Minister for Human Services and Deputy Leader of The Nationals

Senator Hon. Michael Ronaldson
Senator Hon. Nigel Gregory Scullion

Shadow Minister for Climate Change, Environment and Water
Shadow Minister for Health and Ageing
Shadow Minister for Defence
Shadow Minister for Education, Apprenticeships and Training

Hon. Greg Hunt MP
Hon. Peter Dutton MP
Senator Hon. David Johnston
Hon. Christopher Pyne MP

Shadow Attorney-General
Shadow Minister for Agriculture, Fisheries and Forestry
Shadow Minister for Employment and Workplace Relations
Shadow Minister for Immigration and Citizenship
Shadow Minister for Small Business, Independent Contractors, Tourism and the Arts

Senator Hon. George Brandis SC
Hon. John Cobb MP
Mr Michael Keenan MP
Hon. Dr Sharman Stone MP
Mr Steven Ciobo MP

[The above constitute the shadow cabinet]
SHADOW MINISTRY—continued

Shadow Minister for Financial Services, Superannuation and Corporate Law
Hon. Chris Pearce MP

Shadow Assistant Treasurer
Hon. Tony Smith MP

Shadow Minister for Sustainable Development and Cities
Hon. Bruce Billson MP

Shadow Minister for Competition Policy and Consumer Affairs and Deputy Manager of Opposition Business in the House
Mr Luke Hartsuyker MP

Shadow Minister for Housing and Local Government
Mr Scott Morrison MP

Shadow Minister for Ageing
Mrs Margaret May MP

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

Shadow Minister for Veterans’ Affairs
Mrs Louise Markus MP

Shadow Minister for Early Childhood Education, Childcare, Women and Youth
Mrs Sophie Mirabella MP

Shadow Minister for Justice and Customs
Hon. Sussan Ley MP

Shadow Minister for Employment Participation, Training and Sport
Dr Andrew Southcott MP

Shadow Parliamentary Secretary for Northern Australia
Senator Hon. Ian Macdonald

Shadow Parliamentary Secretary for Roads and Transport
Mr Barry Haase MP

Shadow Parliamentary Secretary for Regional Development
Mr John Forrest MP

Shadow Parliamentary Secretary for International Development Assistance
Senator Marise Payne

Shadow Parliamentary Secretary for Energy and Resources
Mr Don Randall MP

Shadow Parliamentary Secretary for Indigenous Affairs
Senator Marise Payne

Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector
Senator Cory Bernardi

Shadow Parliamentary Secretary for Water Resources and Conservation
Senator Fiona Nash

Shadow Parliamentary Secretary for Health Administration
Senator Mathias Cormann

Shadow Parliamentary Secretary for Defence
Hon. Peter Lindsay MP

Shadow Parliamentary Secretary for Education
Senator Hon. Brett Mason

Shadow Parliamentary Secretary for Justice and Public Security
Mr Jason Wood MP

Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry
Senator Hon. Richard Colbeck

Shadow Parliamentary Secretary for Immigration and Shadow Parliamentary Secretary Assisting the Leader in the Senate
Senator Concetta Fierravanti-Wells
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12.30 pm and read prayers.

PARLIAMENTARY ZONE

Approval of Works

Senator LUDWIG (Queensland—Minister for Human Services) (12.31 pm)—I move:

That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the National Portrait Gallery forecourt sculpture.

Question agreed to.

SAFE WORK AUSTRALIA BILL 2008

SAFE WORK AUSTRALIA
(CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2008

Second Reading

Debate resumed from 23 September, on motion by Senator Chris Evans:

That these bills be now read a second time.

Senator SIEWERT (Western Australia) (12.32 pm)—The Safe Work Australia Bill 2008 is a very important piece of legislation. The Greens believe that robust and effective occupational health and safety laws and practices are vital for the social and economic health of our workplaces and, more importantly, for Australians and their families.

The importance of occupational health and safety is obvious from looking at even just a few key statistics. In 2004 Access Economics estimated that there were 4,900 work related deaths each year in Australia. The ABS calculated that 690,000 employees suffered from a work related injury or illness in 2006. The Productivity Commission found that, in 2004, workplace deaths, injuries and illnesses cost the economy over $30 billion a year. These figures go to the economic and, importantly, the personal and social costs of workplace injuries and deaths. Behind each of those numbers is a person with a family, workmates, friends and a community.

The last time a bill to set up a national OH&S body was before this place, which was three years ago, I said: … we have a grave responsibility to the Australian people to get this issue right … We do not want to be carrying out our policy experiments when the cost of our errors can be measured in human lives and injury.

The Greens believe that the previous government got it wrong in many ways. It abolished the tripartite and independent National Occupational Health and Safety Commission and replaced it with an executive body, the Australian Safety and Compensation Council—the ASCC. Under the previous government, we saw a systematic attack on the basic principles of occupational health and safety practice—genuine tripartism, independence and involvement of unions at the workplace level. We pointed this out very vigorously at the time, if people will recall.

We believe that the current government has a responsibility to rectify the errors of the past and return to the national stage a robust and independent OH&S body. The Greens welcome the commitment of the government and the state ministers to developing a national, harmonised OH&S system.

The Greens have previously supported the development of national OH&S standards. We note the National Review into Model Occupational Health and Safety Laws currently being conducted by a three-person independent panel of experts. We look forward to the initial report of this review, which we understand is due at the end of October. We also acknowledge the intergovernmental agreement for regulatory and op-
eral reform in occupational health and safety. We welcome the commitment of the government and the states to work towards a harmonised OH&S regulatory regime. We note that the provision of this bill in establishing Safe Work Australia is based on the IGA. But we also note that intergovernmental agreements do not take away the primacy of parliament in deciding the laws of the country. We want to work with the government to ensure that there is a replacement for ASCC and that it has as its key focus the development of model laws and regulations, along with other functions. But we also want to make sure that this body works effectively and in the best interests of the community in occupational safety and health matters.

We believe that building on best practice in OH&S in this country and around the world is to implement genuine tripartism and independence. On these criteria, this legislation is too skewed in favour of governments to the detriment of other key stakeholders in OH&S regulation—that is, employees and employers. Safe Work Australia comes as the latest in a line of national OH&S bodies. The National Occupational Health and Safety Commission was established in 1984 by the then Labor government. It explicitly adopted a tripartite and independent structure incorporating the findings of the Robens report. The Robens report fundamentally changed the approach to OH&S in Australia and around the world. In particular, the Robens report recommended an approach focused on general duties of care. The report stated that the problem of health and safety ‘could not be overcome so long as people were encouraged to think that safety and health at work could be ensured by an ever expanding body of legal regulations enforced by an ever increasing army of inspectors’. It went on to recommend that statutory recognition of joint consultative practices—including government, employees and employers—need to underpin the new approach.

If you agree with this approach—and all of Australia’s OH&S laws are based on this concept—then you also have to acknowledge the importance of genuine participation of employers and employees through a representative structure. The NOHS Commission did recognise this and was established as a statutory corporation with a membership structure incorporating employee and employer representatives. Its functions included formulating policies and strategies relating to OH&S matters, reviewing and making recommendations for the making of laws relating to OH&S matters, researching OH&S matters and conducting inquiries into OH&S matters.

In 2004, in its report into national workers compensation and occupational health and safety frameworks, the Productivity Commission made a number of recommendations relevant to the National Occupational Health and Safety Commission, including a specific objective of achieving national uniform OH&S regulation and joint funding from the states. We note that this bill does implement these recommendations. The Howard government, however, instead of implementing those recommendations, once it got its chance by taking control of the Senate, abolished the commission. Prior to being able to abolish the commission, the previous government had already reduced its funding significantly. Between 1996 and 2005 the then government slashed the budget by over $4 million. We believe OH&S was never much of a priority for the Howard government.

The replacement body, the Australian Safety and Compensation Council, kept a similar membership structure, including the same number of employee and employer representatives as the previous commission, but it lacked genuine independence from
government as it was merely an administrative rather than statutory body. It also took on responsibility for considering workers compensation matters with no consequent increase in funding. It is also worth noting that in 2004 Australia ratified the International Labor Organisation Convention No. 155: Occupational Safety and Health. This convention requires a national health and safety policy to be implemented in consultation with representatives of employers and workers. At the time, the ALP, the Greens and the Democrats opposed the replacement of the NOHSC with the ASCC. Safe Work Australia fits somewhere in the middle of the NOHSC and the ASCC. It continues the practice of being tripartite—although inexplicably downgrading the representation of employee and employer representatives—and, while more independent of government than the ASCC, is significantly less independent than the NOHSC.

The membership of Safe Work Australia and the independence of Safe Work Australia are areas where the Greens have concerns about this bill. We see no justification for downgrading the number of employee and employer representatives from three to two as this bill does. Both NOHSC and ASCC could manage three such representatives. We understand that a great deal of work is involved in adequately consulting employees and employers on the range of issues that come before such bodies. We do not want to see employee and employer representatives at a disadvantage in managing the task of representing their constituents’ interests on such an important body.

We are also concerned about the change in not naming the ACTU and the ACCI as the representative bodies—not necessarily because we have a particular view on these organisations but because the wording of the bill could mean that the union movement in fact has no representation on the SWA. This would be, in our minds, highly undesirable. We are open to further discussion on how the minister’s discretion in nominating an ‘authorising body’ could be tempered—for example, whether there is another formulation which would ensure that the most appropriate representative bodies are authorised. At this stage, we are certainly not convinced by the government’s current approach.

We also believe that there is an unnecessarily high level of ministerial control or direction over the membership of SWA. The minister has unnecessary discretion in the provisions, giving the minister the ability to essentially veto a member nominated by an employer and employee representative body. The minister has no such veto over representatives nominated by the states. This is not only interference in the independence of the body but also contrary to the principles of tripartism. We will be moving amendments to remove this power.

As well as downgrading the number and manner of appointment of employee and employer representatives, there are other provisions which seek to elevate the interests of the Commonwealth and state governments above those of employees and employers. In particular, the bill provides that, when voting on draft legislation, a decision is taken to have been made if there is agreement by two-thirds of the members but also a majority of the members who represent the Commonwealth, states and territories. These provisions also go against the principles of tripartism. The Commonwealth and state governments do not need additional voting rights in the context of Safe Work Australia—they already nominate representatives, and any draft legislation, regulations or codes of practice are required to go to the ministerial council for approval. Furthermore, any such legislation or regulations will need to be passed by the parliaments of the Common-
wealth, states and territories. If they do not like something, there is sufficient protection for these governments in these processes, rather than undermining the concept of tripartism in the SWA. We will be moving amendments to restore the representative numbers and remove the additional voting rights of the Commonwealth, state and territory governments.

The other major interference with the independence of the body is the requirement that SWA’s draft strategic and operational powers be approved by the ministerial council and are subject to change on the direction of the ministerial council. Again, these provisions undermine both the tripartite nature and the independence of the SWA. These provisions represent an unnecessary intervention in the independence of the SWA.

I want to reiterate that, while we acknowledge that many of the provisions that the Greens take objection to come from the intergovernmental agreement, that does not put this piece of legislation beyond the normal and appropriate processes of this place. Intergovernmental agreements such as the one dealing with achieving a national harmonised OH&S regulatory system are important in our federation, but these agreements can never take away the role of parliament in making laws. When we believe laws can be improved, particularly when we believe the improvements will increase the probability of the desired outcome, we will argue for those improvements. In this case, we believe the desired outcome is not merely harmonised laws that state governments are happy with but harmonised laws that robustly protect the health and safety of workers. Further, we believe that such laws are best arrived at through a genuinely tripartite process.

The other area where, unfortunately, SWA is borrowing from the Howard government is in its funding. SWA’s initial funding will be $17 million a year. This is Howard-level funding for a body that also has workers compensation issues within its ambit. I note that when in opposition Minister Wong, in commenting on the Howard government’s abolition of NOHSC, said:

Safe Work Australia does have a function of conducting and publishing research, and we agree it is a vital role. We are just not sure how, with its proposed level of funding, Safe Work Australia could take on the essential task of drafting model laws, regulations and codes of practice and engage in the hugely important role of research.

As I mentioned earlier, in the last 10 years we have witnessed the Howard government making a sustained attack on OH&S structures, regulations and rights. The abolition of the NOHS Commission was only one of these. The former government also expanded the jurisdiction of the Commonwealth OH&S laws to non-government businesses.

The Commonwealth OH&S laws are generally seen as being weaker than OH&S regulation at a state level. This was of particular concern for workers in industries with high OH&S risks such as the building and construction and the transport industries. At the time these changes were being made it was noted that, while increasing the numbers of people covered by Commonwealth OH&S regulation, there was a significant lack of sufficient inspectors. There was also an attack on the rights of unions to have active engagement in OH&S matters in the workplace. By dramatically reducing the role of unions, the then government was acting contrary to the national and international evi-
idence which demonstrates that there are much more effective OH&S practices when unions are involved.

The current government, while in opposition, forcefully opposed these measures, as did the Australian Greens. We welcome this government’s stated commitment to occupational health and safety outcomes and look forward to this ALP government introducing as soon as possible legislation to rectify the measures of the previous government, which lessened the rights of employees and the responsibilities of employers in occupational and health and safety matters.

Let us never forget that the paramount reason for occupational health and safety legislation is to protect the health and safety of persons undertaking work or affected by work. We have a duty in this place to get right the processes for developing that legislation and the regulatory framework. Therefore, we will be moving amendments to improve the representation of both employers and employees and to ensure the independence of this very important body. We do support the principle of the legislation but we think it needs improving and we will seek to make those improvements.

Senator ABETZ (Tasmania) (12.48 pm)—On behalf of the coalition opposition I indicate that we support in general the Safe Work Australia Bill 2008 and the Safe Work Australia (Consequential and Transitional Provisions) Bill 2008; however, we do believe that the legislation has a number of flaws in it and we will be seeking to amend the legislation during the committee stages. Adding to the succession of Labor’s botched policies since it came to government, we are now forced to consider the establishment of Safe Work Australia, a body that will be dominated by state representatives making decisions about OH&S policy for employers and employees, who will have no real voice or influence in this process.

The need for this sort of legislation to harmonise occupational health and safety issues in the Australian context results from the failure of successive state governments to in fact get their acts together. So the need for us to have this harmonised approach results from the states not being able to do it by themselves. We as a coalition government sought to show leadership in this area, and I think we achieved a lot with the Australian Safety and Compensation Council. I will possibly say more on that later.

What federal Labor has now introduced is a body that will be dominated by the same state governments that have so abysmally failed their workers and employers in this particular area. The Labor states, after having failed so miserably, are now in effect being given a veto power, given the way that this body is to be structured. With great respect to the Prime Minister, this is not cooperative federalism. But it indicates yet again that this legislation has been introduced as a result of deals with Labor mates in the various state governments.

With this legislation, Labor is seeking to abolish the Australian Safety and Compensation Council, which was established by the coalition whilst in government to facilitate the tripartite coordination and harmonisation of workplace safety and workers compensation laws. Under the coalition, the ASCC was designed to facilitate a national approach to workplace safety and workers compensation utilising a tripartite consultative method to draw on and include employee and employer knowledge and experience in the move towards a national OH&S workers compensation system.

Whilst the coalition is broadly supportive of a harmonised national occupational health and safety system, it would be difficult to
imagine a body better designed to fail in achieving this objective than the body proposed under the Safe Work Australia Bill 2008 by the Rudd Labor government. Reading the bill, it is quite clear that it was designed by bureaucrats for a bureaucrat, but of course with the additional spin that the Rudd government has now become so famous—or should I say infamous—for putting out into the public arena. Not only does Labor’s bill fail to define the role of Safe Work Australia but someone, somehow, appears to have even forgotten to include the objects of Safe Work Australia and its role in bringing about improved safety outcomes for workplaces. We will be moving amendments in relation to that matter.

Unlike the ASCC, established under the coalition, Labor has purposely, at the behest of its state Labor governments, agreed to give excessive control of Safe Work Australia to the state ministers and reduce—and this is important—employer and union representation by 33 per cent; that is, from three to two for each category. Those that are impacted by occupational health and safety standards, those that pay for it and administer it on a workplace level, have been sidelined in favour of Labor state government bureaucrats. It seems as though the Prime Minister must have had his personal hand in this, because his great claim to fame was, of course, that he was coming to Canberra as the chief state bureaucrat from Queensland. Can I just say to the Prime Minister that the business of running Australia is a bit more than just trying to appease the odd state Labor bureaucrat. It is a lot more important to get this right.

The key partners in this should not be seen as the state Labor governments that have so abysmally failed over the years; the key partners are in fact those who have to deal with these laws, namely the workers themselves and the employers. By reducing the representation of the social partners and compromising their capacity to effectively represent the interests of both industry and employees, Labor is destroying the tripartite approach traditionally required for occupational health and safety regulation to effectively operate in workplaces. Labor’s proposed structure for Safe Work Australia will create an imbalance whereby workplaces directly impacted by the development and formulation of occupational health and safety will be denied the opportunity to genuinely participate in the forum where such regulation is developed.

The bill highlights the hypocrisy of Labor, who prior to the election spoke often of their commitment to occupational health and safety while regularly criticising the coalition—yet now, after the election, Labor have conveniently forgotten about workers and forgotten about industry and do not appear to understand that a process that does not seek to actively engage employers and workers in a meaningful way will not produce the improvements in workplace health and safety that are necessary for Australian workers. Even worse, we have a bill before us today that throws out previous reforms and an accepted understanding from both Labor and coalition governments that, when it comes to occupational health and safety, consultation is a proven mechanism for improving health and safety in workplaces.

When it comes to effective safety in the workplace, there can be no contest that improving and sustaining OH&S performance in the workplace from both an employer and an employee perspective is achieved by doing with the people and not by doing to the people involved. This is particularly the case where achieving outcomes involves significant changes. Some are costly changes or changes to culture in the workplace. Once again, Labor have failed Australian workers and workplaces in the proposed establish-
ment of Safe Work Australia. The reason Labor have failed is quite frankly, I think, that they do not get it. Labor simply do not understand some of these issues because they do not have the real experience of either having been at the workplace themselves or having been an employer.

The current composition of Safe Work Australia fails to have proper regard for the views of industry and employees, which will undermine its credibility, and the outcomes it seeks to achieve, prior to the bill even being passed. We have a situation here now where there is rare unity between the ACTU and the ACCI. They are jointly complaining about some of these measures. We as a coalition agree with their concerns. When we have a situation where the coalition, the ACTU, ACCI and, I think—reading some of his suggestions—Senator Xenophon are all on a unity ticket in relation to some of these issues, you have to ask the question: why is it that Mr Rudd knows best? It is typical of this arrogant Labor government that it knows best and of course Mr Rudd, if he is in any doubt, will always give in to state Labor bureaucrats—and it is quite clear that Safe Work Australia has been largely designed by them. That is why we believe there are substantial flaws in this legislation.

We invite Mr Rudd to reconsider some of these issues and not be the arrogant ‘I know best’ Prime Minister that he has so quickly become. It seems that he can go overseas to tell the US congress how to vote and consider legislation, but he does not have the time to sit down with my good friend Senator Xenophon and others to encourage them to vote for certain pieces of legislation. It is just yet again indicative of the picture that Mr Rudd is painting of himself of an out-of-touch Prime Minister, arrogant enough to fly out of the country to tell the US congress how to vote but not interested in Australian senators and how they might exercise their vote—more interested in US senators than in Australian senators. It is that attitude that permeates this legislation in virtually every clause.

In the case of Safe Work Australia we are now witnessing a common Labor trait, where they cross their fingers behind their backs and tell Australian workers and business that they are doing one thing but instead make decisions and create ineffective regulations that create more problems than they solve. Labor’s limitation on the involvement of social partners—representatives of both employers and employees—will, without a doubt, lead to a situation where government representatives will be able to repeatedly override legitimate concerns raised by social partners during OH&S harmonisation discussions, including concerns relating to increased costs or impractical safety proposals for workplaces, or genuine proposals that may be lobbied against by a small sector in a few states. The proposed voting procedures under Labor’s bill are also unbalanced, giving state governments veto powers and simultaneously marginalising the role of what are called the social partners—I would say, the real players.

With limited capacity to oppose various proposals, there is no doubt that Safe Work Australia will be used by the government to develop other codes, policies and regulations, under the guise of safety, to achieve certain industrial outcomes on behalf of minority interests that would otherwise need to be discussed with stakeholders at a state level. Clearly the government has borrowed this approach from its Labor counterparts on a state level, where workplaces in many cases are already overwhelmed with impractical and unworkable occupational health and safety laws. Now Labor wants to introduce a body to achieve harmonisation which will be dominated by those same Labor governments and their advisers who have already failed to
establish, in many cases, workplace occupational health and safety and workers compensation systems in their own states. Remarkably, Minister Gillard is determined not to listen to stakeholders and instead has chosen to reduce their representation and rely on state representatives who have already so abysmally failed in their own backyards.

The foundation upon which Safe Work Australia has been established is fundamentally flawed, with the direction and success of Safe Work Australia being contingent on the cooperation and participation of the ministerial council to which it is required to report. Members of the ministerial council have repeatedly failed to attend and/or cooperate with the Commonwealth in these meetings, which raises some legitimate concerns about just how effective Safe Work Australia will be in an environment where state Labor governments have been unwilling to cooperate and genuinely contribute to discussions about the harmonisation of occupational health and safety laws across Australia—particularly the New South Wales state government, which has been reported by some as having the very worst OH&S system in the country. Where the ministerial council fails to meet or refuses to cooperate in a national discussion on occupational health and safety. In relation to these stakeholders, we will be moving amendments to ensure that the appropriate peak bodies are chosen to represent the stakeholders and that it is not, as is the case in the legislation at the moment, at the whim of the minister so that she can play favourites and approve those that she would like.

Labor’s duplicity is further highlighted by its unwillingness to review its processes and report back to parliament on the progress of Safe Work Australia. The bill currently proposes an inadequate process of reporting back to parliament every six years. It is incomprehensible that Labor wants to introduce a state-dominated, independent authority that has no requirement to report to parliament for six years in relation to its operations. Sure, under clause 70(2) there is the provision for an annual report, but there are only two sections dealing with what the annual report needs to cover. Can I respectfully suggest to the government that they should consider amending that further, to allow or to specifically state that they must also report on the operation of Safe Work Australia in relation to the legislation—what the faults are, what the benefits are—so that, if there are actual issues to be addressed, those issues can be addressed immediately. Occupational health and safety happens to be a very important issue—something that I would have thought everybody in this chamber would be absolutely agreed upon. Therefore, if an issue arises urgently then this body should be able to report to the parliament on those issues and have them dealt with, with amending legislation, as matter of extreme importance.

In brief, Safe Work Australia is, unfortunately, just another botched policy on top of
the failed Fuelwatch, GroceryWatch, the proposed abolition of the ABCC and, in the last months, the failure of the award modernisation process, which industry says could potentially lead to significant job losses and inflationary outcomes. There is one common thread running through all of these botched Labor policies: the Labor government does not have a plan and is incapable of listening to Australians and delivering credible and acceptable policy solutions.

In brief, the opposition will support this legislation, but we will be pursuing a number of amendments during the committee stage to ensure that occupational health and safety in this country is properly addressed. If Labor want to now have a different body to that which the coalition had in the ASCC, so be it. They can make that their own and give it their own name—Safe Work Australia—but what it should have been is a genuine evolution of that which we had initiated. Unfortunately, a lot of the proposals are in fact regressive. Worst of all is the diminution of the union and employer roles in this vital area. I would have thought everybody would be agreed that, if anything, these social partners are a vital part of the cog and for Labor to overlook them is inexplicable. I look forward to the committee stage. (Time expired)

Senator FEENEY (Victoria) (1.08 pm)—I rise to support the Safe Work Australia Bill 2008. In doing so I commend the government, and particularly the Deputy Prime Minister and Minister for Employment and Workplace Relations, Julia Gillard, for the timely introduction of this bill, a bill that meets an important election commitment made by the Labor Party at the 2007 election.

This bill establishes a new independent Commonwealth statutory body, Safe Work Australia, to improve occupational health and safety and workers compensation outcomes for Australian workers. Labor’s platform for the 2007 election contained an important commitment:

Labor will work with the States and Territories to achieve a nationally consistent occupational health and safety framework which reflects best safety practice within Australia, and which is consistent with the best international standards. This framework should be clear and capable of enforcement at the workplace level.

This bill represents the government’s fulfilment of that very important commitment.

Safe Work Australia will be a cooperative body representing the Commonwealth, the states and territories, and employees and employers. It will be a reform-focused body with the power to make recommendations directly to the Workplace Relations Ministers Council, which includes the Commonwealth, state and territory workplace relations ministers. Safe Work Australia will have a number of important responsibilities. These responsibilities include developing national policy on occupational health and safety and workers compensation; preparing model occupational health and safety legislation and codes of practice for adoption by the Commonwealth, the states and territories; developing a compliance and enforcement policy to ensure that a nationally consistent approach is taken; developing proposals for the harmonisation of workers compensation arrangements across all jurisdictions; and reducing the complexity and costs for businesses. Safe Work Australia will replace the Australian Safety and Compensation Council, an entity that was set up by the Howard government as a purely advisory body. In contrast to the ASCC, Safe Work Australia will play the central role in occupational health and safety and workers compensation reform.

Senator Abetz spoke moments ago about botched policy. Frankly, the other side is in a good position to recognise botched policy when it sees it—because, of course, it had
custody of and inspiration for such policy over the past 11 years. Senator Abetz called for evolution, and evolution is what this bill represents as we go from the coalition stone age to a far more effective and just system under the Rudd Labor government. The Liberal and National parties had custody of our occupational health and safety law for 11 years. As a result, if I may quote the Deputy Prime Minister from her second reading speech in the other place:

Our health, safety and compensation systems are in a sorry state—unnecessarily complex and costly. Inconsistencies between jurisdictions mean that some workers are at risk of poorer safety standards than their counterparts in other states. At the same time, these inconsistencies increase the complexity, paperwork and costs for the 39,000 Australian businesses that operate across state boundaries.

Under the previous government, the Commonwealth’s own occupational health and safety body, Comcare, was developed into a backdoor way of allowing employers to escape the jurisdiction of the states and territories. Because the Commonwealth’s rules were less rigorous than those of the states and territories, employers tried to shift from state jurisdictions into the federal jurisdiction—that is, into Comcare—and the Howard government was happy to enable them to do so. In fact, this was a deliberate and calculated device to circumvent state laws. Senator Abetz has called upon this house to have regard for harmonisation, but of course it was nothing more than a rush to the bottom under the previous government. In the last days of the Howard government the then minister, Mr Hockey, granted an additional seven Australian companies eligibility to apply to move to Comcare. Given that this was a privilege initially granted to only 19 companies in the country, this represented a significant expansion. Senator Abetz has spoken mischievously about potential deals with Labor mates in state governments but, in consideration of Mr Hockey’s deeds in the dying days of the Howard government, one might just as easily speculate about deals between the Howard government and its mates in some of these major Australian businesses. This is why the current minister announced very shortly after she took office that she was imposing a moratorium on employees transferring into Comcare’s jurisdiction. She pointed out, very properly, that many questions had been asked about the protections available to workers in the Comcare scheme compared with those available under state and territory laws. There was deep concern about the capacity of Comcare to have the expertise and the resources to deal with many of these companies that have transferred into its jurisdiction.

The minister also pointed out that the Howard government failed to work cooperatively with the states and territories to achieve consistent workers compensation and occupational health and safety laws. The Howard government was not interested in consistency; it was simply interested in facilitating the movement of employers into an inferior scheme. In fact, I would go further—I would say it refused to consult with employers, employees or the state governments in seeking a genuine harmonisation. The Howard government was notorious for its refusal to work cooperatively with the states on issues like this. It always preferred to act in a unilateral and high-handed way, grabbing all the credit for itself and never missing an opportunity to miss an opportunity.

In January this year, the minister announced a review of the appropriateness of self-insurance under Comcare, with the aim of determining, among other things, whether Comcare provides appropriate occupational health and safety and workers compensation coverage, whether Comcare has the capacity to ensure that employers under its jurisdic-
tion provide safe workplaces, and what arrangements are required to ensure that all workers working at workplaces under Comcare’s jurisdiction have their health and safety protected. This review is very welcome and I look forward to seeing its recommendations.

It is important to note that those opposite had their chance to get this issue right but, as was so often the case, they dropped the ball. In 2004, the Productivity Commission conducted an inquiry into workers compensation and occupational health and safety. The commission’s report recommended that all Australian jurisdictions adopt uniform occupational health and safety regulations, it recommended a national workers compensation scheme and it recommended nationally consistent standards for workers compensation. We might very well ask: what happened to those recommendations? The then Minister for Employment and Workplace Relations, Kevin Andrews, rejected them. He rejected recommendations from Australia’s principal advisory body on microeconomic policy and regulation, the Productivity Commission. Why did he do that? I can only surmise that it was due to deference by the minister and the then Prime Minister to what they saw as the interests of some employers—although I am sure the sensible majority of employers would have welcomed a uniform national occupational health and safety scheme. The then minister also rejected the Productivity Commission’s recommendation for an expert body to develop a national scheme. Instead we got a weak, toothless advisory body, the ASCC—which the other side are now trying to turn into a virtuous body.

In contrast to this sorry record of neglect, the Rudd government and the Deputy Prime Minister, whose commitment to the rights of Australian workers is well known, are determined to create a national occupational health and safety regime free from inconsistencies, unnecessary duplications and overlaps. This is an important national project and a good example of the Rudd government’s determination to make Australia’s federal system work better through cooperation between the Commonwealth and the states and territories.

It is true, of course, that there have been some differences of opinion among the states, and between the states and the Commonwealth, about the provisions of the legislation abolishing the ASCC and establishing Safe Work Australia. That is to be expected. The states naturally have their own points of view, and some states have expressed the desire to retain various aspects of their own state-specific occupational health and safety regimes rather than to immediately agree to a uniform national scheme. That is part and parcel of a project of this nature. Despite these differences, the Commonwealth and the states and territories have an important shared objective, and that is to create a system which will improve Australia’s occupational health and safety performance, leading to greater workplace safety for all Australian employees. This is not a government that is interested in facilitating a race to the bottom, to the lowest common denominator, as our predecessors were.

Why is this question of such great importance to Australian workers and to Australian employers? It is because each year, over the past 10 years, between 250 and 350 Australian workers have been killed in workplace accidents. In other words, between 1997 and 2005 nearly 2,400 workers were killed in such accidents. And, in each of the last 10 years, between 146,000 and 153,000 workers made serious compensation claims. In other
words, each year between one and two per cent of all Australian workers receive a work related injury or suffer a work related illness serious enough to make a compensation claim. It is worth pointing out that these are minimum figures. They do not cover all workplace deaths and accidents. They do not include cases in which no-one made a claim for compensation; they do not include injuries resulting in absences from work of less than a week; they do not include many transport related injuries and deaths, since these are often not classified as workplace related; they do not include deaths and injuries among ADF personnel or members of police services; and they do not include asbestos related cases, which are compensated through other mechanisms.

I am pleased to note that the number of workplace fatalities and work related compensation claims has been slowly declining over the past 10 years. This is partly due to more effective workplace safety legislation in the states and territories, but it is also due to changes in the structure of the Australian workforce. The number of workers engaged in dangerous physical work in places such as mines and factories is declining. The number working in relatively safer white-collar jobs is increasing. The workforce is slowly ageing, and older workers are less likely than younger workers to be killed or injured at work. On the other hand, the number and incidence of workplace deaths and injuries among women are increasing as the gender balance in all areas of the workforce continues to shift towards women. The proportion of all serious claims where the employee was female increased from 28 per cent in 1997-98 to 33 per cent in 2004-05.

As we would expect, different industry sectors have very different incidences of workplace fatalities and injuries. The highest incidence of fatalities is in the agriculture, forestry and fisheries sector, followed by the transport and storage sector. These two sectors each have an average annual fatality rate of more than 10 per 100,000 workers. Everyone would agree that that is unacceptable. The mining and construction sectors both have an average annual fatality rate of more than five per 100,000 workers. The agriculture, forestry and fisheries sector, the transport and storage sector, the mining sector and the construction sector also have the highest rates of compensation claims for work related injuries and illnesses. All four sectors have an average annual rate of more than 20 serious claims per 1,000 workers. In other words, each year more than two per cent of all workers in these sectors make a serious compensation claim. These figures show that there is an unacceptably high rate of fatality, injury and illness in these industry sectors in particular.

If we look at absolute numbers rather than incidence rates, the two sectors which produce the largest numbers of serious compensation claims are the manufacturing sector and the health and community services sector. Australian factories are safer places to work in than was once the case, but they are still far from being as safe as they should be and could be. It is apparent that our hospitals and health centres, a rapidly expanding sector of employment in this country, are also not as safe as they should be in terms of the health and safety of the people who work there.

I do not wish to suggest that all Australian employers act without regard to the health and safety of their employees. Of course that is not the case. I do not suggest that the majority of employers act in such a way. But it nonetheless remains a fact that there are some employers, unfortunately, who put the interests of their business ahead of the well-being of their employees in the scale of their priorities. This attitude leads to the health and safety of employees, and on some occa-
visions the very lives of those employees, being put at risk. If that were not the case, we would not need an occupational health and safety regime at all.

As well as an effective, uniform, national occupational health and safety and workers compensation scheme, we need recognition of the vital role the trade unions play in the protection of the health and safety of Australian workers and in the maintenance of workplace standards. Government agencies, no matter how well intentioned or well funded, and no matter how extensive their powers, cannot be in every workplace every hour of the day, and nor is that desirable.

But when employees join trade unions, and when those unions have the legally protected right to check on the safety of their members and on whether the law is being observed at work, they do represent an extraordinary resource for government and regulators in this very important area. That is why this government works cooperatively with both business and unions to improve the safety of Australian workplaces, rather than treating the unions as enemies, as the previous coalition government did. We have just heard a speech from Senator Abetz in which he referred to the trade unions as ‘social partners’. This represents a magnificent elevation in their status from the 11 years of victimisation that they enjoyed under the previous government. But those weasel words do not change the fact that the trade union movement in particular has been shunned as a participant in this area for the past decade, and that is something that has now changed.

This is a very important piece of legislation. It will benefit both employers and employees. It will reduce the number of workplace fatalities and injuries and work related illnesses. In doing so, it will save lives. It is a very serious attempt to deal with a very serious issue and it is building on a very sorry legacy from the previous government. I commend the bill to the Senate.

Senator BOYCE (Queensland) (1.25 pm)—I would also like to speak on the government’s Safe Work Australia Bill 2008 and related bill. This bill claims to establish Safe Work Australia as an independent Commonwealth statutory body with the aims of improving occupational health and safety outcomes and workers compensation arrangements in Australia. As Senator Abetz outlined, the opposition supports this bill but has some very strong reservations about some aspects of it as it currently stands and will seek to amend those.

According to the explanatory memorandum that accompanies the Safe Work Australia Bill, the organisation will be:

… an inclusive, tripartite body representing the interests of the Commonwealth, the States and Territories as well as workers and employers in Australia. SWA will be a reform-focused body with the power to make recommendations directly to the Workplace Relations Ministers’ Council (WRMC).

This new statutory body will replace the Australian Safety and Compensation Council which our government established, which was also designed as a tripartite organisation to coordinate and harmonise workplace safety and workers compensation laws across all Australian jurisdictions. Senator Feeney somewhat derisively referred to the Australian Safety and Compensation Council as an ‘advisory body’ and described it as ‘weak and toothless’. Could I please take you back to the great powerhouse of the proposed new body, Safe Work Australia. It will have the power to make recommendations. Wow! That is a really big change. My God! People will be quivering in their boots at the idea of a new body that can make recommendations to a ministerial council. What a novel change. The new government body is in ef-
fect simply a rebranding of the coalition’s Australian Safety and Compensation Council, albeit in a way that actually compromises the tripartite approach that our government took to workplace health and safety regulation to operate effectively in workplaces.

The coalition were and remain very aware of the need to have greater harmonisation in business regulation across Australia, and we are very supportive of any sensible approach to achieving better workplace safety arrangements across Australia. But we are also extremely concerned that the government’s proposed body will actually have less rather than more representation from the various stakeholders that were involved in the Australian Safety and Compensation Council. Safe Work Australia, in replacing the Australian Safety and Compensation Council, will actually reduce the number of representatives from industry and unions. They have been referred to both by Senator Abetz and by the shadow Treasurer, Ms Julie Bishop, as the social partners in the program to develop coherent workplace health and safety regulations across Australia. The industry and union representatives are each to be reduced from three to two. So in fact we will have four representatives from industry and from unions instead of the six that were on the Australian Safety and Compensation Council—a reduction of a third in the number of people who actually know what the jobs involve and who actually understand what happens in the workplace in something other than an abstract way.

This aspect of the reduction of representation for both unions and employers very much concerns the coalition. We need, in the area of workplace safety and health, to proceed with policy development in a calm, considered and experienced way that involves all the interested parties in developing viable solutions. What we do not need here is a board of directors, albeit with no power except to make recommendations, telling a ministerial council what the latest academic view or the latest bureaucratic view of workplace health and safety is. We need input from people who actually do the jobs and understand how the jobs can be done. The shadow Treasurer, Ms Julie Bishop, in the second reading debate on this bill in the other house said:

Labor talks—often—about its commitment to occupational health and safety, yet Labor does not appear to understand that a process that does not seek to actively engage employers and workers in a meaningful way will not produce the improvement in workplace health and safety that are necessary—and meaningful, on the ground for employers and—

for Australian workers. When it comes to effective safety in the workplace there can be no contest that improving and sustaining OH&S performance in the workplace from both an employer and an employee perspective is achieved by doing things—

by developing policy, by talking through issues—

‘with’ people, not by doing ‘to’ people.

Our primary concerns hinge around the fact that the government’s new body limits the involvement of social partners in the development of new ideas and of sensible reforms. It must be asked, why would Labor want to do that, why would they want to limit the number of employer and employee representatives? We have already heard the concerns of Senator Siewert that this makes no provision for the peak bodies such as the Australian Chamber of Commerce and Industry and the ACTU to be involved in the Safe Work Australia body.

As in many other areas, the proposed solution by the Rudd Labor government is simply a public servant style answer. Their proposal for a body with less representation of effective stakeholders will lead to a situation
where the government representatives will be able to repeatedly override the legitimate concerns and issues raised by the employers and the union representatives during OH&S harmonisation discussions, including concerns relating to increased costs or, at the very worst, to impractical safety proposals in the workplace.

We all know what happens in practice when you have poor law or poor regulation: it is ignored by citizens. People recognise it for the foolishness that it is and proceed to develop their own ways around it. We will end up with more and more industrial police forcing people into ways of going about their jobs and achieving in their businesses that are not sustainable and have no respect within the community that they are best meant to serve if we do not involve closely the people whose jobs are, in the end, what we are talking about. How those jobs are done is best sorted by the people who actually do the jobs.

Under Labor’s proposed body, Safe Work Australia, we will have the bureaucrats outnumbering those who are actually working in the workplaces across Australia. There will be very limited capacity to oppose this apparently very powerful body—remember it can make recommendations. So, under the guise of safety, various proposals will come up to be further developed and there will be further changes made to codes, policies and regulations. But they will really be aimed at producing the sort of industrial outcomes that the Rudd Labor government wants to achieve on the behalf of minority interests that otherwise would not have gotten to the table with the current stakeholders at state level.

I heard Senator Feeney earlier express surprise that the Liberal government had a concern about unions and regarded them as a social partner in this. I find that ridiculously offensive but I must admit I did listen with some surprise to his new-found concern and respect for employers as a spokesperson for the Rudd Labor government. The only way that good, safe work practices happen is when employers and employees work together to achieve them. That is certainly something that the previous government set out to do despite the number of times that the state ministers refused to come to the table, refused to get involved.

The inconsistency we have spoken about within state regulations is costing business money. Yes, sure it does if you have to have a workplace health and safety officer who understands the intricacies often irrelevant to actual safety but just relevant to ticking the right boxes. If you need to have a workplace health and safety officer who can understand the rules of seven different jurisdictions, seven different sets of policies, seven different ways of applying them often—despite what the rules say—there is always room, as I think everyone here knows, for their interpretation. How they are applied by different workplace inspectors can vary radically from state to state. So, yes, there is a cost to business in doing that. But there is another cost to inconsistency in policy and that is the cost to employees who may injure themselves because they are working under one set of rules that are not appropriate to the area that they are working in because those rules have been made a long way away from the workplace and from where the job actually happens and it is not understood by those people.

I note that this bill says that Safe Work Australia will report to a ministerial council and again this is an area of concern given the previous performances of ministerial councils in the workplace relations area. Senator Abetz referred to people refusing even to attend ministerial council meetings. So, I have no high hopes that we will get any
quick action out of this when we look at a body that is not dominated by people in the industry who have a vested interest in getting quick solutions to problems that may be seen or reforming policy when that is an issue but dominated by a public servant mentality that makes recommendations to a ministerial council. I do not think that anyone would suggest that a ministerial council is the way to get a quick decision. They are certainly powerful decisions when they are made, but they are not quick decisions. Again, we have some serious concerns here.

I would also like to follow up Senator Feeney’s comments regarding the previous government’s development of Comcare, which did allow some organisations to function under a coherent, unitary system of workplace health and workplace relations policies. As the shadow Treasurer has already commented, this saved millions and millions of dollars for some of those companies involved by not having to go through little extra hoops, by not having to have seven sets of instructions on how to do exactly the same job in exactly the same factory. I think that one of the things that we hope will come out of this harmonisation is a realisation that, in many cases now, we have national companies doing the same work in every state but doing the same work differently because there is no coherence to the state workplace health and relations policies or programs. So, yes, there is a saving there.

Senator Feeney appeared to imply that there was something rather sneaky and scary about the fact that companies could save this money and get a uniform outcome. I notice that Senator Feeney was not able to give us any figures on workplace health and safety in those organisations. So I presume, on that basis, that they were positive and that, therefore, he did not want to tell anyone how they had actually succeeded in assisting companies not only to save money but also to improve their workplace health and safety record. Senator Feeney also noted that the workplace health and safety record of Australia has been slowly improving over the past 10 years. It could have improved a lot faster if the previous Howard-Costello government had had the cooperation of the states in bringing together issues such as the harmonisation of workplace health and safety regulations. Nevertheless, the intent of this legislation to produce harmonisation, to get cooperation, is supported by the opposition.

It is quite interesting that, in the current economic climate, when building in Australia has basically hit the wall, we have the other efforts of the Labor government to assist in the workplace. Their attempts to destroy the Australian Building and Construction Commission is just one example of this. It is worth noting that last year the construction industry in Australia contributed 6.7 per cent to Australia’s GDP and employed about 940,000 workers. That is nine per cent of the Australian work force.

Coalition government efforts in the past to reform the lawlessness and the corruption within the building and construction industry actually had a direct and positive effect in improving that industry and giving us the result that we got last year: a significant reduction in the number and cost of strikes and increased output and productivity. It is rather ominous to think about where the building industry might be now if it were not for the reforms that were forced through by the Howard-Costello government despite the outcries and lack of cooperation across the board that came from state Labor governments who were more intent on building up debt than they were in building their states or in building infrastructure in their states.

I also note with interest that next week—19 to 25 October—will be Safe Work Austra-
lia Week and there will be various celebrations going on around the country, as there rightly should be, to highlight and create awareness about what safe work involves and how everyone can contribute to improve the record that we have in occupational health and safety. I was somewhat bemused to note that in New South Wales—which of course probably has the record for being the most intransigent of the states and having the most confused of the regulatory bodies in this area—the Safe Work Australia Week will be launched at the Lismore City Hall, and they will have a big celebration. They will be celebrating not a reduction in workplace health and safety incidents and not a streamlining of regulation; they will be celebrating the 1000th workplace advisory visit. This is where someone turns up on your doorstep at your factory and attempts to tell you and your staff how to do your job better than you currently are. I think this is probably the sort of thing that we can look forward to a lot more under the proposed legislation. As I said, we will be seeking to amend certain aspects of it.

Senator BILYK (Tasmania) (1.44 pm)—I rise to speak in support of the Safe Work Australia Bill 2008. This bill is very near and dear to my heart, as I am not only a former union official but also a former union official who did copious amounts of training with regard to occupational health and safety in the workplace. The purpose of this bill is to establish Safe Work Australia, an independent Commonwealth statutory body to improve occupational health and safety outcomes and workers compensation arrangements in Australia.

Safety in the workplace is of paramount importance. It is important to ensure the health, safety and welfare of workers while they are at their places of work. There are rights and responsibilities for both employees and employers in maintaining a safe workplace. In my previous role as a union official I saw the results of accidents and incidents and the on-costs that these events caused not only to the worker and their family but also to the employer and to the community. Safe Work Australia will be a reform focused body with the power to make recommendations directly to the Workplace Relations Ministers Council. It will be empowered to develop national policy relating to occupational health and safety and workers compensation. It will be empowered to prepare, monitor and revise model occupational health and safety legislation and model codes of practice. It will be empowered to develop a compliance and enforcement policy to ensure nationally consistent regulatory approaches across all jurisdictions. It will be empowered to develop proposals relating to the harmonisation of workers compensation arrangements. It will be empowered to collect, analyse and publish occupational health and safety and workers compensation data and to undertake and publish research. It will also be empowered to drive national communication strategies to raise awareness of health and safety at work, further develop the National Occupational Health and Safety Strategy for 2002-2012 and advise the Workplace Relations Ministers Council on occupational health and safety and workers compensation matters.

Safe Work Australia will comprise 15 members, including an independent chair: nine members representing the Commonwealth and each state and territory, two members representing the interests of workers, two members representing the interests of employers and the chief executive officer. The Minister for Employment and Workplace Relations will make appointments to Safe Work Australia based on nominations from each body. The tripartite nature of Safe Work Australia’s membership ensures that this body will have input from major stake-
holders in Australia’s occupational health and safety systems. It means that employers, employees and government can work together to pursue their common interest in improving occupational health and safety. But if we are serious about occupational health and safety, there is a real need for government to lead on this issue.

Safe Work Australia will replace the Australian Safety and Compensation Council, commonly known as the ASCC, which was established by the Howard government to advise on the development of policies relating to occupational health and safety and workers compensation matters. The ASCC has been badly in need of reform for some time. As an advisory rather than a statutory body, it has no requirement to report publicly. In other words, it essentially has no teeth. The ASCC has effectively been contained to coordinating, monitoring and promoting national efforts in respect of occupational health and safety issues. Its advice could easily be ignored by the government of the day.

Unlike the previous government, the Rudd Labor government has taken a serious approach to improving Australia’s occupational health and safety arrangements. That is why we are undertaking a review of the Comcare scheme and setting up an independent panel of experts to conduct a national occupational health and safety review, as we have already heard from previous speakers. The Minister for Employment and Workplace Relations, Julia Gillard, announced the review on 4 April 2008 and tasked the expert panel with developing model occupational health and safety laws. That three-person panel will review occupational health and safety legislation in each state, territory and Commonwealth jurisdiction and make recommendations on the best structure and content for a model occupational health and safety act. The model act will be capable of being adopted in all jurisdictions. When the panel’s report is handed down, Safe Work Australia will be responsible for developing national policy relating to occupational health and safety and workers compensation. It will prepare model occupational health and safety legislation, model regulations and model codes of practice based on the findings and recommendations of the review report.

This is a first in Australia’s history. The Rudd government has taken the unprecedented step of entering into an intergovernmental agreement to harmonise occupational health and safety arrangements throughout the Commonwealth, states and territories. The intergovernmental agreement on harmonising occupational health and safety arrangements is a demonstration of the Rudd government’s commitment to cooperative federalism. It is also a great example of what the aspiration towards cooperative federalism can achieve. The Howard government, by contrast, never believed in cooperation with state and territory governments. Their approach to dealing with the states was about dictating policy to them and then threatening to deny funding if the states did not follow their way of doing things. Of course, the states and territories were never asked for their input on national measures, even though they were expected to provide matching funding. It was usually a case of: if we want your opinion we will give it to you.

It was convenient for the Howard government to take a big stick to the state and territory governments because they happened to be of a different political persuasion. They never saw it as being in their political interests to seek the adoption of consistent, nationwide regulations for occupational health and safety. For Labor, it is at the very core of our philosophy that the best outcomes can be achieved for Australia when Commonwealth, state and territory governments all work together in the common interests of the nation.
That is why we have entered into an intergovernmental agreement, and with this legislation we are setting about implementing that agreement. The establishment of Safe Work Australia is a product of this agreement. The states and territories have agreed to provide 50 per cent of the funding, with the remaining 50 per cent to be provided by the Commonwealth. The total contribution from the parties will be $17 million in the first year, increasing each year by, at a minimum, the consumer price index. For the Commonwealth, that is $8.5 million in 2008-09.

The result of our approach to harmonising occupational health and safety arrangements will be to reduce regulation. This will free up businesses to focus on the important business of making real improvements to occupational health and safety. There is no more compelling reason to make sure we get our occupational health and safety systems right than the potential costs of getting it wrong. Workplace accidents and injuries result in phenomenal costs to businesses, workers and society. In the 2005-06 financial year there were 139,630 serious workers compensation claims. These claims involved either a death, a permanent incapacity or a temporary incapacity with an absence from work of one working week or more. Compensation claims do not account for the full extent of work related illnesses, since many work related diseases do not result in a claim.

A more recent report by the Productivity Commission estimated the number of serious injuries to be more than 140,000 per year. Tragically, more than 300 Australian workers are killed each year. According to an Access Economics report, 8,000 Australians die each year as a result of work related incidents or illnesses. These figures are staggering when we start to consider what these incidents and illnesses cost Australia. A 2004 report by the National Occupational Health and Safety Commission identified the direct and indirect costs of work related illness and injury for employers, workers and the community. It found that the total costs of work related illness and injury were roughly four times the indirect costs. The costs of a work related injury or illness include such items as lost productivity; the cost of overtime and overemployment; employer excess payments; loss of current income; recruitment, training and staff turnover costs; loss of future earnings; medical and rehabilitation costs; investigation costs; legal fines and penalties; legal costs and overheads; travel expenses for attending courts or tribunals; social welfare payments; and loss of government tax revenue. The report estimated that the total cost of work related illness and injury was $20 billion in 1992-93, rising to $31 billion in 2000-01.

The Productivity Commission’s report now estimates the direct cost of supporting work related injuries and illnesses to be $34 billion a year. In addition to these financial costs there is the cost of the personal pain and distress caused to the injured worker as well as to their family and coworkers. In my home state of Tasmania, statistics from WorkCover Tasmania show that there were 9,873 reported workplace injuries in 2007, or 27 Tasmanians injured per day. The most common types of injuries in 2007 were soft-tissue disorders due to trauma, which accounted for 3,428 of the injuries reported, followed by wounds, lacerations, amputations and internal organ damage, which accounted for 2,355 injuries. The majority of these injuries were caused by body strains—3,336 injuries; falls, trips and slips—1,863 injuries; and being hit by moving objects—1,825 injuries. Just to give you some idea of the cost of these injuries, WorkCover reported that, in the 2006-07 financial year, $99.5 million was paid in compensable claims for workplace injuries. For the same
period, four workplace fatalities were reported in Tasmania.

I want to give some sense of perspective on these figures, because we are talking about people’s lives and livelihoods. For example, the 300 or more work related deaths each year mean that, almost every day in Australia, someone heads off to work and does not return home. For each of these deaths there are many more injuries that affect workers for life. Imagine being in an accident at work that did not kill you but left you crippled for life. Imagine dealing with the daily trauma of the accident and the pain of its lasting effects. Imagine the mounting medical expenses and the legal struggle you would have to go through to obtain reasonable compensation. Imagine losing not only your job but also your future career as the accident causes you never to be able to work again. This is why it is vital to have a cooperative approach between the Commonwealth, states and territories on occupational health and safety arrangements.

This issue is too important to be treated as a political football. That is why I support this bill. Implementing these arrangements is about improving people’s lives. It is about making sure that the workplace hazards that threaten the quality of life and the livelihoods of ordinary Australian workers are minimised. It is about Commonwealth, state and territory governments working together and doing their utmost to make our workplaces injury and illness free. Every avoidable injury and every avoidable disease that occurs costs us. It costs us in lost productivity, in medical and legal expenses and in the pain and suffering caused to those affected. It costs our economy, it costs our society and it costs our families. However, this bill is not just about improving lives and it is not just about minimising the incidence of illness and injuries. The most important thing this bill is about is saving lives. I reiterate that this bill is about making sure that ordinary Australian workers are safe. This bill will save lives. I urge all senators to support this very important bill.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Age Pension

Senator HUMPHRIES (2.00 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. Will the government commit to immediately helping our pensioners and stimulating our economy by adopting the coalition’s plan to increase the pension by at least $30 a week?

Senator CHRIS EVANS—I thank the senator for the question. It is pretty similar to questions that I have been asked in previous weeks when, on behalf of the government, I made clear our position that we have committed to reform of the pension system and that we would do that with a report which will come down by February of next year and feed into the broader taxation reform inquiry. As the Senate would know, a bipartisan Senate inquiry report recommended the review of the pension system. We have acted on that with the Harmer review, and its report—the final report—will be with us by no later than February next year.

We do understand that pensioners have been doing it tough. We therefore, in our first budget in May, made a significant down payment on providing extra financial support for pensioners. That budget contained $7.5 billion in additional payments for seniors, carers and the disabled. So we have made a significant financial commitment—an injection of payments to seniors, carers and the disabled. We have made a significant financial commitment—an injection of payments to seniors, carers and the disabled. It may well be that the opposition have now discovered the plight of pensioners and are saying that it is not enough, but the bottom line is that they had 11 years—they had 11 budgets—to do something about this, and they did not. For them, having gone into
opposition, to suddenly be all care and no responsibility is, I think, fairly cynical. The opposition may now wander around Australia saying, ‘We ought to subsidise petrol; we ought to increase pensions; we ought not to worry about having a decent sized surplus,’ and lose any credibility they once had for economic management. But we know that we are in very difficult financial times. There is a great deal of uncertainty in the global economy. Pressure is being placed on the Australian economy like it is on all other economies. We are particularly well placed compared to many other economies, but we are under pressure. We do know that these events will impact upon us. That is why this government is providing strong leadership and prudent management to ensure the financial security of all Australians.

We made a range of announcements which seek to reassure Australians about the financial position of Australia. We argue that we are very well placed comparatively. We argue that our banks are strong. But we have also taken very large measures to try and provide confidence in the market and confidence in the Australian public with a guarantee on deposits, which is part of a range of measures we have taken. So we are taking what we regard as strong, prudent measures to protect all Australians, and that includes pensioners. Pensioners also benefit from having their savings protected under the measures we announced on the weekend.

Senator Abetz interjecting—

Senator CHRIS EVANS—Some pensioners do have savings, Senator Abetz, and they are concerned about them. What our measures do is seek to allay those concerns, to reinforce the government’s confidence in our banking system and in the financial settings in the Australian economy. We will do everything we can to protect all Australians from this current financial crisis, but there will be impacts on the Australian economy. We are open and honest about that, but we are providing the sort of leadership which we think is important in these times. Rather than wandering around trying to organise stunts, I would urge the opposition to join us in that responsible approach. (Time expired)

Senator HUMPHRIES—Mr President, I ask a supplementary question. I take it that is a no to the $30 a week for pensioners. If the government will not do that, will it at least commit to an immediate one-off payment, similar to the one-off $500 payment for pensioners committed to by the Canberra Liberals if elected at this Saturday’s election, which will ease the burden on this section of the community.

Government senators interjecting—

Senator HUMPHRIES—I am glad those opposite think it is so funny. They do not live on a pensioner’s pension. Will the minister commit to at least consider that payment to ease the burden on this section of the community and, at the same time, stimulate the economy?

Senator CHRIS EVANS—I can assure the senator that we will not be taking our economic advice from the Canberra Liberals and any stunts they may pull in the election campaign. What we are is focused on the needs of pensioners and Australian families and on providing the sort of financial security they know that they need and the sort of leadership that is required in these difficult times. That is what we are focused on. As I said, we made a huge down payment in the last budget to try and improve the lot of pensioners, carers and the disabled. We have committed to trying to fundamentally reform the payment system that supports them, and we will continue to act in a responsible, measured way that is in the best interests of all Australians and the national economy.
Economy

Senator STERLE (2.06 pm)—My question is to the Minister representing the Treasurer, Senator Conroy. Can the minister outline for the Senate the recent measures the government has taken to ensure ongoing confidence in Australia’s financial system?

Senator CONROY—I thank Senator Sterle for that question. Ongoing events in global financial markets are affecting countries right across the world, including Australia. More than 25 banks around the world have failed or been bailed out, and share markets around the world have suffered large losses. Confidence has been buffeted around the world, which is contributing to a serious global slowdown. Already, five of the world’s seven largest developed economies have recorded negative or zero growth in the three months to June. The IMF has said that the major advanced economies are either in or close to recession.

As the Prime Minister and the Treasurer have pointed out in recent days, we have entered a new and damaging stage in the global financial crisis. Australia is better placed than almost any other country in the world to deal with this crisis. We have a world-class regulatory framework and regulators, our banks’ balance sheets are strong and Australia, unlike most other countries, has a strong budget surplus.

Part of the reason that Australia is in a better position than most countries is that all year the Rudd government has been anticipating events and taking practical steps to prepare for them. That is why the Rudd government has announced new measures to continue to maintain the stability of the Australian financial system into the future. The package announced by the Prime Minister yesterday includes a guarantee for all bank deposits in Australian banks, credit unions and building societies. The government has been working for the last several months on the details of its Financial Claims Scheme for depositors. This scheme will now cover all deposits, without cap, in all Australian banking institutions for three years. The government has put our banking arrangements on the same footing as those which now apply in many other countries.

Another measure announced yesterday is that the government will guarantee wholesale term funding of our banking institutions. This is so that our banks can secure long-term credit to continue to fund business and mortgage lending in Australia into the future. Other governments in overseas jurisdictions have done this with their banks—in many cases, for banks with poor credit ratings relative to Australia’s banks. We want to ensure that our banks are not put at a disadvantage for the future.

The government is also concerned about the impact of the global financial crisis on growth and jobs for Australia. The government is determined to support the economy into the future by bringing forward our $76 billion nation-building agenda. For the first time, the Commonwealth will fund large-scale investments in our ports, in our roads, in our rail and in our high-speed national broadband infrastructure for the future. (Time expired)

MINISTERIAL ARRANGEMENTS

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (2.10 pm)—Mr President, on indulgence, I failed at the start of question time to advise the Senate of the absence of Senator Penny Wong, the Minister for Climate Change and Water, from question time, in accordance with the letter I sent to all leaders of the parties last week. Senator Wong is attending the pre-COP ministerial meeting in Warsaw and is engaged on those duties. Senator John Faulkner will be responsible
for Climate Change and Water, and Environment, Heritage and the Arts; and Senator Ludwig will answer questions on Attorney-General, Home Affairs and the Status of Women. I apologise for forgetting to do this at the start of question time.

Senator MINCHIN (South Australia—Leader of the Opposition in the Senate) (2.11 pm)—On similar indulgence, I would like to comment very briefly on what Senator Evans has just informed us. I do know from experience in government that ministers responsible for environment and climate change seem to spend an enormous amount of time attending international conferences—which expel not much more than a whole lot of hot air—so we do understand that Senator Wong does have to travel. But this is the second full week in the last three sitting weeks that Senator Wong has been absent from this chamber in question time, and it was certainly my rule as a minister never to be absent from question time. For two of the last three sitting weeks she has been absent. I think that is stretching the bounds of the tolerance of the chamber and shows some disrespect for the chamber. But I would simply ask the government to make sure that Senator Wong is indeed here for all of estimates next week and here for all of the last sitting weeks that remain of this year.

QUESTIONS WITHOUT NOTICE

Age Pension

Senator ADAMS (2.12 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. Will the government adjust the deeming provisions relating to pensioners in light of the global economic situation?

Senator CHRIS EVANS—I thank Senator Adams for the question, which is an important question and I know of concern to pensioners. As the Senate and Senator Adams would understand, the application of deeming rates provides a fair way of calculating returns from financial assets for pensioners. Under the rules I think initiated by the former Howard government, financial investments are assumed to earn a certain amount of income regardless of the income they actually earn. Financial investments include bank, building society and credit union accounts; managed investments; shares and securities; loans; and other investments. Current deeming rates are four per cent for the first $41,000 of a single pensioner’s financial investment and the first $68,200 of a pensioner couple’s investment, and six per cent for financial investments above those amounts. They were increased in March from 3.5 per cent and 5.5 per cent to reflect increased returns available to investors in readily accessible investments such as bank accounts. The Minister for Families, Housing, Community Services and Indigenous Affairs and the Minister for Education and Minister for Employment and Workplace Relations, the Deputy Prime Minister, are responsible for setting the deeming rates. They are currently monitoring the current deeming rate in the light of the Reserve Bank decision and other recent financial activity.

The government’s immediate priority is to ensure that falls in financial asset values are reflected in the Centrelink system as quickly as possible. Today, Centrelink has been asked to undertake a system-wide update of customer records as soon as possible. This means that the new value of shares and other financial products will be automatically factored in to determine an individual’s pension rate. In the meantime, a pensioner can ask Centrelink to update their asset values at any time. I am sure that if there are further queries on this Senator Ludwig will be able to assist in terms of Centrelink’s activities. The system-wide update will occur as soon as possible. Centrelink will receive investment information that captures recent share market
events in coming weeks. This update will help ensure that pension entitlements are calculated on the most up-to-date asset values available, meaning that pensioners whose asset values have dropped may receive more in their fortnightly pension payment.

We are committed to retaining deeming rules as a simple way of evaluating the financial income of pensioners. Although the share market is volatile, interest rate products are generally steady or increasing in value and pensioners are likely to continue to have access to a range of financial products that pay returns equal to or better than the deeming rates of four and six per cent for some time.

We are very much looking to be responsive to the situation. Centrelink is undertaking a system-wide update but any pensioner can ask Centrelink to update their asset values at any time. We think this should allow us to ensure that the deeming rates remain current and provide fairness to all pensioners.

Senator ADAMS—Mr President, I ask a supplementary question. What is the government’s estimate of the extra number of Australians that will be forced to rely on the pension as a result of the global economic situation?

Senator CHRIS EVANS—Clearly, that is not a question one could answer with any certainty at this time. The impact of the financial crisis is not determined. We are in a very turbulent period. A projection one would have made two weeks ago would no longer be relevant. What is the case is that this government is absolutely focused on trying to provide the strongest possible protection we can to Australian pensioners and families from the global financial crisis. We have sought to reassure people that our economy is in good shape. We have taken a range of measures—including the measure announced on the weekend to guarantee deposits—which seek to provide the sort of protection that all Australians will benefit from. We remain committed to those sorts of measures. (Time expired)

Economy

Senator JACINTA COLLINS (2.17 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. Can the minister provide the Senate with an update of how the global financial crisis will impact on growth and jobs?

Senator CHRIS EVANS—I thank Senator Collins for the question. I understand the markets were up a bit this morning and that is obviously encouraging news. But the world economy is facing one of the most significant upheavals in financial markets in recent history. The IMF noted that financial conditions are likely to remain very difficult, and it has significantly downgraded its growth forecast for the world economy.

We, as I have said before, are not immune from these difficulties which are slowing the world economy. But we are—I repeat, are—better placed than most to withstand the fallout. This is a view shared by the IMF and the OECD. The IMF expects the Australian economy to grow by 2.5 per cent in 2008 and 2.2 per cent in 2009, considerably higher than the growth outlook for other advanced economies. The OECD has also strongly backed the government’s long-term reform agenda. It concluded that it will help strengthen our economy and build productive capacity.

The government welcomes the OECD’s assessment but clearly we cannot rest there. We will keep doing all we can to strengthen our economy so that it can better withstand the difficult global challenges we all face. We are experiencing one of the most signifi-
cant upheavals in global financial markets since the Great Depression. The global financial crisis is affecting financial markets right around the world, and obviously that will include us. It is impacting on confidence and stock markets and it is causing a significant slowdown in global growth. The IMF has said that the major advanced economies are either in or close to recession and it has revised down its global growth forecasts. It expects advanced economies to grow by only 0.5 per cent in 2009.

The global financial crisis and the slowdown in the world economy will impact on growth in Australia and on jobs—we have got to be upfront and honest about that. For 2009 we predicted a modest increase in unemployment in the budget and we are being very clear in saying that it will be increased when MYEFO is published. The exact forecast will be finalised and published in MYEFO later this year.

While we are not immune from the global difficulties, we are far better placed than other countries to withstand the fallout. We have a strong, well-regulated financial system, a strong surplus and continued robust growth in our region. The IMF is forecasting growth for Australia of 2.2 per cent in 2009, which is considerably higher than for advanced economies overall. The government is prepared to take the necessary decisive action in these uncertain and difficult times. Our strategy combines relief for families now with long-term investment and growth. That is the best way to respond to the global challenges we face.

More than 25 banks around the world have fallen or been bailed out and global stock markets have suffered significant losses. The crisis has buffeted confidence around the world and is contributing to a serious slowdown. Already five of the world’s seven largest developed economies have recorded negative or zero growth in the three months to June. The IMF, as I said, has concluded that many are either in or close to recession.

We are acting swiftly and decisively. We do understand that, while these things are beyond our control, there are things that we can do. We have built a strong surplus to buffer against this and it gives us a great deal of assistance. We have made room in the budget to deliver support for families and pensioners, for tax cuts and for other measures. (Time expired)

Environment

Senator IAN MACDONALD (2.22 pm)—My question is to Senator Faulkner, apparently filling in for the never-present Senator Wong, representing the Minister for the Environment, Heritage and the Arts. Does the minister recall that at question time on 20 March this year I asked the environment minister if the federal government was going to prosecute the Queensland government for breach of EPBC Act conditions on the Paradise Dam on the Burdekin River essential to save the critically endangered lungfish? Does the minister recall that the then minister refused to answer the question? Is the minister aware that, because the federal government has abrogated its duty to take court action, an NGO has been forced to take civil action in the Federal Court to enforce Commonwealth government environmental conditions? When will the federal government discharge its duty and uphold the conditions imposed on the Queensland government to save these endangered species—or is the current federal Labor government not prepared to take on its Queensland Labor government mates?

Senator FAULKNER—I can indicate to Senator Macdonald through you, Mr President, that I do not have great recall of the questions he may have asked Senator Wong,
representing the Minister for the Environment, Heritage and the Arts, in March of this year. I can also indicate, through you, to Senator Macdonald that, in the information that has been provided to me by the office of the minister for the environment, I do not actually have a brief on that particular matter. My understanding, of course, was that this was not the Burdekin River but—

Senator Ian Macdonald—The Burnett.

Senator Faulkner—the Burnett River. I thought, Senator, that you said the Burdekin River. But, Senator, we both know that it is the Burnett River. All I can do in this circumstance is ask Mr Garrett to provide me with information in response to the issues that you have raised. I will certainly do that as a matter of urgency and, at the earliest opportunity, I will provide that to you.

Senator IAN MACDONALD—Mr President, I ask a supplementary question. Minister, are you telling me that the government is not aware that an NGO has to take civil action to enforce conditions that your government should be enforcing? Minister, how many more Labor members of parliament will have to defect from the ALP before the Labor government realises that the Traveston Crossing Dam, on the Mary River, is an environmental and planning disaster and refuses approval? How many more Labor MPs will have to defect before the Labor Party actually reverses its anti-environmental approach to government? When will the federal minister show some courage and refuse the application by the Queensland government for approval to construct the Traveston Crossing Dam, which has the same sort of environmental problems that the Paradise Dam has on the Burnett River?

Senator Faulkner—I can say to Senator Macdonald that, no, I am not saying those things to him. What I have indicated to Senator Macdonald is that, in relation to the substantive issue he raises about the process regarding the EPBC Act and the future of the dam, I will certainly provide that information for him.

Mr Guy Campos

Senator BOB BROWN (2.26 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. I refer to Guy Campos, the East Timorese alleged criminal who came to Australia for World Youth Day. Is it a fact that Mr Campos was convicted of being involved in the bashing to death of an innocent 11-year-old boy and sentenced to three years jail, a sentence which he did not serve? Is it also a fact that he was involved in sending many East Timorese patriots to their deaths during occupation? When did the government become aware of these facts? What action has the government taken about Mr Campos, and will the government ensure that he does not leave this country until these matters are thoroughly investigated?

Senator CHRIS EVANS—I thank Senator Brown for the question. I am aware of the reports in the media about Mr Guy Campos, and they have been referred to the Department of Immigration and Citizenship. First of all, I cannot confirm the allegations Senator Brown has made. They are very serious allegations, and I have no proof of those. In fact, one of them I was not aware of until he just stated it—but, as I say, these are allegations.

We treat allegations of noncitizens in Australia being involved in war crimes or crimes against humanity extremely seriously—I think the whole parliament does. In line with established whole-of-government processes, the department of immigration refers any allegations of involvement by noncitizens in Australia in war crimes or human rights violations to the AFP and other relevant authorities for further investigation.
Any person who applies for a visa to come to Australia undergoes a range of character checks. These checks were carried out in relation to Mr Campos. At the time that Mr Campos was granted a visa, the department was not aware of Mr Campos being wanted for, charged with or convicted of war crimes or crimes against humanity. My department has referred the allegations against Mr Campos to the AFP and other relevant agencies for evaluation and continues to actively assist them to progress the case. The investigation into these allegations is ongoing. Obviously, though, I cannot say anything about the veracity of the claims made other than to say that these allegations have been made.

I understand that Mr Campos is not currently the subject of any warrants, charges or convictions in relation to such conduct. But my advice was in relation to allegations of war crimes or crimes against humanity; I am not sure on the aspect of the claim Senator Brown made about an attack on a child, and I will take on notice that aspect to see if there is any knowledge of that because I want to be clear. As I say, my brief related to allegations of crimes against humanity or war crimes, and that may well have been a normal criminal charge. But, as I say, as far as we are aware, Mr Campos is not currently the subject of any warrants, charges or convictions in relation to that conduct. But, as I say, that is in the context of war crimes or crimes against humanity.

Prior to being granted a visa for Australia, though, Mr Campos, like all noncitizens, was assessed against health, character and national security requirements. At that time the department was not aware of any allegations, outstanding warrants or convictions against Mr Campos. I will continue to work with other agencies as these matters arise and take appropriate action should adverse information come to light. So I suppose the short answer to Senator Brown, Mr President, is that those allegations have been taken seriously by the department. They have been referred to the AFP and the AFP is undertaking an investigation into those allegations, but I have no further information and, as I understand it, the investigation is ongoing.

Senator BOB BROWN—Mr President, I ask a supplementary question. I thank the minister for his answer and I ask the minister: will he assure the Senate that Mr Campos does not leave the country before those investigations are complete? And I ask the minister: if I send him this afternoon the Channel 7 program covering the matter, will he view the record in which Mr Campos admits to being involved in the bashing to death of an 11-year-old boy whose only crime was that he did not have information about the whereabouts of Fretilin operatives during the occupation by the Indonesian military? And can the minister give this chamber an assurance that the case of the sister of this boy, who now lives in this country, will be heard before Mr Campos leaves the country?

Senator CHRIS EVANS—I thank Senator Brown for the supplementary question. The information regarding the allegations about Mr Campos has all been referred to the AFP. The AFP are responsible for investigating those claims and, no doubt, they will do so thoroughly. In terms of the question about Mr Campos’s capacity to leave the country, I understand that he has applied for another visa to stay, which probably indicates that he is not intending to flee. But, nevertheless, I will take on notice and ask the Minister for Home Affairs, responsible for the AFP, what the situation is in relation to any intention to depart. I just do not know that; I will take that on notice.

Economy

Senator WILLIAMS (2.33 pm)—My question is to the Minister representing the
Treasurer, Senator Conroy. In view of the federal government’s guarantee of deposits held by banks, credit unions and building societies, will the same guarantee be extended to other financial institutions, including debenture-issuing companies that are securing against real properties and are at arm’s length?

Senator CONROY—As I have mentioned, on Sunday the Prime Minister announced that the Australian government would guarantee all bank deposits in Australian banks, credit unions and building societies. The Prime Minister also announced that the Australian government would guarantee term wholesale funding by Australian banks. The government has been working for several months on the details of its Financial Claims Scheme for depositors. We have now decided that the best approach is to cover all deposits, whatever their size, in all Australian banking institutions, for three years. This measure puts our banks on a similar footing to other banking systems around the world. It remains the case that our banks are strong and well capitalised. But the government understands that many Australians observing developments overseas may be concerned about their savings. Our job, in this time of unprecedented turbulence, is to ensure that the confidence in Australian financial institutions is maintained.

The guarantee will cover all the deposits of Australian-owned banks, Australian subsidiaries of foreign-owned banks, building societies and credit unions. APRA advises that the Australian deposits that are covered by the guarantee on deposits are around $800 billion. The government does not expect that it will be called upon to pay out these guarantees. Our banks are strong and well capitalised. No depositor of an institution supervised by APRA—or, before that, the Reserve Bank—has ever lost money.

The following will be covered: deposits held in Australian-owned banks, Australian subsidiaries of foreign-owned banks, building societies and credit unions; any type of deposit account, savings accounts, cheque accounts and term deposits; deposits held by businesses, household companies and trusts; and deposits held in any currency. It does not include deposits of institutions not regulated by APRA. It does not include bank bills or certificates of deposits; these will be covered by the wholesale funding guarantee.

The government does not expect that it will be called upon to pay out these guarantees. As I have said, our banks are strong and well capitalised. Deposit-taking institutions are required to hold sufficient capital against their deposit liabilities, and depositor preference means that depositors have the first call on an institution’s assets in the event that it fails. This means that it is highly unlikely that depositors’ funds could not be recovered through the liquidation of the failed institution. In the event of a failure, the government would provide depositors with 100 per cent of the funds through the Financial Claims Scheme. APRA, as the scheme administrator, would then look to recover those funds in liquidation.

The Prime Minister also announced on Sunday that the Australian government would guarantee term wholesale funding by Australian banks. This step will ensure that our banking institutions have the best possible access to global capital markets. Developments in global financial markets over the past year have made it more difficult for our financial institutions to raise funds—(Time expired)

Senator WILLIAMS—Mr President, I ask a supplementary question. In all seriousness, this really is an important issue. My supplementary question goes to these debenture-issuing companies. I know of one group
that has lent up to $1.3 billion, 40 per cent of it to agricultural properties. They need to have some assurance that their investments are safe; otherwise, those investors will withdraw their money and people will simply have to sell up or pay up. Will the minister look at these debenture-issuing companies to see that they can get the same guarantees as banks, building societies and credit unions?

Senator CONROY—As I have said, the government has guaranteed the deposits in Australian-owned banks, locally incorporated subsidiaries of foreign banks, credit unions and building societies for a period of three years. The guarantee does not extend to debenture issues. Following a number of high-profile corporate collapses in recent years, the government acted earlier this year to improve retail investor protection in this sector through improved disclosure, investor education and access to appropriate advice. These changes have been implemented through ASIC’s regulatory guidance. Legislative amendments are also under consideration. Considerable work has already been undertaken by ASIC in investigating, collecting and examining evidence to enable it to formulate and quantify claims for disciplinary action against relevant directors— (Time expired)

Economy

Senator PRATT (2.39 pm)—My question is to the Minister for Superannuation and Corporate Law, Senator Sherry. Can the minister update the Senate on the impact of the current global financial crisis on Australian superannuation accounts?

Senator SHERRY—I thank Senator Pratt for her question. I know this is an issue on which many millions of Australians, having received their superannuation fund statements in recent months, are focused and about which they are concerned. As I have indicated in this chamber on a number of occasions, events in global financial markets caused by the US subprime crisis have added significantly to uncertainty and to volatility in global markets, the share market in particular. I and this government certainly understand the concern and worry of Australians with respect to their superannuation savings and the volatility that has been seen in recent times, whether or not their superannuation is in a fund as a result of compulsory contributions or voluntary contributions, which many Australians make. But I stress that superannuation is a very long-term investment. In these circumstances people do need to remain calm. This is a very important aspect of the superannuation system. In a mature system an individual, up to the point of retirement, would normally expect to be a member of that system for 35 to 40 years. And, even when they have reached the point of retirement, the majority of Australians will still be in the superannuation system, depending on actuarial point of death, for another 20-plus years. So, they are going to be in the system for 35 to 40 years and another 20 years after retirement.

The pool of funds in our superannuation system has grown strongly. As at the end of June this year it stood at $1.17 trillion. That pool of savings is in itself a major strength in these turbulent financial times. And that asset figure of $1.17 trillion is double the asset figure of five years ago. One dollar invested in superannuation 10 years ago would today be worth $2.07. So, even with the recent market adjustments downwards, a $1 investment in superannuation 10 years ago is worth $2.07 today. Let us take a 20-year return. If moneys were placed in a superannuation fund as at 30 June 1988, more than 20 years ago, a $1 post-tax contribution to superannuation is estimated to be worth today around $5.50. That illustrates the growth over time of superannuation investments.
I know that as at last Friday, for example, the Australian share market had dropped approximately 37 per cent since its high of 6,854 in November last year. Other world markets have experienced similar, if not bigger, percentage falls. What is important is to look at history and what has happened when a market has fallen. We do know historically that markets have recovered from major corrections. They recover over time; it depends on the circumstances. After 9/11 in 2001 the market suffered a 16 per cent fall over the period of a week. Within approximately three months that market had recovered. During the Asian currency crisis in 1997 the market fell by 21 per cent. But, again, the markets recovered. - (Time expired)

Asylum Seekers

Senator ELLISON (2.43 pm)—My question is to the Minister for Immigration and Citizenship, Senator Evans. In view of two boat arrivals in the north of Australia in the last two weeks, does the minister agree that the threat from people-smuggling is still present? Further, does the relaxation of mandatory detention and the failure by the government to rule out any changes to the excision of islands and territories send a clear message to people-smugglers that Australia is relaxing its border protection?

Senator CHRIS EVANS—I thank Senator Ellison for his question. It seems that Senator Ellison is not singing from the same song sheet as the new spokesperson for immigration, because those are not the sorts of allegations that have been made by the Liberal Party’s official spokesperson. What I can say is that the arrival of two unauthorised boats in Australian waters is of serious concern to the government. It reflects the continuing problem of people-smuggling and attempts by people smugglers to bring people who are unauthorised into this country.

As Senator Ellison would know, these two boats are the first arrivals this year, but last year we had five boats arrive and the year before last we had six. Last year I think we had a total of 148 arrivals in five different vessels. This indicates that it does remain a problem. It does not indicate, at this stage, an increase in arrivals on previous years, but it certainly reflects an ongoing problem, and that is why this government remains absolutely committed to measures that seek to disrupt people smugglers and discourage people from making the journeys, and we will work very closely with our northern neighbours to try to make sure that these activities are not successful. Since taking up the office of Minister for Immigration and Citizenship, I have visited Indonesia on two occasions to work with Indonesian authorities on anti people-smuggling procedures and measures that endorse and build on the measures implemented by the previous government. As Senator Ellison would well know, that involves a range of activities that require a lot of effort, a lot of resources from Australia and support from Indonesia and other countries.

I do not accept that any changes to detention policy in this country have led to an increase in arrivals. First of all, there has not been an increase in arrivals and, secondly, we know that the indefinite long-term detention of arrivals did not prove to be a barrier to people continuing to make the journey. We have maintained the very strong border security measures that were in place on our coming to government. We have maintained the excision of offshore islands. We have maintained the regime that has arrivals taken to Christmas Island and processed on Christmas Island. Those measures remain in place, but we have made some policy changes in relation to mandatory detention. Mandatory detention remains, and all unauthorised arrivals are mandatorily detained and are subject to
the health, security and identity checks that are required, and they are processed on Christmas Island.

We have indicated that we are not continuing some of the unconscionable detention practices that occurred under the previous government. Those practices were partly reformed in 2005. We have extended those reforms to have a much more humane detention arrangement, and I thought we had the support of the opposition—until I heard this question. (Time expired)

Senator ELLISON—Mr President, I ask a supplementary question. In light of the minister’s comments that the excision of territories and islands will be maintained, can the minister guarantee that this will remain in place? If not, can he explain to the Australian people how his comments would guarantee that we are not facing a surge in illegal boat arrivals?

Senator CHRIS EVANS—As I said to the senator, there has been no change in the excision arrangements for offshore islands and no change in the processing of arrivals at Christmas Island. The same border security measures are in place that were in place under the previous government. We have sought to reinvigorate efforts to prevent people-smuggling through efforts with our northern neighbours. But are we continuing to confront the same risks that the previous government confronted? Yes. There are a lot of people seeking safe haven in this world. A lot of people smugglers are active. We continue to be vigilant and active to try to prevent this evil trade, and we will continue to take as many measures as we can to disrupt people-smuggling activity.

Economy

Senator CAMERON (2.49 pm)—My question is to the Minister for Innovation, Industry, Science and Research. Can the minister update the Senate on government initiatives to minimise the impact of the global financial crisis on Australian industry?

Senator CARR—I thank Senator Cameron for the question. The credit crunch has had a serious effect on financial markets and industry around the world. The government has acted decisively to stabilise Australia’s financial system and to reinforce our banks, which are already rated amongst the strongest in the world. The fundamentals of the Australian economy are sound and the government is confident that we can steer our way through this crisis and emerge stronger on the other side.

The International Monetary Fund forecasts that the Australian economy will grow by 2.5 per cent in 2008 and 2.2 per cent in 2009. However, the Australian budget projected a slight increase in unemployment as the global economy slows. We now have a situation where, as the IMF says, the most advanced economies are already in or close to recession. Australia is much better placed than just about any other of the developed countries to weather the storm. That does not mean that we are immune. The government is keenly aware of the danger that the financial crisis will spill over into the real economy. It is essential for all Australian businesses, including small businesses and manufacturers, to have access to affordable credit. It is essential that they continue to be able to pay for wages and supplies. It is essential that they continue to invest in new capacity, new products and services and new jobs.

The package announced by the Prime Minister yesterday is not just designed to guarantee the bank deposits of Australian families; it is also designed to increase the supply of finance to the Australian economy. The deposit guarantee applies to all accounts, including those of companies, partnerships and trusts. It will increase the capacity of
financial institutions to attract deposits which can be lent to businesses and other customers and put to productive use.

Perhaps more important for businesses is the second part of the package, which is a government guarantee of eligible wholesale borrowing by financial institutions. The guarantee will restore confidence in credit markets and enable Australian banks, building societies and credit unions to raise funds overseas at a time when conditions are incredibly tight. To ensure there is no disadvantage to taxpayers, the institutions will pay a fee similar to an insurance premium for that guarantee. The guarantee will be available on application for new and existing debt instruments with terms up to five years.

The third element of the package is doubling the government’s investment in residential mortgage securities by some $8 billion. As well as being a shot in the arm for Australia’s mortgage market, it will also help maintain activity in the housing, construction and building supply industries, with flow-on benefits right across the economy. This is a bold and responsible package that demonstrates that the government is determined to restore the flow of credit needed to keep the wheels of industry turning.

**Education Funding**

Senator Mason interjecting—

Senator Chris Evans—All those problems emerged in the last 10 months, did they?

The President—Order, Senator Evans!

Senator Mason interjecting—

The President—Senator Mason, you’ve asked the question. I am waiting for silence so that I can call the minister.

Senator Carr—Senator Mason, I thank you for the question but I must inform the Senate that I am not aware of the article. Nonetheless, I can inform the Senate of the great strengths of this government in terms of its capacity to provide additional resources for Australian working families and for Australian students to ensure that there is a genuine level of equality of opportunity in this country—which, of course, the previous government failed to provide.

What Senator Mason refers to is the National Secondary School Computer Fund. He drew our attention to what he perceives to be the inadequacies of that fund. The truth of the matter is that the Australian government is investing $1.2 billion over five years in a digital education revolution which is aimed to improve access to world-class information for Australian secondary students. One part of this investment is $1.1 billion for the National Secondary School Computer Fund.

Round 1 of the fund paid $116 million to 896 secondary schools across Australia. That is 116,820 computers that we have provided through this fund. That means that the ratio of computers for these schools has moved from one to eight to one to two. This is a very, very significant improvement. Some 9,293 computers have been delivered to 85 schools across Australia. This stands in sharp contrast to the position of the previous government, the previous regime, where the...
computer to student ratio was one to five. It was much, much worse than that in many schools. The Rudd Labor government are delivering on our long-term plans to implement a digital education revolution.

Senator Mason interjecting—

Senator CARR—Round 2 of the fund, Senator Mason, I presume you will be delighted to hear—

Opposition senators interjecting—

The PRESIDENT—Senator Carr, resume your seat. Senator Carr is entitled to be heard in silence.

Senator CARR—Round 2 of the computer fund has recently closed and a total of 1,420 schools across Australia have applied. That is 793 government schools and 342 independent schools.

Senator Mason, I think the question highlights that this is a government that is providing substantial resources for computers in schools. We have a situation where, after 12 years of funding neglect by the previous government, the Rudd government are actually committed to ensuring that our schools are world-class. That is why we are providing such a massive investment in education in this country.

Opposition senators interjecting—

Senator CARR—We are working with the state and territory governments and the Catholic and independent schools sector to enter into new funding agreements to ensure that we can see that Australian students have access to a much higher level of assistance—

Opposition senators interjecting—

The PRESIDENT—Senator Carr, resume your seat.

Senator Conroy—Make sure the supplementary’s relevant to the question, Brett.

The PRESIDENT—Senator Conroy and others!

Senator Coonan—You have a go at answering it, Steve.

The PRESIDENT—Senator Coonan! We are entitled to hear the answer from Senator Carr. Senator Carr, you have 33 seconds left.

Senator CARR—Thank you very much. Senator Mason of course has failed to appreciate the fact that, in the period 2008-09, the Australian government will spend a record $9 billion on Australian schools—$9 billion. I think that is the simple fact that you should register in any of your supplementary questions.

Senator MASON—Mr President, I ask a supplementary question. If the minister has a look at the article in today’s Australian he will appreciate that over 80 per cent of school principals named funding for buildings as their top priority and more than 50 per cent of schools claim their toilets need repair. Will the minister now admit that the computers in schools policy is nothing but an ill-conceived, underfunded stunt?

Senator CARR—Senator Mason, there is a simple fact of life here. After 12 years of neglect by the Howard government, I do think you are somewhat audacious to now come and suggest that the Labor government should be spending more money than the $9 billion that it is spending this year in schools. If there are priorities they are, of course, in the process of being met through discussions with the states and territories, and with the Catholic and independent schools sectors, and new funding agreements will allow for the provision of the identification of new priorities. But $9 billion of support from this government in 2008-09 is surely an indication of the commitment that this government has to ensure equality of opportunity for Australian students right across this land.

Senator Chris Evans—Mr President, I ask that further questions be placed on the Notice Paper.
QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Age Pension

Senator HUMPHRIES (Australian Capital Territory) (3.01 pm)—I move:

That the Senate take note of the answer given by the Minister for Immigration and Citizenship (Senator Evans) to questions without notice asked by Senators Humphries and Adams today, relating to pensions.

Referring to ‘answers’ might be an overly generous reference to what Senator Evans had to tell the Senate today about the government’s response to the plight of Australian pensioners. The minister declined to indicate whether the government would support the $30 a week increase which the opposition has placed very squarely on the agenda. He declined to indicate whether there would even be a response to the idea of a one-off payment to Australian pensioners who are facing immediate difficulties in light of a number of serious economic pressures. He was unable to enlighten the Senate in answer to the question from Senator Adams as to whether there was any information as to the number of Australian retired people who might be pushed towards collecting the pension or a part pension in light of deteriorating returns from share portfolios.

We have here a government which is somewhat ignorant about the extent of the plight facing Australian pensioners, has an attitude which is contumelious, even contemptuous, of Australian pensioners and the difficulties that they presently are facing. The government’s lack of interest, their lack of focus on making a difference to the financial position of these people is really very disturbing. In fact, Mr Deputy President, I think it behoves all of us in this place today to try and imagine what kind of pressures are being faced by these people and what uncertainty must confront them today as they look at what is unfolding about them. Consider their position over the last 12 months or so. They have seen real increases in the cost of the basics that they consume each day of the week. Grocery costs, the cost of rent or other financial costs associated with housing, and the costs of maintaining their houses have gone up, as has the cost of buying petrol to move about and to stay inside the community. All of those things have risen quite dramatically. We have seen of course other unfortunate economic messages being received by Australian pensioners, which must make them even more uncertain about where the future is heading.

Obviously in the past decisions were made, particularly by the former coalition government, to link Australian pensioner’s pensions with measures of indexation to provide them with some sort of security in these circumstances. The decision to link pensions to the expansion in the male total average weekly earnings was an important decision to provide some security for people who are living in retirement in this country. But those decisions do not, by themselves, provide enough of a barrier to these sorts of pressures to provide everybody with a sense of security. Everybody, of course, has a different financial position. That is why a $30 a week increase of the kind proposed by the coalition is an appropriate and fair response to the enormous pressures which Australians in retirement are facing today.

Of course we know that there are other kinds of pensioners, or kinds of retired Australians, who are under increasing and serious pressure. Those people who are living as self-funded retirees of course have had the sight in the last few weeks of their shareholdings, upon which many self-funded retirement packages are based, reduce in value. That is a matter of considerable concern. So it is with some relief that many people in this constituency, in the Australian Capital Terri-
tory, would have regarded the announcement yesterday by the Canberra Liberals that if elected at the election this coming Saturday they would be making a one-off payment of $500 to single age pensioners to relieve the position that they find themselves in. That would have been regarded as being very positive news by those people.

However, it needs to be asked why it has to be governments at the second tier of Australian government who are stepping into the breach in these circumstances. It is of course primarily the Commonwealth government which should be providing for the income security of Australians in retirement, particularly those on pensions. It is a dismal condemnation of the performance—or lack of it—of the federal government at this time that state governments or state oppositions are now looking at providing additional support to those people who are on pensions to face the pressures and to deal with those issues in a proper and appropriate way. They at least understand that we owe something to these people and that these are Australians who are owed a great deal because of the wealth that they built for Australians of today. To not provide them with security in their retirement is a completely disgraceful sham.

Senator ARBIB (New South Wales) (3.07 pm)—I welcome the opportunity to take part in this debate today. Once again, it is an opportunity to highlight the sheer hypocrisy and duplicity of those on the other side of the chamber. For Senator Humphries to actually raise this issue in relation to the ACT election, to try and politicise an issue as important as this in the middle of an ACT election, just shows what a cruel stunt this is. By doing that, Senator Humphries actually demeans the push that he has tried to make today. This is also a stunt that has been put forward by the member for Wentworth and the Leader of the Opposition, Malcolm Turnbull. He is following on from the Evel Knievel of Australian politics, Brendan Nelson—the man who came up with some of the greatest stunts we have seen in this parliament. We saw him in the truck driving around, we saw his fuel stunt and then he came up with his stunt on seniors. You may ask: how do we know that this is a stunt? Why is it a stunt? It is pretty clear: it is a stunt because in his policy he has left out two million pensioners. Two million pensioners have been left out of their plan. They talk about single pensioners. What about married pensioners? What about carers? What about pensioners with a disability? What about widows? There are two million people who miss out under the coalition’s plan for just a basic $30 increase, a figure that was not based on any science but simply plucked out of thin air. That is how we know that it is a stunt.

The government appreciates how important this issue is. We appreciate that seniors have made a contribution to this country. We appreciate that the population is ageing and that something needs to be done. That is why, in the 2008-09 budget, we did something. We took concrete action, and it amounts to an additional $5.2 billion over five years. This compares to $1.3 billion provided to seniors in the last Howard budget. The Rudd government has increased support for single age pensioners—on an individual basis—above and beyond their fortnightly payments by $900 this year. That is made up of a permanent increase in the utilities allowance from $107 per annum to $500 per annum and a $500 bonus, which amounts to a six per cent increase in single age pensioner income. On top of this we have also indexed it, with pensioners receiving a $9.10 per fortnight increase in March 2008 and a further increase of $15.30 in September 2008. That is concrete action from
this side of the House and concrete action by the Rudd government.

Let us compare this to the coalition and to the Liberal Party. Senator Humphries has come in today and tried to use this issue, as I said, to score political points in the ACT election. What he forgets to say is that the Liberals and the Nationals were in government for 12 years. They had 12 years to do something about this issue. He forgets to talk about Mal Brough, who took to the cabinet a plan to increase the base rate of the pension by a similar amount. What happened? They knocked him over. Malcolm Turnbull was part of that. He sat at the cabinet table that opposed an increase for pensioners, opposed an increase to the base rate. He was there. How duplicitous of him now to come forward with it as his policy.

In fact, Malcolm Turnbull has form on this. Let us talk about his interview with Steve Price. We all remember what the shadow ageing minister, Margaret May, said to Steve Price on 16 May 2008. Price said:

Let me just be clear there, the opposition is now endorsing an increase in the base rate of the pension.

To which the shadow minister replied:

Yes. Absolutely.

That looks pretty clear cut to me. And what did Malcolm Turnbull say straight after?

We have not got a policy to raise the base rate of the pension.’

He said, ‘We have not got a policy.’ We all read in the Sunday Telegraph two weeks ago that Malcolm Turnbull said that he did not support Brendan Nelson’s plan. It is there. This is just sheer duplicity by the Liberal Party. They had 12 years to do something about this issue—12 years to help pensioners. There are two million pensioners who need that support now.

Senator BERNARDI (South Australia) (3.12 pm)—It is extraordinary to listen to what Senator Arbib has to say. I preface my comments today by saying that this is a man who is touting himself as a future cabinet minister. I fear for the future of the Rudd government if this is the talent that is going to be in the cabinet. Senator Arbib has said today that, because the coalition bill only seeks to redress disadvantage for age pensioners and only seeks to redress disadvantage for veterans, that is not good enough and so nothing should be done. If you cannot have all of the cake, according to Senator Arbib, you should have none. That is simply arrant nonsense, and it is from a contemptuous government.

This is a government without a heart. It is a government that is hopelessly out of touch with the needs of the people of Australia. The government is prepared to ignore the plight of the Australian senior. It is prepared to ignore the plight of the veterans who are struggling to make ends meet. It is prepared to ignore the very real demands that they have to be able to heat their homes, to put food on the table, to access their local community clubs and to volunteer in the community. They need funds to do that. Some people are doing it really tough. This is a government that admits that people cannot afford to live on the age pension—no-one in the government has been prepared to admit that they can—but still the government does nothing.

Where are their priorities? That is the question, because whilst Australians are suffering and doing it very tough, Senator Arbib, your leadership is flying overseas trying to create moral crises and is seeking audiences with people about climate change in moves that are going to put up the price of electricity in this country by 40 per cent—and they are still out there doing that. One leader talks at press conferences about how
he has dialled all the leaders of countries all over the world. None of them ring him because they know he is quite insignificant, but he rings them all trying to say, ‘Look, I’m star-struck’, like a schoolgirl at a Miley Cyrus concert. I would say to you, Senator Arbib, not to look at Miley Cyrus but to look at Billy Ray Cyrus and the words that he penned—‘don’t break my heart, my achey-breaky heart’—because I tell you now that Australian pensioners’ hearts are broken. They have been broken by this government because you have promised so much and delivered so little. This is where the coalition has to pick up the mantle. We have drafted a bill which we have brought into this place, and it has got through here because people have supported it. The only people who do not support it and the only people who do not want to see some changes for pensioners leading to benefits are on the other side of the chamber, members of the Labor Party.

Senator Arbib comes in here with his canned notes—and he has been sent in here because he wants to be a cabinet minister—and he says, ‘Oh, look, we can’t do anything. We’ve only got a surplus of $23 billion and we’re not going to do anything until we get the reports.’ Let me tell you this, Mr Deputy President: if you give pensioners a $30 a week pension rise, that will help them to buy more. That will help to stimulate the Australian economy and that will help to grow our economy in a very difficult financial time. But what does the government do?

*Senator Arbib interjecting—*

*Senator BERNARDI*—It is still in denial about it all. It is a tragedy, one that is happening in our own backyard. It is a tragedy that this government is more focused on things such as spin, is more focused on its own media profile and is more focused on its members climbing the greasy pole to get into cabinet rather than helping pensioners through a crisis. Senator Arbib was just talking about a crisis; I heard him interject to that effect. There is a crisis at home. Yes, there is an economic crisis—we know that—but there is also a human crisis that is taking place under the noses of this very government, and there are none so blind as those who do not want to see.

Those opposite do not want to see. They admit it and then they wash their hands of it; they do the Pontius Pilate—‘No, it’s not our fault. We’re not going to have anything to do with it. It’s due to 12 years of inaction.’ That is arrant nonsense too, because for 12 years our coalition government did everything we possibly could and so pensions are markedly higher. We took a policy to the last election for pensions to better reflect the cost of living but unfortunately we were not able to enact that. But this government is full of inaction. It has not even got a policy to lighten the load of pensioners so as to see them do better. That is the tragedy of it. We have had enough talk, spin, symposiums, orchestrated media releases and things. We actually want to see some action for those in society that are really doing it tough. So it is very hard for me to sit here and listen to what the people on the other side have to say when they say, ‘Oh, we’re not going to do anything till next year.’ Next year will be too late. Pensioners need some help now. The government should get on with the job.

*Senator PRATT* (Western Australia) (3.17 pm)—The government is happy to get on with the job. We have heard the word ‘pensions’ so many times in the last few months. Why are the senators opposite only prepared to talk about pensions now that they are in opposition? People on this side of the chamber were happy to talk about pensions while in opposition and are happy to talk about them while in government. We have got nothing to be defensive about. But those opposite, after 11 long years, do—and now
you are trying to make up for lost time when you have got no power to do anything about it. Those on this side take responsibility. We understand the pressure that pensioners, especially age pensioners, are under, because a basic standard of living for those not able to support themselves is a key principle of the income support system. Every citizen should be able to meet their basic needs and to participate in Australian society.

This government is intent on properly addressing 11 years of coalition neglect. Pensioners deserve dignity in their everyday life. The unsustainable position that pensioners are in has been exacerbated by those opposite because they did not do anything in 11 long years of government. In contrast, Labor recognised the needs of pensioners in our very first budget when we substantially increased the utilities payment.

As the cost of living rises, people are finding it harder and harder to make ends meet. Today, in the current financial climate, we see that more than ever. This government takes the plight of pensioners very seriously. That is demonstrated by the quick action that the government has taken. You would have noted that in question time today it was said, as we are currently discussing, that it does take some time for financial markets to settle down in these current times of crisis. Notwithstanding that, there are people who have lost substantial amounts of income very quickly. My superannuation account has dropped by some $20,000 in the last year, with a proportion of that dropping rapidly in the last few weeks, so I know that those who are retired, are close to retiring or are at pension age will have lost vast sums of money on which they are currently dependent for deriving an income. So I think it is of vital significance to this debate that the government has already requested a system-wide update of customer records. This means that the new value of shares and other financial products is going to be automatically factored into determining an individual’s pension rate. In the meantime, pensioners really need to be encouraged to ask Centrelink to update their asset values at any time. I think this one act highlights very clearly the importance that the government places on managing our pensions system well.

These are complex issues. I do not think those opposite understand that. We can see from the financial crisis the number of different issues that can impact on the rate of pension that someone receives. There is a range of issues that the government is going to need to address. These include things like how pensions are taxed, the high effective marginal tax rates for pensioners when they undertake extra work, how people who want to do some work feel discouraged from doing so, the fact that the grants and rebates for disability pensioners do not cover the kinds of equipment that they need and the fact that the current system does not cater for the extra costs, once you turn 65, associated with having a disability, because you are automatically transferred from the disability pension to a seniors pension. There is also the fact that people currently have a choice about whether they want a carers payment or an aged-care pension. This causes a lot of confusion. This point was well addressed by Senator Arbib when he highlighted the way in which senators opposite want to give a pension increase to one cohort of people but not others, so if you are a single age pensioner you can have an increase but if you are a carer you cannot. In many cases these are the same people, so they have had to make a judgement call about whether they want to apply for a seniors pension or a carers pension. (Time expired)

Senator ADAMS (Western Australia) (3.22 pm)—I also rise to take note of the answers given by Senator Evans this afternoon. Without doubt, pensioners in this
country are finding it hard to make ends meet. They need more financial assistance to offer them some relief from rising petrol prices, rising rents, rising costs of pharmaceuticals and rising costs of tea and coffee. Yet Labor prefers to continue delaying the decision to provide our seniors with more financial assistance, despite the fact that both Mr Rudd and Mr Swan admitted that they could not survive on the single age pension.

The annoying part is that we have to wait until February when the Harmer report is to be handed down, and then maybe in the budget in May our pensioners will get some relief. Labor is denying pensioners urgent relief. Both Mr Rudd and Mr Swan have been all over the place on the pensions issue, giving promises one day only to take them back the day after. Australian pensioners now have no idea whether the government will support them in the future. Only last week, Mr Rudd hosed down expectations that older Australians could get an increase in their pensions in next year’s budget. Mr Rudd said that the federal government may not be able to afford extra payments now due to the effects of the global credit crisis.

I note in the West Australian today that the number of elderly people now going to the food bank and the soup kitchen has grown dramatically, and the number of young people who are unable to get accommodation has also increased over the last month. These issues, with the global credit crisis, are certainly starting to play havoc for those people who are really and truly battling insofar as their pensions are concerned. If the government is not going to do anything until next May, I just wonder how these people are going to exist and what can be done. This is why the opposition is doing its best to raise the issue with the government time and time again, so that they will finally, hopefully, take action.

The Minister for Finance and Deregulation, Mr Lindsay Tanner, backed Mr Rudd’s threat by saying to journalists last Thursday that ‘pension reform was just one of the issues on the table for the budget’ and that ‘the priority was steering the wider economy through the financial crisis’. Naturally, senior lobby groups were not happy with this announcement. Mr Tanner’s comments showed a great lack of understanding of how the economy works. He acknowledged this himself only today by stating that the government was actively considering spending part of the $26.6 billion budget surplus to stimulate the economy. Mr Tanner said that raising pensions would be one option. However he would not give details of exactly what is under consideration or when it would be put into action.

Mr Tanner was forced to make this announcement today after the Australia Institute published a discussion paper yesterday which stated that an immediate increase in the pension would be the right measure to deal with the global credit crisis. The Australia Institute said that pensions should be increased to boost the national economy giving it an immediate injection of cash. The Australia Institute also said:

Pensioners spend less money on imported cars and overseas holidays than higher income earners, which means that the money has a greater affect on the Australian economy.

It is interesting, is it not, that Mr Rudd and Mr Tanner said last week that they would probably not be able to find any money for pensioners in next year’s budget due to the global credit crunch; yet, on the other hand, experts and think tanks say that the best way to deal with the credit crisis is to increase the pensions. I urge the government to give pensioners more money before Christmas. The best way to do this is to pass the Urgent Relief for Single Age Pensioners Bill 2008 in the House of Representatives, granting an
increase in the single age, single service age and the widow B pension of $30 a week. Pensioners need this money now, not next year, and so does the Australian economy.

Question agreed to.

Mr Guy Campos

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.27 pm)—I move:

That the Senate take note of the answer given by the Minister for Immigration and Citizenship (Senator Evans) to a question without notice asked by Senator Bob Brown today relating to an East Timor citizen, Mr Campos.

It was drawn to my attention at the end of last week that Mr Guy Campos was in Australia on a visa issued to enable him to come to World Youth Day when the Pope visited Australia some months ago. I had not been aware of the reportage on Channel 7's Today Tonight program by James Thomas of previous activities by Mr Campos, but I am now—and the matter alarms me greatly.

On the fact of it, the allegations are that Mr Campos was a collaborator with the Indonesian military’s occupation of East Timor over many years. Amongst other things, the allegations are that he pointed out East Timorese patriots who had the courage to be defending their country’s interests during that occupation, and that a number of these people pointed out by Mr Campos—and the number goes into at least double figures—were taken off to summary execution.

There are further allegations that Mr Campos was involved in the torture of East Timorese patriots—and I mean directly involved. This included the application of electric shocks and water torture to prisoners in torture camps and cells in Dili and perhaps elsewhere in East Timor. There is a specific and verifiable claim that, when an 11-year-old boy who had been in the bush in East Timor came to Dili, he was taken under control, effectively, by Mr Campos and consequently beaten to death. It was allegedly required of this boy that he give information about Fretilin’s activities in the bush.

What the program has shown is that Mr Campos admitting to at least being present when that boy was beaten to death. Mr Campos says that he later called for a doctor. Whatever the case, he was apparently convicted by the then judicial system and sentenced to three years jail for the beating to death of this hapless little boy, who either did not know anything or, with extraordinary courage, refused to give any information about the Fretilin activities at the time.

These are very grave allegations about very serious and criminal activities by a man who is present in the country. He came here on a visa, the application for which, I presume, would have required him to say whether or not he had a conviction for a criminal offence. I am pleased that the Minister for Immigration and Citizenship, Senator Evans, has informed the chamber that the Australian Federal Police is now investigating these matters. I have furnished the minister with copies of the programs in which these allegations are made and in which Mr Campos is interviewed and makes the specific admissions regarding the death of the 11-year-old boy. It is extraordinarily important that we do not lightly harbour people who are convicted of or who are under allegation of such ferocious and inhumane activities which, if they had happened in our country, would lead to the full force of the law but which, on the face of it, breach international covenants protecting the rights of citizens in a country like East Timor.

I intend to raise this matter in estimates next week, and to pursue it. I am alarmed that the man might leave the country before investigations have been completed. I am pleased that the minister has given assur-
ances, as he did during question time, that he is looking at the matter. It is a matter of great alarm and, as Australians committed to a decent go for people, it is a matter that we cannot allow to escape justice in this country.

Question agreed to.

CONDOLENCES

Dr Glenister Fermoy Sheil

The PRESIDENT (3.33 pm)—It is with deep regret that I inform the Senate of the death on 29 September, 2008 of Dr Glenister Fermoy Sheil, a senator for the state of Queensland from 1974 to 1981 and from 1984 to 1990. I call the Leader of the Government in the Senate.

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (3.33 pm)—by leave—I move:

That the Senate records its deep regret at the death on 29 September 2008 of Dr Glenister (Glen) Fermoy Sheil, former Senator for Queensland and places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his wife in her bereavement.

Dr Sheil was born in Sydney in 1929 but spent his childhood moving around Australia, attending schools in Queensland, Victoria and Tasmania, before studying medicine at the University of Queensland. In 1955 he married another medical student, Dr Marjorie Sheil. The couple spent the early 1960s living in London, where they both completed postgraduate medical studies. Dr Sheil went on to qualify as a specialist physician, concentrating on cardiology and geriatrics. After returning to Australia, he opened his own private hospital in Brisbane.

In his maiden speech in 1974, Dr Sheil recalled that the catalyst for his participation in politics was his passion for health policy. It seems that he had a strong passion to oppose Labor health policy, but he obviously did it with a great deal of personal commitment and with a strong background in the area.

When he ran for the Senate in 1974 and was placed at the bottom of the Queensland Country Party ticket, he campaigned around Queensland on the issue of Medibank and managed a surprise victory for the 10th Queensland Senate seat. Dr Sheil resigned from the Senate in 1981 to go into project management. But he was drawn back into politics by his strident opposition to the Hawke government’s Medicare scheme and was elected to the Senate again in 1984. Very few of us would contemplate making the same mistake twice, Mr President, but Dr Sheil did. On 20 December 1977, he was sworn in to the Executive Council, having been nominated by Prime Minister Fraser to be the Minister for Veteran’s Affairs—but he did not get there. The Prime Minister subsequently withdrew the nomination, following publicity given to the senator’s views on apartheid, which ran counter to the then government’s policy. His swearing-in as a minister did not take place, and Dr Sheil’s appointment to the Executive Council was subsequently terminated on 22 December. I think he will always have a place in the history of ministerial appointments in this country.

He is remembered for making a very significant contribution to Australian public life as a National Party senator for Queensland. He served on a number of committees, including as the Chair of the Senate Standing Committee on Trade and Commerce from 1976 to 1981 and as a member of the Senate Standing Committee on Social Welfare and the Senate Standing Committee on Community Affairs as well as the Senate Select Committee on Health Legislation and Health Insurance. Dr Sheil participated in parliamentary delegations to China, the UK and Ireland and attended the 1978 CPA conference in Jamaica. The senator served three
times as the Country National Party whip in the Senate between 1981 and 1990.

In addition to being a vocal proponent of private health care and a critic of the Whitlam and Hawke governments’ health policies, Dr Sheil was outspoken on a wide range of other issues, including education, wheat deregulation, tax policy and immigration. While serving as a senator, Dr Sheil started up the interhouse tennis competition, I am reliably informed. He was obviously a very talented sportsman, having received the Royal Agricultural Society’s sportsman of the year award in 1956. He represented Queensland in tennis, rugby and squash—quite an achievement. He was a foundation member of the Queensland Rugby Union Club, the Brisbane Tennis Association and the Queensland Cricketers Club, as well as a life member of the Queensland Lawn Tennis Association. He was a very active man in all facets of his life and very committed to public affairs.

Sadly, Dr Marjorie Sheil passed away in 1989, and, in 1990, Dr Sheil retired from the Senate. He continued his work as a medical specialist and proprietor of the Fermoy Private Hospital in Brisbane. He was a life member of the Australian Medical Association—Australia’s strongest trade union—and a chairman of the Australian Leukaemia Fund, raising $1.5 million for a new bone marrow transplant unit. He was also an ardent monarchist and was elected as a Queensland delegate to the 1998 Constitutional Convention, where he led the Queenslanders for a Constitutional Monarchy group. I wonder what he would make of Malcolm Turnbull being the Leader of the Opposition now! He clearly maintained an ongoing strong interest in public affairs. In 2002 he published a book, *A companion to the Australian Constitution on understanding the Constitution*. Dr Sheil is survived by his second wife, Elizabeth. On behalf of the government, I offer her our condolences on her loss. Dr Sheil was obviously a very significant senator. He made a large contribution both here and in public life more generally. I am sure the Senate will endorse the regret that I have expressed on behalf of the government at his passing.

**Senator MINCHIN** (South Australia—Leader of the Opposition in the Senate) (3.39 pm)—I rise to support the motion moved by Senator Evans in relation to a senator I had the pleasure of knowing. As Senator Evans has described, Dr Sheil could rightly be described as having had a colourful career in the Australian Senate as a representative of, first, the Country Party and then the National Party for his adopted state of Queensland. He had a background as both a rabbit farmer and a medical practitioner before entering the Senate. As you can see from the body of evidence, he was often in the headlines during his two terms in this place. As Senator Evans has outlined, he had a very keen interest in sport. He represented his own state in several sports, which is a remarkable feat.

As Senator Evans also said, it was Senator Sheil’s professional career in health which brought him to put his hand up for federal parliament. As Senator Sheil described it, ‘the fiery fingers of the federal government coming between him and his patients’ was enough to motivate him to seek federal office. He first came into this place in 1974 and then again in 1975. Indeed, his original election in 1974 was remarkable given that he was No. 6 on the joint Liberal Party-Country Party ticket for that double dissolution election. At that time, there were only 10 senators per state. It was a remarkable result for the Liberal and Country parties and led to Glen Sheil winning a seat in this chamber. He actually tendered his resignation in 1981, as I understand it, to contest the Gold Coast seat of McPherson for his party. Fortunately, from the point of view of my party, he was
unsuccessful, because that seat was held by the Liberal Party. That brought none other than Lady Flo Bjelke-Petersen into this place when she filled his casual vacancy.

Senator Sheil came back into this place in 1984. I imagine there are very few senators who have resigned from the Senate and then been successfully re-elected. That must put him in the history books. That means that, at least, Ron Boswell and Julian McGauran, on our side of this chamber, would have had the pleasure of serving with Glen. He was an active committee participant in his time in the Senate in a range of portfolios. He was also party whip for the Country and National parties in the Senate on three occasions during his two stints in the Senate.

As has been mentioned, Senator Sheil was most famous for his brief appointment to the Executive Council in 1977. As a then very junior research officer at the federal secretariat of the Liberal Party, I well remember the ecstasy of winning in 1977 followed by the drama of losing a minister before he had even been sworn in. Indeed, today in the media section of the *Australian*, which is now compulsory reading for me in my new role, my good friend Nikki Savva has reminded us all that it was she who, in trying to dig up a story on the new ministry, rang Glen Sheil and asked him, with great friendliness and joy, about his views on some controversial issues. As Nikki has said today, his career ended after three short sentences. As Nikki would put it—and she is of Greek origin—the moral of the story is: beware of friendly journalists bearing gifts! One must be extremely careful of being sucked in by overly friendly journalists—and Nikki was very good at it. Glen, to his credit, said exactly what he thought on the issue of apartheid but, having been published and given great prominence by Nikki’s then newspaper, that meant Malcolm Fraser was in a position where he could not proceed to appoint Glen to the ministry. I guess that compares to the recent case of a New South Wales Labor minister who, I think, lasted some three or four hours in his role.

Two years after nearly being sworn in as Minister for Veterans’ Affairs, Glen Sheil said that he would very much have liked to have been Minister for Veterans’ Affairs but that he suffered ‘death by the media’ and his comments on apartheid were misrepresented. I am not sure that he was misrepresented. I think he stated exactly what he felt. It is to his credit that he was very upfront in what he felt and in what he believed. He never did shy away from very strongly held views. He was very active in this parliament in trying to give force to his views and to alter policy to reflect his view of the world.

It is very unusual in the National and Country parties, but in 1989 he did cross the floor to vote against the Hawke and Keating government’s deregulation of the domestic wheat industry—although that was supported by the then opposition. As Senator Evans noted, Glen’s first wife, Marjorie, died from breast cancer in 1989 at the relatively tender age of 58. They had been married for many, many years. He was very active in his life after politics, going back to his first love of medicine. Then, in 1998—again as Senator Evans mentioned—Senator Sheil was a Queensland delegate to the Howard government’s Constitutional Convention, representing the Constitutional Monarchists group in Queensland. I was the minister responsible for organising that convention, and I am a Constitutional Monarchist myself, so I well remember Glen’s presence and his great contribution to the success of the convention.

On behalf of the coalition I place on record our great appreciation of Glen’s public service and of our acknowledgement of the great honesty and energy that he brought to
his role. We tender our profound sympathy to his wife, Elizabeth, in her bereavement.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.46 pm)—I want to add to the remarks of both the Leader of the Government in the Senate and the Leader of the Opposition in the Senate in regard to Dr Glen Fermoy Sheil. My correspondence with Dr Sheil was mainly by phone, generally around preselection time. Being an honorary life member of the National Party, he assured me that I had his vote; I suppose because I am here I must have had it.

Glen was born in Sydney on 21 October 1929, the son of William and Agnes May Sheil. His father was CEO of Mount Morgan Mines and he attended a range of schools including Benalla High, Hutchins School in Tasmania and the Southport School in Queensland. Later he attended the University of Queensland, where he attained a degree in medicine. He was also a very prominent rugby player—in fact, he played rugby for Queensland. Apart from practising as a doctor he was also the owner of the private hospital at Auchenflower and a company director.

Dr Sheil was good friends with—and had as a patient—Sir Robert Sparkes, a long-term president of the National Party, and this assisted in his attaining preselection for the Senate. Dr Sheil was elected to the Senate in 1974. As Senator Minchin pointed out, he won the final 10th position in a battle with Mal Colston and a gentleman from the DLP—Condon Byrne, I think it was. He lived in interesting times. He resigned in 1981 to run for the seat of McPherson on the Gold Coast. There were discussions at the time about a certain preselection and preferences deal, but Dr Sheil and the Nationals stuck to their guns rather than do the deal. As a result they lost the seat. This goes to show, I hope, the consistency in beliefs of who you deal with and who you do not. As part of his campaign for McPherson he was known for walking the whole length of the Gold Coast. After his failure in McPherson he did, however, manage to make it back to the Senate in 1984, as No. 4 on the National Party Senate ticket. He was part of the pinnacle of the National Party’s representation in the Senate, when the Nats sent four senators, just from Queensland, down here: Lady Flo Bjelke-Petersen, Dr John Stone, Senator Ron Boswell—who is still with us now—and Dr Glen Sheil.

Dr Sheil was a fanatical sportsman. He loved rugby, squash and tennis, and he was—as has been pointed out—the Royal Agricultural Show National Fitness Sportsman of the Year in 1956. He was a foundation member of the Queensland Rugby Union. It would be wrong not to mention some of the colour that made up Dr Glen Sheil. He was known for having strong views and for not being at all afraid to express them—sometimes repeatedly. This is a time that may have passed from us in politics, which is a shame. One such view was his belief that the starvation of the Bantu people in Africa could be averted by a diet of rabbits, something which he knew a lot about, owning, as he did, a rabbit farm called Thumper Industries. Glen was the shortest-serving minister in the history of the parliament, after endorsing apartheid and suggesting its merits for Australia. In fact, Glen never actually got sworn in after his appointment. He was—as was pointed out—part of the executive council, but he was never actually sworn in as a minister. This is part of the colourful tapestry of politics. We are here in varying philosophical shapes and sizes. Though we may not agree with the views of others we know our nation is truly free when such views are expounded and the only cost is to ministerial prospects.
Glen was known by his colleagues as being a good doctor. He never had children but was married twice. His first wife, also a doctor, Marjorie, passed away in 1989 after suffering breast cancer. Glen then married a second time, to Elizabeth, the daughter of the VC winner Lieutenant Colonel Charles Anderson. Dr Sheil believed in the right of gun ownership—that it was vital for the freedom of Australia. In early political speeches he managed to do other extraordinary things, such as read the Lord’s Prayer in nine different South African languages. Dr Sheil voted with the Democrats against the deregulation of the domestic wheat industry, but he was also National Party Whip from 1980 to 1981, 1985 to 1987 and for a short period in 1990. Dr Sheil was the first chairman of the Southport School Foundation—it is one of the oldest private schools in Queensland, and possibly in Australia. Dr Sheil was highly energetic, and a capable and colourful character who will long be remembered. In true National Party form he was contentious, articulate and not scared of being forthright in his views, or of accepting the costs that his convictions and views brought.

In a day when preselections are scripted, views are sanitised and we are delivering pallid, boring exposes so as not to cause any waves, Dr Glen Sheil could not have survived. But in an environment where Australia had broader political shoulders and people had more fortitude to truly present their views as they held them, regardless of the consequences, Dr Sheil flourished. Such was the colour of this person. Dr Sheil’s passing gives further passage of Australian politics into the sanitised, boring, pallid porridge of predictable views and predictable lines out of predictable people from a central office run by pimply little boys who have never had a job away from politics.

I did not share all of Dr Sheil’s views. Dr Sheil was a pro-choicer; I am a pro-lifer. Obviously on that one we had vastly different views. Dr Sheil was a monarchist, gun lobbyist, pro-choice advocate, doctor, senator, husband and rabbit farmer. I do not agree with all that Dr Sheil was but I hope that the better aspects of his character have found favour with God.

Question agreed to, honourable senators standing in their places.

NOTICES
Withdrawal
Senator WORTLEY (South Australia) (3.53 pm)—On behalf of the Standing Committee on Regulations and Ordinances and pursuant to notice given at the last day of sitting, I now withdraw business of the Senate notice of motion No. 1 standing in my name for 10 sitting days after today and business of the Senate notice of motion No. 1 standing in my name for 12 sitting days after today.

Presentation
Senator McEwen to move on the next day of sitting:
That the time for the presentation of reports of the Environment, Communications and the Arts Committee be extended as follows:
(a) effectiveness of the Environment Protection and Biodiversity Conservation Act 1999 and other programs in protecting threatened species and ecological communities—to the last sitting day in February 2009; and
(b) Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008—to 4 December 2008.

Senator McEwen to move on the next day of sitting:
That the Environment, Communications and the Arts Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 October 2008, from 4.30 pm, to take evidence for the committee’s inquiry into the Re-
newable Energy (Electricity) Amendment (Feed-in-Tariff) Bill 2008.

Senator Marshall to move on the next day of sitting:

That the Education, Employment and Workplace Relations Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 October 2008, from 10 am, to take evidence for the committee's inquiry into academic freedom in school and higher education.

Senator Marshall to move on the next day of sitting:

That the time for the presentation of the report of the Education, Employment and Workplace Relations Committee on academic freedom in school and higher education be extended to 27 November 2008.

Senator Xenophon to move on the next day of sitting:

That there be laid on the table by 1 November 2009 a report by the Productivity Commission on:

(a) the total number and proportion of privately insured patients, in the latest 6-month period for which data is available prior to the report being issued, who were fully informed of the cost of hospital and specialist services before providing consent for treatment, in both public and private hospitals;

(b) the comparative hospital, and medical, costs for each defined group of clinically similar procedures, as per the classification of Australian Refined Diagnostic Related Groups, as performed by the public and private hospital sectors separately in the latest 6-month period for which data is available prior to the report being issued; and

(c) the rate (i.e. the number and proportion of all admissions) of hospital-acquired infections, by type, reported by individual public and private hospitals in the latest 6-month period for which data is available prior to the report being issued.

Senator Xenophon to move on the next day of sitting:

That the Senate calls on the Prime Minister (Mr Rudd) and the Minister for Infrastructure, Transport, Regional Development and Local Government (Mr Albanese) to take immediate action:

(a) to secure from the Executive Council approval for Australia to enter into the 1999 Montreal Convention to ensure just compensation for Australian passengers injured on international flights; and

(b) to lodge Australia’s formal instrument of accession to the convention with the International Civil Aviation Organization.

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the week beginning 12 October 2008 is Anti-Poverty Week,

(ii) Aboriginal and Torres Strait Islanders are over represented amongst those living in poverty in Australia,

(iii) people living on income support payments including single parents, disability support pension and the age pension are over represented amongst those living in poverty in Australia, and

(iv) Australia currently gives foreign aid to the value of 0.32 per cent of gross national income; and

(b) calls on the Government to:

(i) support the development of effective benchmarks to measure poverty,

(ii) institute policies that seek to eradicate poverty and strengthen social inclusion,

(iii) increase the base pension rate by $30 per week which would have the added benefit of directly increasing cash flows during this time of economic crisis, and

(iv) increase the amount of foreign aid to 0.7 per cent in line with the recommendations of the United Nations.
Senator Siewert to move on the next day of sitting:

That the Senate—
(a) notes:
(i) that 9 October 2008 was World Sight Day, the theme for 2008 is vision and ageing, and
(ii) the importance of preventive measures and early detection of eye conditions in maintaining vision in later years of life; and
(b) calls on the Government to ensure that Australians have access to good eye care services regardless of their age, geographical location and income.

Senator Cormann to move on the next day of sitting:

That the Senate—
(a) notes:
(i) that in September 2007, the Howard Government provided $502 700 in funding towards the establishment of a much-needed paediatric ward at the Peel Health Campus under the Regional Partnerships Program,
(ii) the significant efforts made by the local community in raising $2.4 million in funding through raffles, fund raising and other community events to raise the total project cost of $3.8 million (including building and capital equipment),
(iii) that the Western Australian Government committed to providing $750 000 in funding towards this project,
(iv) the Rudd Labor Government’s shambolic approach to this very meritorious Regional Partnerships Project, having:
(A) initially halted funding for the Peel Health Campus paediatric ward as part of its blanket decision to end all funding under the Regional Partnerships Program,
(b) then, in the face of a major public outcry, agreed to re-examine projects that had already been approved,
(c) then, on 29 May 2008 reinstated funding to the Peel Health Campus subject to the project meeting certain conditions, and
(d) then, by letter dated 1 August, cruelly cancelled funding for the paediatric ward at Peel Health Campus again, claiming that the local project proponents had not complied with all the bureaucratic requirements, even though those had not been properly communicated,
(v) that communications between the Department of Infrastructure, Transport, Regional Development and Local Government and the Peel Health Campus at no point revealed any obstacles that would stop the contracts being signed before the cut-off date of 31 July 2008,
(vi) that as of 31 July 2008 the contracts were not signed and the Peel Health Campus Trust was informed by letter, dated 1 August 2008, that their application had been rejected, and
(vii) the Rudd Government’s attempts to hide behind cold bureaucratic walling claiming that its outrageous decision was based on:
(A) concern over management of the building contract for the project, even though this issue had been resolved in early July, and
(b) concern that a funding commitment of $330 000 from a third party (the Variety Club) was not finalised by 30 June 2008, even though the project had sufficient funding from other contributors and was never dependant on the Variety Club funding; and
(b) calls on the Rudd Government immediately to reinstate its share of funding for the much needed paediatric ward at the Peel Health Campus to the agreed level of $502 700, so that the children of the rapidly growing Mandurah region will not
have to continue to be treated in adult wards.

Senator Hurley to move on the next day of sitting:
That—
(a) the reference of residential and community aged care in Australia, referred to the Economics Committee on 25 September 2008, be transferred to the Finance and Public Administration Committee; and
(b) in considering this matter, the Finance and Public Administration Committee may consider the relevant evidence and records of the Economics Committee.

Senator Hurley to move on the next day of sitting:
That the time for the presentation of the report of the Economics Committee on Australia’s mandatory Last Resort Home Warranty Insurance scheme be extended to 13 November 2008.

Senator Hurley to move on the next day of sitting:
That the time for the presentation of reports of the Economics Committee be extended as follows:
(a) disclosure regimes for charities and not-for-profit organisations—to 4 December 2008; and
(b) Australia’s space science and industry sector—to 12 November 2008.

Senator Bob Brown to move on the next day of sitting:
That the Senate—
(a) notes the call by Griffith University Professor Angela Arthington, and by world fish expert Professor Gene Helfman of the Institute of Ecology at the University of Georgia, United States of America, for Australia to avoid the Traveston Crossing Dam in Queensland in order to protect the endangered Australian lungfish;
(b) accepts that the Mary River is the single most vital remaining spawning ground and nursery for the lungfish, and for the Mary River cod and Mary River turtle; and
(c) calls on the Minister for the Environment, Heritage and the Arts (Mr Garrett) to explain to the Senate how these spawning grounds and nurseries could be protected if the dam were built.

Senator Bob Brown to move on the next day of sitting:
That the Senate congratulates the People’s Republic of China for its first spacewalk and this great contribution to the global community’s future adventure into the cosmos.

Senator Hutchins to move on the next day of sitting:
That the Senate—
(a) notes and expresses its sadness at the recent assassination of the former Sri Lankan High Commissioner to Australia, retired Major General Janaka Perera and his wife, both dual Australian citizens;
(b) notes the significant contribution that retired Major General Perera made to his country;
(c) recognises retired Major General Perera’s commitment to finding a peace solution for Sri Lanka;
(d) expresses its condolences to retired Major General Perera’s three children, all of whom are Australian residents; and
(e) condemns the ongoing civil conflict in Sri Lanka and the use of terrorist tactics like suicide bombers and child soldiers.

Senator Fielding to move on the next day of sitting:
That the Senate—
(a) notes with great sadness the death of young Melbourne backpacker Britt Lapthorne;
(b) offers its sincere condolences to her parents Elke and Dale, brother Darren, family and friends; and
(c) recognises the courage and tenacity of the Lapthorne family in their determination to find their missing daughter and bring her home from Croatia.
Senator Hanson-Young to move on 15 October 2008:
That the Senate—
(a) notes that:
(i) Friday, 31 October 2008 marks the 30th anniversary of the annual ‘Reclaim the Night’ day of action in Australia,
(ii) this day of action was established to highlight every woman’s basic human right to live in freedom from discrimination and fear of violence, and
(iii) more than two-thirds of women experience some form of physical or sexual violence in their lives;
(b) recognises that:
(i) Reclaim the Night represents a symbol of unity as well as an affirmation and celebration of women’s strength, and has international, multi-partisan political support, and
(ii) these marches are an extremely powerful means by which women can raise the issue of sexual assault and sexual violence; and
(c) calls on the Rudd Government, as part of the National Plan to Reduce Violence against Women and their Children, to work constructively to further develop and support national anti-violence public awareness and education campaigns as part of Australia’s commitment as a signatory to the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

Senator Bob Brown to move on the next day of sitting:
That, on Tuesday, 14 October 2008:
(a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7 pm to 11.10 pm;
(b) that from 7 pm, any question in respect of which a senator requires a division, and any questions consequent on the outcome of that division, shall stand postponed until the next day of sitting at a time fixed by the Senate;
(c) the routine of business from 7 pm shall be government business only; and
(d) the question for the adjournment of the Senate shall be proposed at 10.30 pm.

Senator Bob Brown to move on the next day of sitting:
That, on Tuesday, 14 October 2008:
(a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7 pm to 11.10 pm;
(b) that from 7 pm, any question in respect of which a senator requires a division, and any questions consequent on the outcome of that division, shall stand postponed until the next day of sitting at a time fixed by the Senate;
(c) the routine of business from 7 pm shall be government business only; and
(d) the question for the adjournment of the Senate shall be proposed at 10.30 pm.

Senator WORTLEY (South Australia) (3.54 pm)—On behalf of the Standing Committee on Regulations and Ordinances, I give notice that 15 sitting days after today I shall move that the following delegated legislation be disallowed:
(2) Livestock Export (Merino) Orders (Amendment) No. 1 of 2008 made under regulation 3 of the Export Control (orders) Regulations 1982.
(3) Instrument No. CASA 389/08 made under regulation 208 of the Civil Aviation Regulations 1988.
(4) Instrument No. CASA 390/08 made under regulation 208 of the Civil Aviation Regulations 1988.
(5) Instrument No. CASA 397/08 made under subregulation 38(1) if the Civil Aviation Regulations 1988.
(6) Instrument No. CASA 414/08 made under subregulation 38(1) of the Civil Aviation Regulations 1988.

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

Leave granted.

The summary read as follows—

**Defence Force (Home Loans Assistance) Amendment Regulations 2008 (No. 1)**

These Regulations permit the use and disclosure of personal information in connection with the administration of the Defence Force home ownership assistance scheme. The Explanatory Statement indicates that there has been consultation with certain Departments, but the Privacy Commissioner does not appear to have been consulted. The Minister advised that the department has since sought and is awaiting the Privacy Commissioner’s assessment of the privacy implications of the Scheme.

**Livestock Export (Merino) Orders (Amendment) No. 1 of 2008**

These Orders incorporate the current edition of the Guidelines and Conditions for Export Sales and Nomination of Merino Rams as Export Semen Donors into the principal Orders. Clause 7 of Annexure A to the Guidelines gives the Australian Association of Stud Merino Breeders Limited an absolute discretion to refuse entry for the sale of any rams, without liability for compensation. This is a very broad discretion the exercise of which may adversely affect the business of sheep breeders. No criteria or grounds have been specified as prerequisites for the exercise of the discretion. The Committee has written to the Minister seeking advice on this matter.

**Instruments Nos. CASA 397/08 and CASA 414/08**

These interim instruments require compliance by Qantas Airways Limited, Jetstar Airways Pty Ltd and Virgin Blue International Airlines Pty Ltd with each Airworthiness Directive (AD) that is issued by the National Airworthiness Authority of the particular State of Design for certain aircraft. The State of Design AD is to be regarded as if it were an Australian AD. The Explanatory Statement that accompanies each instrument indicates that there is a wider proposal to amend Part 39 of the Civil Aviation Safety Regulations 1998 to authorise all State of Design ADs. The Minister advised that under the proposed general amendments, non-Australian State of Design ADs will no longer be subject to Parliamentary scrutiny, while ADs generated and issued by CASA (either as the Australian State of Design or because of any safety issues identified by CASA) will continue to be considered legislative instruments and subject to Parliamentary scrutiny. Such a distinction, based simply on country of origin of design, seems arbitrary and an invitation to inconsistency. Its effect seems to be to remove a large number of instruments from continuing parliamentary oversight. The Committee has written to the Minister seeking further information on this matter.
Wool Services Privatisation (Research Body) Declaration 2008

This instrument determines that Australian Wool Innovation Ltd (AWI) is the research body for the purposes of the Wool Services Privatisation Act 2000.

The Explanatory Statement that accompanies this instrument advises that AWI was declared to be the research body in December 2000 but that its status lapsed in October 2006 when, due to an administrative error, the declaration was repealed by operation of the Legislative Instruments Act 2003. Accordingly, this present instrument is expressed to commence retrospectively from 1 October 2006. The Explanatory Statement also notes that AWI has continued to receive funding between 1 October 2006 and the date of this instrument. It appears that the intention of this instrument, in part, is to retrospectively validate the receipt of those funds. The use of a retrospective legislative instrument as a remedy in these circumstances may not be appropriate.

The Committee sought advice from the Minister as to whether this is the intention of the instrument. The Minister advised that the declaration is a precondition to entering into a contract but that it appears to be an administrative formality rather than a substantive requirement. The Committee has written to the Minister seeking clarification of this distinction.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (3.55 pm)—I give notice that on the next day of sitting I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Migration Amendment (Notification Review) Bill 2008
Migration Legislation Amendment (Worker Protection) Bill 2008.

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

Leave granted.

The statement read as follows—

MIGRATION AMENDMENT (NOTIFICATION REVIEW) BILL 2008

Purpose of the Bill
The bill amends the Migration Act 1958 to make modifications to the notification regime that will assist in providing greater certainty in effective notification pending a broader review.
The amendments will reduce the Commonwealth’s exposure to risk. A failure or error in notification can have serious consequences that may result in the denial of access to review rights, inappropriate and potentially unlawful detention and possible removal of non-citizens who are not unlawful at the time of removal. As highlighted starkly in the Commonwealth Ombudsman’s “Report into referred Immigration cases: notification issues” of June 2007, the complexities and difficulties in administering notification under the Act directly contributed to the unlawful detention of people.

The bill amends the Migration Act 1958 to:

- Provide, in cases where other notification provisions would not apply to a minor, that where the Minister (or MRT/RRT member, Registrar, Deputy Registrar or other officer of the Tribunal) forms a reasonable belief that an individual has care and responsibility for a minor, then the Minister (for primary decisions) or the Tribunal (for MRT/RRT decisions) may communicate with that person (instead of the minor) to notify that individual of a decision of the Minister or Tribunal about the minor;
- Provide that substantial compliance with the required contents of a notification document is sufficient unless the visa applicant is able to show the error or omission in the document causes them substantial prejudice; and
- Provide that the deemed time of notification provisions will operate despite non-compliance with a procedural requirement for giving a document to an individual, where the individual has actually received the document, unless the individual is able to show they received the document at a later date, in which case they will be taken to have received the document at that date.

Reasons for Urgency

Non-compliance with the procedural requirements for notification means that statutory duties remain unperformed, with consequences for both the duration of bridging visas and the time limits for the exercise of merits and judicial review rights. Strict judicial oversight of the complex notification provisions has caused uncertainty and has created large legacy caseloads which have proved difficult, if not impossible to address through litigation or administrative reforms. If the bill is not passed in the 2008 Spring sittings these measures, which go some way to addressing notification issues, will remain unresolved.

(Circulated by authority of the Minister for Immigration and Citizenship)

MIGRATION LEGISLATION AMENDMENT (WORKER PROTECTION) BILL 2008

Purpose of the Bill

The bill amends the Migration Act 1958 to:

- better define obligations for sponsors of temporary residents, including sponsors of Sub-class 457 visa Business (Long Stay) holders;
- improve investigative powers to more effectively monitor compliance with new obligations;
- create a more robust sanctions framework to encourage compliance and manage non-compliance with new obligations, including a civil penalties and infringement notice regime and improved recovery powers; and
- improve information sharing with relevant Commonwealth, State and Territory government agencies, including Education Employment and Workplace Relations and the Australian Taxation Office.

The bill also amends the Tax Administration Act 1953 to:

- allow the Commissioner of Taxation to disclose information to the Department of Immigration and Citizenship to ensure compliance with sponsorship obligations.

Reasons for Urgency

The Government seeks these amendments as a matter of urgency to restore public confidence in this essential labour supply program and to remove the abuse and exploitation of overseas workers.

Public confidence in the Business (Long Stay) visa program has diminished and media attention continues to focus on cases of exploitation and abuse of overseas workers. The Government is reviewing all aspects of the program to improve
its integrity. The measures introduced by this bill are necessary to foster a climate for longer term reforms which will seek to deliver necessary skills from an increasingly competitive global labour market with a minimum of regulation while effectively limiting abuse of the program. If the bill is not passed in the 2008 Spring sitting, the necessary reforms will not occur in a timely way and confidence in the Business (Long Stay) program will further diminish.

(Circulated by authority of the Minister for Immigration and Citizenship)

LEAVE OF ABSENCE

Senator McEwen (South Australia) (3.56 pm)—by leave—I move:

That leave of absence be granted to Senators Moore and Wong from 13 October to 16 October 2008, on account of parliamentary business overseas.

Question agreed to.

Senator Bob Brown (Tasmania—Leader of the Australian Greens) (3.56 pm)—by leave—I move:

That leave of absence be granted to Senator Milne from 13 October to 16 October 2008, on account of parliamentary business overseas.

Question agreed to.

Senator Parry (Tasmania) (3.57 pm)—by leave—I move:

That leave of absence be granted to Senator Troeth from 13 October to 16 October 2008, on account of parliamentary business overseas.

Question agreed to.

SUGARLOAF PIPELINE

Senator Bob Brown (Tasmania—Leader of the Australian Greens) (3.58 pm)—I move:

That the Senate—

(a) notes the arrest of a farmer in Victoria who opposed the Sugarloaf Pipeline, which is being forcibly constructed from the Goulburn Valley to Melbourne; and
(b) calls on the Minister for the Environment, Heritage and the Arts (Mr Garrett) to urgently reconsider his approval of this costly, environmentally-unsound and controversial project.

Question agreed to.

WORLD DAY AGAINST THE DEATH PENALTY

Senator Hanson-Young (South Australia) (3.58 pm)—I move:

That the Senate—

(a) notes that:
   (i) Friday, 10 October 2008 marked the sixth annual World Day Against the Death Penalty, and
   (ii) this day of action was established in 2003 by the World Coalition Against the Death Penalty in a commitment to the universal abolition of capital punishment; and
(b) calls on the Rudd Government to urge the 60 remaining nation states that continue to use the death penalty as a form of punishment, to abolish the death penalty as a matter of urgency, and halt all executions of those sentenced to death.

Question agreed to.

CANBERRA AIRPORT

Senator Bob Brown (Tasmania—Leader of the Australian Greens) (3.59 pm)—I move:

That the Senate—

(a) notes:
   (i) the community opposition to 24 hour operations at Canberra airport, and
   (ii) the current effective operation of curfews in Sydney, Coolangatta, Essendon and Adelaide; and
(b) calls on the Government to implement a curfew at Canberra airport.

Question put.

The Senate divided. [4.03 pm]

(The Deputy President—Senator the Hon. AB Ferguson)
<table>
<thead>
<tr>
<th>Ayes</th>
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<td>Noes</td>
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<td>Majority</td>
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**Ayes**

| Brown, B.J. | Fielding, S. |
| Hanson-Young, S.C. | Ludlam, S. |
| Siewert, R. * | Xenophon, N. |

**Noes**

| Adams, J. | Arbib, M.V. |
| Bernardi, C. | Bilyk, C.L. |
| Bishop, T.M. | Brown, C.L. |
| Bushby, D.C. | Cameron, D.N. |
| Carr, K.J. | Cash, M.C. |
| Colbeck, R. | Collins, J. |
| Conroy, S.M. | Farrell, D.E. |
| Feeney, D. | Ferguson, A.B. |
| Forshaw, M.G. | Furner, M.L. |
| Humphries, G. | Hurley, A. |
| Hutchins, S.P. | Kroger, H. |
| Ludwig, J.W. | Lundy, K.A. |
| Marshall, G. | McEwen, A. |
| McGauran, J.J. | McLucas, J.E. |
| Nash, F. | Parry, S. * |
| Payne, M.A. | Polley, H. |
| Pratt, L.C. | Stephens, U. |
| Sterle, G. | Trood, R.B. |
| Wortley, D. | |

* denotes teller

Question negatived.

**Senator Humphries** (Australian Capital Territory) (4.06 pm)—by leave—The coalition and the ACT Liberals do not support the imposition of a blanket curfew on Canberra airport. We are looking at ways to address the concerns of the curfew lobby but do not feel that there is any need to pursue a course that would threaten the economic development of Canberra and Australia as a whole. Canberra airport is the only airport between Brisbane and Melbourne that is currently curfew free, and maintaining that is important to the national infrastructure suite. Noise abatement measures already apply to Canberra and Queanbeyan. Due to wise planning there are no dense urban areas close to the airport, as there are in places such as Sydney, Melbourne and Adelaide. The coalition does not feel that this motion would contribute anything towards the protection of residents and feels that it has much more to do with the ACT election this coming Saturday.

**Senator Bob Brown** (Tasmania—Leader of the Australian Greens) (4.07 pm)—by leave—As the Senate will be aware, I have pursued this matter for some time and it was logical to have the motion to follow it up. Senator Humphries did not say how he was going to address what he called ‘the curfew lobby’, who are residents in the ACT who are very concerned about the potential expansion of this airport to become an international hub, to use the developer’s own words, for cargo transport into Australia, certainly south-east Australia. One can understand what a potential nightmare that would be for the people who are living under the flight trajectory or near the airport. It does require, if the curfew is not going to be addressed, that Senator Humphries and the opposition give concrete expression to their concern for the lobby, but there has been none of that here today. There should have been support.

**Senator Conroy**—He’s the single largest donor to the ACT Liberal Party, the bloke who runs the airport! Give us a break!

**Senator Humphries interjecting—**

**Senator Bob Brown**—I will just finish. For the senator interjecting, the very argument that Senator Humphries used that this is the only airport between Melbourne and Brisbane without a curfew speaks for itself. Canberra residents should get the same protection as the residents of the other cities, which are protected.
MINISTERIAL STATEMENTS

Indigenous Aged Care

Sydney Airport: East-West Runway

Senator CONROY (Victoria—Deputy Leader of the Government in the Senate) (4.09 pm)—I table two ministerial statements relating to Indigenous aged care and the Runway End Safety Area Project at Sydney airport.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Carol Brown)—Pursuant to standing orders 38 and 166, I table documents which were presented to the Deputy President and Temporary Chairs of Committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised.

The list read as follows—

Committee reports

1. Select Committee on Regional and Remote Indigenous Communities—First report, together with submissions received by the committee (received 30 September 2008)

2. Community Affairs Committee—Report, together with the Hansard record of proceedings and submissions received by the committee—Draft National Health (Pharmaceutical Benefits — Charges) Regulations 2008 (received 2 October 2008)

3. Rural and Regional Affairs and Transport Committee—Interim report, together with the Hansard record of proceedings and documents presented to the committee—Horse Disease Response Levy Bill 2008 and two related bills (received 3 October 2008)

4. Rural and Regional Affairs and Transport Committee—Interim report—Matters specified in part (1) of the inquiry into the management of the Murray-Darling Basin system, and the Emergency Water (Murray-Darling Basin Rescue) Bill 2008 (received 3 October 2008)

5. Rural and Regional Affairs and Transport Committee—Final report, together with the Hansard record of proceedings and documents presented to the committee—Water management in the Coorong and Lower Lakes (including consideration of the Emergency Water (Murray-Darling Basin Rescue) Bill 2008 (received 10 October 2008)

Government documents

1. Medibank Private—Annual report 2008 (received 30 September 2008)

2. Crimes Act 1914—Controlled operations—Report for 2007-08 (received 9 October 2008)

Report of the Auditor-General

Audit report no. 6 of 2008-09—Performance audit—Illegal, unreported and unregulated fishing in the Southern Ocean: Australian Customs Service (received 30 September 2008)

Statements of compliance with Senate orders

1. Statements of compliance with the continuing order of the Senate of 30 May 1996, as amended on 3 December 1998, relating to indexed lists of files:

   • Department of Climate Change—Office of the Renewable Energy Regulator (received 29 September 2008)

   • Department of Immigration and Citizenship—Migration Review Tribunal and Refugee Review Tribunal (received 29 September 2008)

   • Industry, Science and Research portfolio agencies (received 9 October 2008)

2. Statement of compliance with the continuing order of the Senate of 20 June 2001, as amended on 27 September 2001 and 18 June, 26 June and 4 December 2003, relating to lists of contracts:

   • Department of Climate Change (received 9 October 2008)

3. Statements of compliance with the continuing order of the Senate of 24 June 2008, relating to lists of departmental and agency appointments:

   • Department of Climate Change (received 9 October 2008)

   • Health and Ageing portfolio agencies (received 9 October 2008)
• Australian Institute of Family Studies (received 9 October 2008)
• Treasury portfolio agencies (received 10 October 2008)

4. Statements of compliance with the continuing order of the Senate of 24 June 2008, relating to lists of departmental and agency grants:
• Australian Institute of Family Studies (received 9 October 2008)
• Treasury portfolio agencies (received 10 October 2008)

Ordered that the committee reports be printed in accordance with the usual practice.

COMMITTEES

Rural and Regional Affairs and Transport Committee

Extension of Time

Senator FARRELL (South Australia) (4.10 pm)—by leave—On behalf of the Chair of the Senate Standing Committee on Rural and Regional Affairs and Transport, Senator Sterle, I move:

That the final report of the Rural and Regional Affairs and Transport Committee on the Horse Disease Response Levy Bill 2008 and related bills, be presented by 13 November 2008.

Question agreed to.

Rural and Regional Affairs and Transport Committee

Report

Senator STERLE (Western Australia) (4.11 pm)—by leave—I move:

That the Senate take note of the report.

On Friday, 10 October 2008, the Senate Standing Committee on Rural and Regional Affairs and Transport tabled its report from the inquiry into water management in the Lower Lakes and Coorong, including consideration of the Emergency Water (Murray-Darling Basin Rescue) Bill 2008. The committee received 84 submissions from state and federal government departments, key organisations and stakeholder groups and individuals. The committee held hearings in Adelaide, on 10 September 2008, and Canberra, on 9, 18, 19 and 26 September 2008. The committee heard evidence from a diverse range of witnesses, including representatives from the relevant federal, Queensland, South Australian and New South Wales departments, farmers’ and irrigators’ groups, the Australian Conservation Foundation, local councils and residents and technical experts.

One fact that was made clear by this inquiry into water management in the Coorong and Lower Lakes is that there are no simple solutions. Regardless of what others may be saying out there in the media, there is no simple solution. The fact remains that there is not enough water in the system and many environmental sites throughout the basin, as well as farmers, irrigators and communities, are suffering from the lack of water. The problem faced in the Coorong and Lower Lakes is a result of the Murray-Darling Basin currently experiencing the worst drought on record, historic overallocations of the water in the system and the emerging impacts of climate change.

As the lakes are freshwater ones, the focus of the inquiry’s first term of reference was to find possible solutions to obtaining additional fresh water for the lakes. The Murray-Darling Basin Commission estimates that a total of 830 gigalitres of water would be required to return the lakes to sea level by June 2009. Thirteen hundred gigalitres would be required to raise the lakes to a level where the fishways could be operated, and an additional flow of 550 gigalitres would be required to operate them for 12 months. A further 730 gigalitres per annum flowing through the barrages would be required to be sure of keeping the mouth of the Murray open to assist with tidal flows into the Coorong. But where does this water come
from? And if water is available to allocate, how do you decide who needs it most? Options to find additional fresh water include: purchasing permanent water entitlements; capturing overland flows; acquisition of water on the temporary market; public storage sources such as the Menindee Lakes, Lake Victoria and the Snowy River; and manipulating weir pool levels.

The government has already committed no less than $3.1 billion to the purchasing of water entitlements under its Water for the Future plan and has also announced a tender in the southern and northern basins to purchase entitlements from willing sellers. The committee heard that storage volumes throughout the basin are very, very low and any available water would be required for high-priority needs. In the committee’s view, obtaining any additional water from any public storage source would only be at the cost of adversely impacting those particular sites’ environmental values and ecosystems.

One very esteemed expert, Professor Richard Kingsford, gave evidence that taking water from other public storages was like ‘robbing Peter to pay Paul’. All the sites throughout the basin hold their own important environmental values and one cannot be seen as more important than another. Dr Arlene Buchan, of the Australian Conservation Foundation, supported this claim by saying:

Flooding the lakes with sea water is an alternative option to increasing the levels of the lakes that the committee inquiry explored. The options for sea water included temporarily admitting a small quantity of sea water to stave off the formation of acid sulphate soils; dividing the lakes in two and admitting sea water in one section; or removing the barrages and returning the lake system to an open estuarine system. In the committee’s opinion the question which needs to be answered in considering this is: would the damage from sea water outweigh acid sulphate soil formation? The general consensus of experts was that sea water was the less damaging option. However, other issues such as the potential impact of the salt on groundwater, the potential concern for the intrusion of salt water upstream and the impact that increased salinity in the lakes would have on the ecosystem were a concern to the committee and needed further investigation.

An option presented to the committee to potentially solve the immediate problem of hypersalinity in the south lagoon was to pump the hypersaline water out of the lagoon into the ocean. This option warrants serious consideration subject to further investigation. Ultimately it was the committee’s view that any addition of sea water would require thorough environmental impact assessment and community consultation.

This report highlights how difficult the situation is across the Murray-Darling Basin, including the Coorong and the Lower Lakes, and cements the fact that there are no simple solutions to this problem. Communities, farmers, irrigators and environmental values are all under enormous pressure. But, as was stated before by Dr Arlene Buchan, all are legitimate users and all have rights to the water. The evidence presented shows that there is not enough water in the system to do the things we want to do. Even if some water were available to be allocated, all of these
users want and need water. If there is not enough water to go around, how do you decide who to sacrifice?

On the more positive side, the committee heard that recent rainfall in the Lower Lakes region, combined with increasing seasonal allocations to South Australia, means that the likelihood of reaching the acidification management threshold before winter next year has fallen considerably. Dr Craik, from the Murray-Darling Basin Commission, said:

Under the worst case scenario a relatively small amount of water could be required to avoid acidification before next winter. Given the rainfall and the reduced evaporation, we believe that we only need a relatively small amount of water to get through to next winter. Under anything less than the worst case scenario the lakes are at a low risk of acidification before the next winter inflow period.

This is positive news for the short term but, as included in the six recommendations the committee provided in the report, the need for a management plan to address the long-term threats to the site’s environmental values is of vital importance. I must reiterate: the whole Murray-Darling Basin is in crisis; there is absolutely no mistake about that. I will reiterate one more time: how do you determine who is more important than anyone else on the Murray-Darling system? That is not for us to decide, but we need a long-term solution, and this government will continue to strive to find a long-term solution.

I would like to thank fellow senators for their work on this committee, bearing in mind that it is just halfway through and there is a lot more to be done. Once again I will take this opportunity to thank the secretariat of the Senate Standing Committee on Rural and Regional Affairs and Transport. Their undying commitment to this work is second to none. They are under enormous pressure—there is no doubt about that—but they deliver. Nothing is a problem to them. I thank Jeanette and her team and look forward to continuing on to see if we can finish this other part of the inquiry and wrap it up by the December date.

Senator HANSON-YOUNG (South Australia) (4.20 pm)—The report handed down on Friday afternoon by the Senate Standing Committee on Rural and Regional Affairs and Transport, Water management in the Coorong and Lower Lakes (including consideration of the Emergency Water (Murray-Darling Basin Rescue) Bill 2008), is disappointing. We have just heard from the chair of the committee a list of reasons why the recommendations in the report did not necessarily support the evidence that was given during the inquiry. This was an urgent inquiry set up by the Greens, with cross-party support because all sides of politics understood that it was an important issue we needed to tackle and we needed to act on. So it is disappointing that the chair’s report fails to recommend swift, decisive remedies for action to save the Lower Lakes and the South Australian Coorong.

We have just heard that the decisions and the actions that we need to take are going to be difficult, are going to be hard and are going to be tough. Since when did having to make the hard, tough choices mean that it was a good enough excuse just to sit back and wait? Senator Sterle is right: we do need a long-term plan for managing the Lower Lakes, the Coorong and the rest of the Murray-Darling system. We definitely need a long-term plan. We cannot wait another two, three, five, 10 years before we see action.

The Greens are disappointed with the majority report. That is the reason we worked together with Senator Xenophon to put forward our own minority report. The majority report dismisses the evidence that was given during the inquiry based on what water is
needed, how we could acquire it and the risks and dangers of flooding the lakes with salt water. If the Minister for Climate Change and Water, Senator Penny Wong, wanted a report to support her continued inaction, this would be the report she would write. The government has its head buried in the sand on this issue. The communities in the Lower Lakes and the Coorong are desperate for action. They are sick of being told, 'Sit back and pray for rain,' and yet the chair’s report simply continues this business-as-usual approach.

We have dodged a bullet. We have had an intervention from Mother Nature herself. Unexpected rain down in the lower reaches of the Murray has bought us time. We now know that we need only 30 to 60 gigalitres of fresh water to cover those soils and avoid the disastrous situation of the acid sulphate soils taking over. If we need only 30 to 60 gigalitres to secure the survival of the lakes before this time next year, we have some time to plan for action. We must not lose this opportunity. We have dodged the bullet; now let's take the bull by the horns and actually get moving. It is not good enough to say, ‘Because the decisions that we need to make are hard and tough,’ as a reason not to make them.

We need the experts to make these decisions. We need a task force established to ensure that it is experts that are managing this crisis, managing the system, because it has been proven time and time again, year after year, that politicians are not the right people to do it. Inaction and deferring of hard decisions is how we got here in the first place. We need action. In the short term, between now and spring next year, we need to secure 30 to 60 gigalitres of fresh water to cover those soils; we need to pump the hypersaline water out of the southern lagoon in the Coorong; and we need to fast-track the management plan for the Lower Lakes and the Coorong so that we can ensure survival in the long and medium term and ensure that we are not here again in 12 months time. Sixty gigalitres of water is not that hard to find when we have been told by the commission themselves that 1,500 gigalitres is available in the southern basin—what is hard to find, in this chamber, is the political will.

Senator NASH (New South Wales) (4.25 pm)—I rise to make a few comments on the report of the Senate Standing Committee on Rural and Regional Affairs and Transport inquiry into water management in the Lower Lakes and Coorong, including consideration of the Emergency Water (Murray-Darling Basin Rescue) Bill 2008. I acknowledge that my colleagues also want to make some comments, so I will keep this very brief. Certainly there is no easy solution. While the inquiry focused on the Coorong and the Lower Lakes, we did take into account some broader issues relating to the basin itself, and I want to touch on a couple of those today.

One of those is the important issue of water buyback. During the course of the inquiry we tried to see if there was any water available for the Coorong and the Lower Lakes, which eventually led to discussion around buyback. What became very clear in evidence from the department that was given to the committee was that, with the $50 million buyback that the government has recently undertaken, for which the Prime Minister and Minister Penny Wong indicated that there would be 34 gigalitres of entitlements, in actual fact only 4.8 gigalitres—not 34 but only 4.8—and only 443 megalitres of real water had transferred to the government. So it became very clear that the indications given to the community of how much water was coming back as a result of the government buyback were not happening. The amount reclaimed, which they said would be 34 gigalitres, was only 4.8 gigalitres and, as I said, 443 megalitres in real water.
That leads to the issue of the north-south pipeline, or Sugarloaf pipeline, in Victoria, which we also took some evidence on. Interestingly, that is going to pull at least 75 gigalitres of real water out of the basin for Melbourne. Compare that to the 443 megalitres that the government has managed to save in real water for the basin so far. At the same time, we see Minister Garrett agreeing to a pipeline which is going to pull 75 gigalitres of real water out of the basin for Melbourne. So there were some very serious concerns raised by the coalition senators around that issue.

The other issue that was raised and is, again, a very serious concern to us was the lack of economic and social impact modelling being done on the effects of this buyback on rural and regional communities. We are seeing open slather from the government in terms of this buyback and yet there is no social and economic impact modelling being done on the effects of those buybacks on those communities. It is effectively putting the cart before the horse. Indeed, we had evidence from the department at one point that that modelling was going to take place but the buybacks would continue—in essence, the buybacks would continue regardless of what that economic and social impact modelling put forward to the government.

It was a very significant inquiry into what is a very difficult issue for the Coorong and the Lower Lakes. With those few brief comments: I think on balance very good conclusions were reached and, certainly from the comments from my fellow coalition senators, we definitely have some kind of a way forward to try and address the issue.

Senator XENOPHON (South Australia) (4.29 pm)—I will be very brief. I endorse the remarks of Senator Hanson-Young, and I was pleased to be part of that minority report of the Senate Standing Committee on Rural and Regional Affairs and Transport inquiry into water management in the Lower Lakes and Coorong, including consideration of the Emergency Water (Murray-Darling Basin Rescue) Bill 2008. I also acknowledge and endorse the remarks of Senator Nash in relation to the Sugarloaf pipeline and the damage that it will do to the Murray-Darling Basin. I will confine my remarks principally to the issue of the emergency water bill that I introduced and the evidence that was heard, particularly from Professor John Williams, of Adelaide university’s law school.

It is clear that the Commonwealth does have the constitutional power to tackle this crisis in the Murray-Darling basin. It is clear that it can use its powers to fast-track water buybacks and to take the action that is necessary to avert this crisis so that there is an equitable share of water in the system, over-allocation is dealt with and the crisis that the Murray-Darling Basin faces can be dealt with comprehensively with one set of rules by the Commonwealth. That is something that has not been done by this government. I urge the government to have the same sort of political will that the Hawke government had 25 years ago when it took on the then Tasmanian government in relation to the Franklin River. That is the sort of approach and the sort of urgency that we need now to tackle this crisis.

Senator FARRELL (South Australia) (4.30 pm)—Just to remark on Senator Nash’s comments on the Senate Standing Committee on Rural and Regional Affairs and Transport report Water management in the Coorong and Lower Lakes (including consideration of the Emergency Water (Murray-Darling Basin Rescue) Bill 2008), it is amazing that here we have the government and Minister Wong actually purchasing some water and that being the subject of criticism by the opposition. The reality is that during the 11½ years that Senator Nash’s party were
in government they did not buy a single drop of water. Senator Wong has been doing that. The reality is that the issue of the Murray River is arguably the most important and pressing problem facing Australia today. The government may be able to insulate us from a world financial crisis, as of course the government has been doing over the weekend, but unfortunately it cannot produce water out of fresh air. It is simply not possible.

The picture as it relates to the Lower Lakes that is reported in the standing committee’s report is far from rosy, but it is accurate and it is truthful. The reality is that for too long we have been taking too much water out of the river system. Combined with the extended drought conditions and the reality of climate change, we currently have a crisis in the Murray River. I guess one of the difficult scientific facts is that even if we do get water further up the system—up Senator Heffernan’s way or further north than that—the reality again is that we lose 70 to 80 per cent of that water in transmission to get it to the Lower Lakes.

The Senate committee heard evidence that the very low irrigation allocations to date in the southern basin are threatening some of the permanent plantings. All up the evidence presented to the Senate inquiry makes it clear that there simply is not enough water in the basin to do everything that we want. But, on the more positive side, at least for the moment, the committee did hear that recent rainfalls in the Lower Lakes region, combined with increasing seasonal allocations to South Australia, mean that the likelihood of reaching the acidification management threshold before next winter has been reduced considerably. Longer term challenges do remain, and that is why the federal government has made commitments to the South Australian government to try to address some of the problems. We have committed $200 million towards ensuring solutions around the Lower Lakes area, with $10 million being immediately available to accelerate programs on the Lower Lakes and the Coorong.

The government have also committed a further $120 million to piping works to provide the towns, the communities and the irrigators who are currently relying on the fresh water in Lake Alexandrina with fresh water. These are all part of the government’s commitment. The federal government have committed $12.9 billion for the Water for the Future plan and we are focusing on trying to adapt to climate change, using water wisely, securing water supplies and ensuring healthy rivers. On that note, I conclude my remarks.

**Senator FISHER** (South Australia) (4.34 pm)—I rise to express some disappointment with the majority report issued in response to this inquiry by the Senate Standing Committee on Rural and Regional Affairs and Transport into water management in the Lower Lakes and the Coorong, including consideration of the Emergency Water (Murray-Darling Basin Rescue) Bill 2008, and note indeed that there is some common ground between the minority report issued by the Greens and Senator Xenophon and the additional comments made by coalition senators. Thankfully Mother Nature, in respect of the Lower Lakes and the Coorong, has delivered us some time. This report makes it clear that the government needs to get on and utilise that time, to get on and do it. There are some things we can do; let us get on and do them. What this inquiry has demonstrated more fundamentally is the shortcomings in the government’s approach to the Murray-Darling Basin in the broad. In short, the Coorong and the Lower Lakes are potentially not only a tragedy unto themselves but also a tragic microcosm of what can happen and will happen in other spots—not hot spots but rather dry spots—across the country if the government continues its current approach.
As part of this inquiry we heard evidence from stakeholders who had not been consulted by the government in the formulation of approaches to resolve the dire circumstances facing the Coorong and the Lower Lakes. We heard evidence of new solutions—funny, that. When there is a failure to consult with stakeholders, it should not be surprising that all the alternatives have not been identified and then assessed. What this inquiry demonstrated is the need for the government to deliver what Kevin Rudd has promised in terms of evidence based policy—in all facets of governing the country but particularly in respect of water. What else did we hear as part of this inquiry? We heard about the Wellington weir proposed to be constructed at Wellington in South Australia. We heard that thus far there has not been a clear purpose expressed for the building of the weir. We heard that environmental impact assessments have not yet been completed in respect of the weir. And yet the proposition is to go on and build it. We now have more time, says South Australian Minister Maywald, in respect of the weir. But again, in terms of the weir, there is a demonstration of a failure to commit to evidence based policy—why are we doing things; how are we going to do them; and when?

We heard about capital cities and in particular their reliance on the Murray-Darling Basin system. We heard evidence about the ability to wean Adelaide off the Murray inside 10 to 12 years, yet we heard from a state minister who refused to commit to doing so. Instead we heard vague and confusing evidence: ‘Adelaide’s already on the Murray. Why would we take it off when it’s already on?’ Adelaide as a capital city is not on the Murray at all—nor, for that matter, is Melbourne. Yet we heard evidence about the north-south pipeline. Funny—but it will be far from funny; it will be or odd and undealbe, I would suggest—it will be to have the city of Melbourne put on the river system. It is not currently on it. It will be put on it supposedly to serve critical human needs. Once on, no Victorian government will want to agree to take it off. That is the plan. That is part of the plan.

Senator Sterle indicated that, in the government’s view, there is not enough water. In the same breath, he referred to evidence by Dr Buchan that all users of the river system and the basin system are equal. Governments have to make hard decisions. They are faced with very hard choices. There is not enough water in the system, there are users who want more than is available and you say that all users are equal. Well, I am sorry; governments have to take some hard decisions and prioritise. We need this government to demonstrate its evidence based policy for resolving the problems facing Australia, particularly in the Murray-Darling Basin. We look forward to the second term of reference of this inquiry, to further investigating and causing the government to actually do what it promised in the election.

Senator HEFFERNAN (New South Wales) (4.39 pm)—One thing we discovered during this inquiry by the Senate Standing Committee on Rural and Regional Affairs and Transport into water management in the Lower Lakes and the Coorong, including consideration of the Emergency Water (Murray-Darling Basin Rescue) Bill 2008—and it was obvious to me from the day we set upon it—was that there is not the water in the system, despite what the green people say. We are dealing with the third most inefficient city water user in Australia—that is, Adelaide. We are dealing with the fact that, if the science is right, we need to get Australians generally to understand the science of the future rather than the history of the past. The science of the future is saying we are going to lose out of the Murray-Darling Basin somewhere between 3,500 and 11,000
gigs out of a total of 23,000 gigs over the next 40 to 50 years. Even if that is only half right, we have a serious problem. The 75 gigs that is proposed for Melbourne will be very critical to the Murray-Darling Basin. It will not be critical for Melbourne. All Melbourne has to do is recycle its water and collect its stormwater. Like Sydney, if it recycles 335 gigs and collects three major outfalls it will fix its water supply for the next 40 years.

With a view to the future instead of a wish about the past, it is patently obvious—as it was 100 years ago—that the Lower Lakes will be salt. People ought to get used to that idea if the science is right. There is no other way out of it. I have to say that I think the committee did a good job in discovering that there was not water available. There was a bit of politics played. That is fair enough; we are political. But all governments from all persuasions for all time have managed to muck up water. I would like to take the chamber through some of the ways that we have managed to cock up water over the last 100 years. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Membership

The ACTING DEPUTY PRESIDENT (Senator Carol Brown)—The President has received a letter from a party leader seeking to vary the membership of committees.

Senator CONROY (Victoria—Deputy Leader of the Government in the Senate) (4.42 pm)—by leave—I move:

That senators be discharged from and appointed to committees as follows:

Corporations and Financial Services—Joint Statutory Committee—

Discharged—Senator Coonan

Scrutiny of Bills—Standing Committee—

Discharged—Senator Ellison

Appointed—Senator Coonan.

Question agreed to.

MIGRATION AMENDMENT (NOTIFICATION REVIEW) BILL 2008
First Reading

Bill received from the House of Representatives.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (4.43 pm)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator CONROY (Victoria—Deputy Leader of the Government in the Senate) (4.44 pm)—I table a revised explanatory memorandum relating to the bill and move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Migration Amendment (Notification Review) Bill 2008 amends the Migration Act 1958 by introducing a series of changes that will operate to clarify the way the Department of Immigration, the Migration Review Tribunal and the Refugee Review Tribunal communicate with their clients. These amendments are the initial steps in a broader series of measures that are being contemplated by the Government.

The Migration Act 1958 (the Act) and the Migration Regulations 1994 (the Regulations) contain complex provisions dealing with the requirements for notifying clients about important matters such as decisions on visa applications and visa cancellations.
These provisions cover the content of the notice, identify who must be notified, where the notice must be sent, when the notice is taken to have been received and by what method the notice may be dispatched.

These requirements can be difficult for staff to apply and provide fertile ground for the courts to find notification defects. Court challenges based on technical errors in the notification process are regularly pursued by clients seeking to find a way to delay the resolution of their cases.

There have been a series of cases over the past several years where the courts have identified technical defects in notification that have created large legacy caseloads which have proved difficult, if not impossible to address through litigation or administrative reforms. For example, the case of VEAN of 2002 v Minister for Immigration, Multicultural and Indigenous Affairs [2003] FCAFC 311 found that the envelope containing a notification letter had to be addressed to the applicant’s “Authorised Recipient”, not to the applicant “C/O the Authorised Recipient”. This decision in late 2003 potentially affected thousands of cases going back to 2001.

These adverse notification decisions can create a situation where subsequent action taken in good faith by officers in respect of a client may actually be unlawful, because the client was not properly notified of a departmental or tribunal decision and therefore their bridging visa (or a cancelled substantive visa) may remain in effect.

The Commonwealth Ombudsman, in his report “Notification of Decisions and Review Rights for Unsuccessful Visa Applicants” of December 2007, drew attention to the difficulties with the notification provisions and their potential to result in the unlawful detention of clients.

The bill has three overarching sets of amendments:

1. Provide, in cases where other notification provisions would not apply to a minor, that where the Minister (or MRT/RRT) forms a reasonable belief that an individual has care and responsibility for a minor, then the Minister (for primary decisions) or the Tribunal (for MRT/RRT decisions) may communicate with that person (instead of the minor) to notify that individual of a decision of the Minister or Tribunal about the minor.

2. Provide that substantial compliance with the required contents of a notification document is sufficient unless the visa applicant is able to show the error or omission in the document causes them substantial prejudice; and

3. Provide that the deemed time of notification provisions will operate despite non-compliance with a procedural requirement for giving a document to an individual, where the individual has actually received the document, unless the individual is able to show they received the document at a later date, in which case they will be taken to have received the document at that date.

These three sets of amendments will ensure that notification will be legally effective and provide certainty regarding future action based on notification, while still maintaining fair and reasonable dealings with the Department’s and the Tribunals’ clients.

The first set of amendments relate to communication with minors through a person or an organisation that has care and responsibility for the minor. Unless certain specific provisions apply, which deal with a client appointing an authorised recipient, or notification of clients that make combined applications, the Act currently requires correspondence or notices be sent to the individual client for the notification to be effective, even where the client would be too young to understand what the notification is about. This amendment will enable notification to be effected on a minor, defined as someone under 18, where the Minister or his delegate or the relevant merits review tribunal has a reasonable belief that the recipient of the notification has the day to day care and responsibility for the minor.

The recipient in this instance could be an individual, 18 years of age or over, who has the day-to-day care and responsibility for the minor. The recipient could also be an individual who works for or in an organisation and has day to day care for the minor. The proposed amendment produces the outcome that is most likely to result in the person who receives the notice about the minor also acting on it.
This is preferable to sending a notice to, say, a parent who is estranged from the minor or who is not present in Australia and who may not be willing or able to act in the interests of the minor. In the event that no-one with care and responsibility for the minor can be clearly identified, it will still be possible to send the notification directly to the minor.

The second set of amendments relates to substantial compliance with the required contents of a notification document. Strict compliance with arguably insignificant details regarding the content of notification required by the courts has caused the department to concede or lose a number of court cases on minor technicalities. The VEAN case, as previously mentioned, is an example and there are other similar cases. In SZKGF v Minister for Immigration and Citizenship [2008] FCAFC 84 a question arose from the inclusion of an incorrect postcode on two letters sent to a visa applicant by the Refugee Review Tribunal which were received and acted on by the visa applicant. The Tribunal affirmed the delegate’s decision to refuse the protection visa, considering that there had been no practical injustice and the applicant had lost no opportunity to advance his case. There were also cogent reasons for concluding that a postcode is not part of an address and therefore the use of the incorrect postcode did not result in non-compliance with the relevant section in the Act.

This is a case where the court was satisfied that the oversight could have had no effect upon the Tribunal’s decision: no hearing was missed; no invitation to comment left unanswered; no delay caused; no prejudice suffered. The court noted that to set aside the Tribunal’s decision and require reconsideration of the applicant’s claims would be to allow the triumph of mere technicality over substance.

While in this instance the case law is of assistance in determining that a minor error, such as an incorrect post code, may not render notification ineffective, the bill seeks to clarify this issue and put beyond doubt the possibility of further, related, appeals on similar factual scenarios.

This amendment will ensure that substantial compliance with the required content of a notice will be sufficient to effect notification. Minor technical errors in the content of the notice will not render the notification ineffective unless the applicant can show that the error or omission substantially prejudices him or her.

The third set of amendments deal with deemed and actual notification and relate to the methods that the Department and the relevant tribunals use when communicating with clients. Currently, the courts require strict compliance with the statutory notification procedures in order to rely on the deemed notification provisions. Where there is an error in the notification procedures, clients may argue that the deemed receipt provisions do not apply, even when there is evidence that they have actually received the correspondence or notice.

This amendment will provide that where there has been an error in notification such that the deeming provision will not apply, but there is evidence that the client actually received the document (for example they responded to the notice), then notification will be taken to have occurred in accordance with the deeming provisions or at a later date if the client can show the notice was actually received at that later date.

This will overcome difficulties created through the requirement for strict compliance with technical notification procedures but also ensure clients are treated fairly and reasonably.

In conclusion can I reiterate that these amendments will achieve a notification regime that is simpler, provides greater clarity and consistency, and is sufficiently flexible to respond to individual circumstances. This streamlining of notification requirements will reduce complexity, and deliver more consistent, fair and reasonable outcomes to clients.

I commend the bill to the chamber.

Ordered that further consideration of the second reading of this bill be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.
Messages from the Governor-General reported informing the Senate of assent to the
bills.

**BROADCASTING LEGISLATION AMENDMENT (DIGITAL RADIO) BILL 2008**

Report of Environment, Communications and the Arts Committee

Senator FARRELL (South Australia) (4.45 pm)—On behalf of the Chair of the
Standing Committee on Environment, Communications and the Arts, Senator McEwen,
I present the report of the committee on the Broadcasting Legislation Amendment (Digital
Radio) Bill 2008, together with submissions received by the committee.

Ordered that the report be printed.

**COMMITTEES**

**Economics Committee**

Interim Report

Senator FARRELL (South Australia) (4.45 pm)—On behalf of the Chair of the
Standing Committee on Economics, Senator Hurley, I present an interim report of the
committee on its inquiry into the provisions of the Tax Laws Amendment (2008 Measures No. 5) Bill 2008.
Economics Committee
Extension of Time

Senator FARRELL (South Australia) (4.45 pm)—by leave—I move:

That the time for the presentation of the final report of the Economics Committee on the provisions of the Tax Laws Amendment (2008 Measures No. 5) Bill 2008 be extended to 10 November 2008.

Question agreed to.

TAX LAWS AMENDMENT (EDUCATION REFUND) BILL 2008
Report of Economics Committee

Senator FARRELL (South Australia) (4.46 pm)—On behalf of the Chair of the Standing Committee on Economics, Senator Hurley, I present the report of the committee on the provisions of the Tax Laws Amendment (Education Refund) Bill 2008 together with a submission received by the committee.

Ordered that the report be printed.

SAFE WORK AUSTRALIA BILL 2008
SAFE WORK AUSTRALIA (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2008
Second Reading
Debate resumed.

Senator FISHER (South Australia) (4.47 pm)—I rise to speak in respect of the Safe Work Australia Bill 2008 and the Safe Work Australia (Consequential and Transitional Provisions) Bill 2008. The coalition support, essentially, the spirit of these bills but we question whether the bills as currently drafted are able to deliver on that spirit. The spirit of the two bills is apparently to harmonise occupational health and safety and workers compensation laws across states and territories and nationally, with a view to achieving what we all want, which is safer and more productive workplaces. However, the coalition has grave concerns about whether the bills as currently drafted will in fact deliver harmonisation in terms of occupational health and safety and workers compensation laws and will in fact deliver safer and more productive workplaces.

In the provisions reflected in these bills the coalition sees yet again a failure of the Rudd government to deliver on its promise of the formulation of evidence based policy to the benefit of all Australians. How so with these bills? Business has long supported consistent national outcomes and regulation in respect of occupational health and safety and workers compensation. These bills beg, however, the questions as to the government’s true purpose in drafting the bills as it has and, secondly, as to how it proposes to deliver harmonised outcomes and safer and more productive workplaces.

Businesses largely support consistent and harmonised outcomes, particularly those businesses that operate across interstate borders. They will have concerns about how this unrolls in practical terms. They will have concerns, for example, about the potential substance of the regulation if, for example, the substance of the regulation results in the higher and highest of all standards across the states and nationally without there being evidence based assessment of why that should be so. Business will have concerns if the aim for nationally consistent and harmonised outcomes results in an equal or increased amount of red tape to what exists today.

So what is the government doing in terms of this legislation—the ‘how’? In terms of the how, they are proposing legislation that will give states the veto—the say-so—and make this new body subject to the whim of the ministerial advisory council. The government is setting up a new body that is designed to fail. The states thus far have not been able to come up with a harmonised oc-
occupational health and safety and workers compensation system yet the government is now supposedly designing a new system aimed at achieving that which still gives the states the power. And it gives the states the power in a number of ways, including a diminution in the current number of people able to represent not only the business sector but also the union sector on this new body. It essentially gives the balance of power to the states, added to which is the influence and overriding influence of the ministerial advisory council.

In so doing, the government stands to ignore the input of the very partners that the government needs to bring about safer and more productive workplaces—that is, the trade union movement and their members and employer organisations and their members. The government has not explained why it sees fit to diminish the number of representatives of each of those partners in the workplace. Nor has the government seen fit to explain the ‘why’, to justify the basis upon which it proposes to no longer nominate, for example, the Australian Chamber of Commerce and Industry as the peak body of employers and the Australian Council of Trade Unions as the peak body of employees.

It should be incumbent on those two organisations to demonstrate why they should be the peak bodies in respect of their membership, but it raises an interesting question as to why a government does not contemplate having peak bodies to represent both of those sectors. I would put it to you that part of the thinking is to find an array of opinion so that the government can support a particular state by finding some stakeholder who comes up with the outcome that the government wants on any particular issue at any particular time. The legislation needs clearly nominated peak organisations for employers and employees for the workplace partnerships.

The government needs to explain why the states will be given veto powers, why the Workplace Relations Ministers Council needs to retain such influence, why an ACCI and an ACTU would no longer be nominated as peak bodies representative of their sectors, and why the numbers of employee representatives and the numbers of employer representatives should be reduced from what they are now. The government needs to show us that they are not intent on, instead, providing themselves with a payback mechanism for their state mates, as has been enjoyed, for example, in the COAG context in respect of water—and I need not name the states which have enjoyed unfair treatment in that forum. We look forward to the committee stage of the legislation and to the government demonstrating its evidence based policy approach to achieving safer and productive workplaces across Australia.

Senator STERLE (Western Australia) (4.54 pm)—I rise to speak in support of the Safe Work Australia Bill 2008 and related bill. The purpose of the legislation is to establish Safe Work Australia as an independent Commonwealth statutory body to improve both occupational health and safety outcomes and workers compensation arrangements in Australia. The legislation establishes the operational arrangements to support Safe Work Australia, including those relating to the Workplace Relations Ministers Council. Safe Work Australia will be a reform focused body with the power to make recommendations directly to the Workplace Relations Ministers Council and will replace the Australian Safety and Compensation Council, which was established by the former Howard government as an advisory council, whose functions were limited and were confined to coordinating, monitoring and promoting national efforts on health and safety and on workers compensation.
A further difference from the former Howard government’s attempts towards safer workplaces is that the budget for Safe Work Australia will be funded 50 per cent from the Commonwealth and 50 per cent from the states and territories. Safe Work Australia will be an inclusive tripartite body of 15 members. The membership will comprise an independent chair, nine members representing the Commonwealth and each state and territory, two members representing the interests of workers, two members representing the interests of employers and a CEO. The Minister for Employment and Workplace Relations will make all appointments to Safe Work Australia based on nominations from each body.

As a former long-distance line-haul truckie, I know nothing more important than the value of getting home safely at the end of a hard day’s yakka—and every worker should expect to have that right. Every Australian worker has a fundamental right not only to get home safely but to expect and receive the highest level of occupational health and safety standards not only from their employers but also from their fellow employees.

It is important for us to acknowledge that, whilst occupational health and safety is an important issue to us all, we in Australia still do not have a single system of reviewing and improving occupational health and safety standards. This legislation will address this. In Australia right now we have nine systems of assessing and monitoring occupational health and safety—one for each of the six states and two territories and one for the Commonwealth. Each of these systems performs an important role and protects workers’ interests. However the duplication of systems often becomes confusing and does not allow the system to fully address all occupational health and safety issues.

The Rudd Labor government’s Safe Work Australia will improve occupational health and safety outcomes and workers compensation arrangements in Australia by streamlining all systems and creating a greater, safer outcome for Australian workers and for all Australian workplaces. The former Howard government did little to address occupational health and safety. The Howard era did very little more than make occupational health and safety more complex and created a complicated framework of funding and responsibilities. There were differences in jurisdictions, and different employers, under differing state and Commonwealth rules, were subject to varying standards. By attempting to attract national employers to be part of the then Commonwealth system, the Howard government attempted to usurp the state and territory governments and consolidate power. The approach of the Rudd Labor government could not be more different.

Through cooperative federalism, the Commonwealth government has sat down with the states and territories and worked out a solution which is in everyone’s interest, not in just the political interest of one conservative government. Cooperative federalism may be one of this government’s greatest achievements. Rather than blaming and bickering between governments, the Rudd Labor government has been able to bring together states and territories to make real progress towards reductions in duplication, as well as improving consistency. A more efficient Australia will be able to better perform and increase productivity.

I draw senators’ attention to the funding approach of this legislation, which is further evidence of the cooperation between state and territory governments in Australia. Safe Work Australia will, unlike its predecessors, be a body which is jointly funded by the Commonwealth and the states so that the states have a real sense of ownership in what
Safe Work Australia ultimately does and in what occupational health and safety objectives they can achieve. Safe Work Australia’s goal is to develop national policy around occupational health and safety and workers compensation and, importantly, to guide us down the path of harmonising our nation’s differing occupational health and safety laws. Safe Work Australia will provide new benchmarks. It will be another example of why Labor is the party of reform. This is a very significant step towards ensuring higher standards of occupational health and safety in this country.

This bill will be good for business, good for government and good for workers. These reforms are part of the Rudd Labor government’s goal of creating a seamless national economy that is not being dragged down by duplications and border disputes between states and territories.

The average figures for workplace injuries in my home state of WA are terrible figures. Fifty-one Western Australians—I say again: 51 West Aussies—are injured at work every day. In an effort to reduce this number and improve education about occupational health and safety, the former WA Labor state government ran the ‘Come home safe’ campaign. This was a state-wide television and radio advertising and information program that supported the state government’s priority of safer communities and safer workplaces. It aimed to make workplaces safer by achieving a positive change in workplace safety culture and practices. The campaign focused on the importance of arriving home safely from work and featured children and family members waiting for their loved ones. This campaign was broadcast and communicated across WA, and from most accounts it was very effective in raising awareness of workplace safety—but it was unfortunately limited to WA.

Each of the separate state and territory occupational health and safety organisations attempts to communicate the message of workplace safety, but not all are able to do so effectively or have the resources to do so. Figures from the Western Australian Department of Consumer and Employment Protection estimate that on average a WA worker is killed every 19 days, while a worker is seriously injured every 30 minutes. If Safe Work Australia can reduce the chances of only one family losing a loved one through an accident at work then it will have been a success and a sound use of resources. More than 300 Australians, sadly, are killed each year at their workplace and many more die as a result of work related diseases that could have been avoided.

Each year over 140,000 Australians are seriously injured at work. The cost to our economy has been estimated at $34 billion per year. The cost to those injured and to their families, workmates and friends cannot be measured. Between 1997 and 2006 around 147,800 compensation claims were accepted. Across Australia during the same period, sadly, approximately 300 deaths occurred each year. That means that 2,700 people died from a workplace related accident. According to the peak workers body in my state of Western Australia, UnionsWA, 460 people died in the workplace between 1988 and 2008. That is just in Western Australia alone. UnionsWA’s figures also tell us that there has been a gradual decrease in fatalities, from a high point of 36 in 1988 to a low point of 12 in 2006. Unfortunately, that figure increased to 25 in 2006-07 and 27 in 2007-08. But 460 workplace fatalities in Western Australia over this period is clearly unacceptable. The fatalities were from across industries: 136 fatalities in the mining industry; 104 in the agriculture, forestry and fisheries industry; 70 in the construction industry; and 31 in the manufacturing industry.
A figure that I wish to go to now is that relating to deaths involving heavy vehicles, truckies and other users of the road networks, because these figures would not be captured in workplace fatality numbers; they would be recorded as road or traffic deaths. Once again I will refer to my time on the road. This really is dear to my heart. I can probably also speak for Senator Williams on the other side, another good-blooded ex-truckie in this chamber. I know that he would hold work safety close to his heart, especially for those men and women out there on the roads hauling all our produce and materials through the dark hours of the night—those unseen champions of industry who go about their job every day and every night without so much as a whimper. In 2007 there were over 200 road deaths in Australia involving heavy vehicles. One in five road deaths involve heavy vehicles. In other words, the heavy vehicle transport sector is a significant contributor to Australia's road toll. In 2007 road fatalities involving an articulated truck increased by 5.4 per cent. Trucks as a whole account for approximately six per cent of total vehicle kilometres travelled but are involved in approximately 15 per cent of all road fatalities. Over the past five years over 1,000 Australians have died as a result of a road accident involving a heavy truck. Those are sobering figures. Three-quarters of these fatal accidents involved an articulated truck. These statistics place transport workers at high risk of death or serious injury in their workplace, an unacceptable situation. I cannot stress this enough. When we talk about road fatalities and truckies: their workplace is the cabin of that truck; their workplace is that bitumen road underneath them. That is why it is so frightening to hear these statistics. They would not be picked up in any workplace fatality statistics that we collect, but they are workers who are killed while doing their job.

A national body of coordination will improve occupational health and safety outcomes and workers compensation arrangements in Australia. Through Safe Work Australia we will have one body that is tasked to address the national problem of occupational health and safety standards in Australia. This new body is being tasked with some important jobs. Safe Work Australia will develop a national policy relating to occupational health and safety and workers compensation; develop, prepare, monitor and revise model occupational health and safety standards and model codes of practice; develop a compliance and enforcement policy to ensure nationally consistent regulatory approaches across all jurisdictions; develop proposals relating to the harmonisation of workers compensation arrangements; collect, analyse and publish occupational health and safety and workers compensation data and undertake and publish research; drive national communication strategies to raise awareness of health and safety in the workplace; further develop the National Occupational Health and Safety Strategy; and advise the Workplace Relations Ministers Council on occupational health and safety and workers compensation matters.

This bill will raise the bar on workplace safety rules and ensure consistency in workplace standards and in the education of those standards by employers and employees to ensure that workers can work in a safe environment knowing that, if an accident were to occur, their income and family would be protected while they recovered.

Workers compensation issues and standards of occupational health and safety have been the subject of fierce debate between governments, employers and unions for many years. Jurisdictions and schemes are complicated and often inconsistent. This bill will present a way forward. This is the path towards attaining a goal of national consis-
tency and understanding and awareness of occupational health and safety issues.

This bill continues the already significant work of the Rudd Labor government in improving cooperation between the state and federal governments, and the establishment of Safe Work Australia is an essential part of the government’s strategy to facilitate improvements to safety outcomes and workers compensation arrangements across Australia. Since coming to office less than 12 months ago—I know it seems a lot longer, Madam Acting Deputy President, but it was less than 12 months ago—the Rudd government has undertaken a review of the Comcare system, set up an independent panel of experts to conduct a national occupational health and safety review and developed a landmark intergovernmental agreement with its state and territory counterparts to harmonise occupational health and safety legislation nationally.

This bill, along with the intergovernmental agreement, brings a new era of cooperation between the state, territory and federal governments on this matter. It addresses another key area of cooperative federalism that will save lives, simplify rules and reduce the cost of doing business. This will be one of the great reforms within Australian workplaces and Australian industry. As I have indicated, Safe Work Australia will be a great step forward for workers and employers and for occupational health and safety in this country. It will be the body which will take Australian workplace safety laws to the next level to simplify safety laws and make them more effective and efficient. The government has set itself the task of creating a seamless national economy unhampered by unnecessary state duplications, overlaps and differences. We do this because we care about building a better Australia now and into the future.

Occupational health and safety affects everybody. Every year, hundreds of thousands of Australians have their lives changed because of an injury at the workplace. This means that every year Australia’s poor occupational health and safety record has horrible consequences for Australian workers and Australian families. We can do something about this and we can improve Australia’s occupational health and safety standards. That is what Safe Work Australia will achieve. It is time to start the process of changing Australia’s occupational health and safety performance. That start begins with this bill, and I urge all senators to support it. I commend the bill to the Senate.

Senator FARRELL (South Australia) (5.10 pm)—The introduction of the Safe Work Australia Bill 2008 is timely and appropriate. I am particularly proud to be a member of a government that is meticulously focused on delivering its electoral promises, for which it received a mandate at last year’s federal elections. A constructive and workable federalism requires a national and cohesive approach in legislation and in practice with regard to key issues of our time. The myriad state based occupational health and safety schemes, plus the existence of differing state based and national workers compensation schemes, do not augur well for achieving economies of scale. The introduction of the Safe Work Australia Bill 2008, of which I am a proud supporter, is part of a comprehensive policy strategy to cement productivity gains and efficiencies through national standards that will take effect throughout Australia.

As is often noted by members and senators, 140,000 Australians are injured at work every year, at a cost to the nation of approximately $34 billion. The current approach to occupational health and safety and workers compensation needs to be improved. The standards of workplace safety and the
level of compensation benefits should not be contingent upon where one resides in Australia. Geographical and state based anomalies are no longer acceptable in the 21st century in modern society. Australian employers do not require the regulatory duplication, the burden and the red tape of operating in at least half-a-dozen forms of state occupational health and safety and workers compensation jurisdictions. These include the national Comcare system, a scheme originally designed to administer workers compensation entitlements to federal public servants but which has now morphed into a de facto national scheme by stealth through the inclusion in Comcare of private enterprises that operate Australia wide.

Incremental anomalies and untenable outcomes will continue to prevail and grow if this Safe Work Australia Bill is not allowed to pass through the Senate. Long-term decisions need to be made within a national framework that allows clarity and certainty for employer decision making. A miner at Mt Isa should expect the same occupational health and safety and workers compensation entitlements as a miner working in the Pilbara region. Safe Work Australia, as the Deputy Prime Minister has pointed out, will not be a toothless, Howard-era advisory council but rather will be, as the minister describes it, "an independent, reform focused body, with the power to make recommendations directly to the Workplace Relations Ministers Council".

For 24 years, Australian governments of all persuasions—and, by extension, Australian citizens—have satisfied themselves with the iniquities and inequities of varying occupational health and safety and workers compensation laws. We do not expect the Medicare system, for example, to provide different financial outcomes for our citizens depending on which part of Australia they reside in. Accordingly, we should expect no less from our occupational health and safety and workers compensation laws. This bill must be supported in the Senate so that the urgent and overlooked imperative to harmonise these laws is not delayed for a moment longer than it should be.

As the Prime Minister has noted on many occasions, this government is here to serve all Australians, not just sectional interests. It is for this reason that Safe Work Australia will be a tripartite body encompassing broad representation and allowing for the expression of the voices of employers, workers, state governments and territory governments.

Safe Work Australia will be enacted into law as a prescribed agency under the Financial Management and Accountability Act, while from an administrative perspective the 15 members who will comprise the tripartite body will ensure that its task is not hamstrung by the creation of a bloated bureaucracy—as witnessed in the failed Howard government’s entanglement of employers in Work Choices, endless red tape and bureaucratic overlap. Work Choices was, of course, a disaster—not just for workers’ rights and conditions but also for its undermining of occupational health and safety at the workplace through its unfair dismissal provisions. Under Work Choices, if a worker complained about an occupational health and safety issue they ran the risk of being sacked if the boss did not approve of what they had to say, so we should acknowledge the important occupational health and safety benefits that come from ripping up the Work Choices legislation and replacing it with fair and balanced industrial laws.

The Liberal Party have been keen to criticise the composition of the Safe Work Australia board of directors. After consultation with the workplace relations ministerial council, the minister must select an independent chair to preside over the meetings.
The minister must select a representative of the Commonwealth government, one representative nominated by each state or territory and two representatives nominated by both worker and employment groups authorised by the minister. It is at the discretion of the minister to identify which bodies represent workers and employers and to seek nominations from them. In total, there will be nine board directors representing each of the state and territory governments and the Commonwealth, two board directors representing the interests of employers, two board directors representing the interests of workers, and one independent chair.

We have heard time and time again from those opposite about the supposed injustices in the composition of the board. Their argument is that the majority of directors should be representatives from employer groups and unions and that the Australian government has got the balance wrong. I fail to see how you can have a national organisation that aims to standardise occupational health and safety policy across federal, state and territory jurisdictions without a representative of each of those governments. I challenge the Liberal Party to identify which states or territories they feel should not be represented on the Safe Work Australia board. If they feel that they should all be represented, then presumably they reckon that the Australian government should increase the number of union and employer representatives on the board until they reach parity with the government representatives. However, to do that you would need to install an additional five directors onto the board on top of the four already there, to even things out with the government representatives. But then, of course, you could not just have five extra board directors from employer and union groups because that would mean that one grouping would get one more vote than the other. To achieve what the Liberal Party is calling for you would actually need six new board directors, bringing the total board to a gigantic and unworkable 21 directors. As the saying goes, too many cooks spoil the broth.

Unless the Liberal Party are calling for some states and territories to have no representation on the Safe Work Australia board, then they can only be hoping for a massive and unworkable increase in the size of the board itself. The reality is that all major stakeholders are represented on the board of directors and they will have a say in the formation of the new occupational health and safety policy. None of these stakeholders could be removed from the board without Safe Work Australia losing its ability to effectively coordinate occupational health and safety policy across all jurisdictions. The Australian government has got the balance right between all stakeholders, and I am confident that Safe Work Australia will improve the efficiency and safety of workers.

In my former role as secretary of the South Australian branch of the SDA, it was my job to help ensure that retail workers could perform their duties safely in the workplace. While the SDA has been successful in fighting for safer workplaces in the retail industry, it is an unfortunate fact that avoidable workplace injuries still occur in the retail industry across Australia. The phasing out of plastic bags at retail outlets has the potential to exacerbate that problem. While I applaud any moves to protect the environment, it should be noted that in our switching to reusable mesh or calico shopping bags it is retail workers who are likely to pay the price. These reusable shopping bags can hold more items than ordinary plastic shopping bags and can therefore become substantially heavier. Considering how often the checkout operator must lift shopping bags every day for extended periods of time, it becomes obvious that workplace injuries are far more likely to occur with reusable bags. Back, neck and
Arm strains will be more common amongst checkout operators, and there needs to be serious consideration given to limiting the amount of heavy lifting these workers should be expected to perform. Unfortunately many of these reusable bags are in an unsanitary condition when they are presented at the checkout. I have heard of retail workers having to handle dirty and smelly bags, some stained with old meat products that have not been cleaned out properly—or worse. Retail workers should be able to expect to work in sanitary conditions. I am worried that many young retail workers will not have the courage to refuse to load an unsanitary bag when a customer presents one at the checkout.

The ALP government of Gough Whitlam, way back in 1974, attempted to harmonise workers’ compensation laws. The Whitlam government bill failed at the altar of sectional interests. Let us hope that we do not repeat the same mistake here. As the Deputy Prime Minister, Julia Gillard, has pointed out, this bill reaches out to those who are inclined to engage in a new spirit of cooperation symbolic of new federalism, one that avoids name calling and state blaming. This is because Safe Work Australia will be jointly funded by the Commonwealth and the states and territories, working cooperatively to solve problems with occupational health and safety laws in Australia. While it may not be an original thought, Mr John Merritt, a director of WorkSafe Victoria, once said: ‘A civilised society is best judged by how it treats its most vulnerable citizens.’ Our most vulnerable citizens surely include those who have been maimed and injured in the workplace, along with the children and spouses dependent upon the 300 workers who are killed in the workplace throughout Australia each year. The passage of the Safe Work Australia Bill will take us into the 21st century. I commend support of the bill.

Senator MARK BISHOP (Western Australia) (5.22 pm)—I rise in support of the Safe Work Australia Bill 2008 and the Safe Work Australia (Consequential and Transitional Provisions) Bill 2008. These bills seek to establish Safe Work Australia as a Commonwealth statutory body. It will replace the Australian Safety and Compensation Council, which was set up by the previous government. As we all know, that council had limited functions, in that it coordinated, monitored and promoted national efforts on health and safety and workers compensation. Under the new government, Safe Work Australia will have a much more comprehensive role. It will develop, monitor and enforce national standards in health and safety. Its role will also include the harmonisation of workers compensation requirements and, as has been stated by previous speakers, it will be jointly funded by Commonwealth, state and territory governments. It needs to be said at the outset that this bill is a significant step towards uniform health and safety laws in this country.

Every year, more than 300 Australian workers are killed doing their jobs, while a further 140,000 are seriously injured. Many more die as a result of work related disease. It is estimated that the cost to our economy is something in the order of $34 billion per annum. To partners, children, friends, family and fellow workers the cost is immeasurable. This Labor government is committed to improving workplace safety and its foundation, the workers compensation system. Since coming to office, the new government has undertaken a review of Comcare, reached agreement with our state colleagues to harmonise occupational health and safety legislation and set up an independent panel to conduct a review of national occupational health and safety. Safe Work Australia will play a central role in OH&S and workers compensation reform as it will be the vehicle
that will give effect to the recommendations of the review panel. More particularly, and equally importantly, it will develop a national policy for OH&S and workers compensation; prepare, monitor and revise OH&S legislation; develop a compliance and enforcement policy to ensure national consistency; develop proposals relating to the harmonisation of workers compensation arrangements; and drive national communications strategies to raise awareness of health and safety in the workplace.

The importance of best practice in occupational health and safety standards cannot be overstated. It is the right of every worker to return home at the end of the day as safe and injury free as they were when they embarked upon their journey to work. It is the responsibility and moral obligation of every employer to ensure that they provide a safe working environment, and it is the responsibility of government to develop, review and enforce health and safety standards. As we all know, accidents do happen, and when they do there should be adequate and accessible compensation that provides for the cost of rehabilitation or security for those who are left behind. It should not matter if you are injured in the far north of Western Australia or down in southern Tasmania.

These bills are part of the government’s commitment to create a seamless national economy by reducing duplications, overlaps and, where possible and feasible, inconsistencies and differences between the states. Currently in Australia there are no less than nine different laws governing occupational health and safety. Harmonisation of this plethora of laws will be welcomed by workers, unions and employers alike. But, more importantly, reform of occupational health and safety and workers compensation systems will not only increase profitability and productivity; it will also better protect the lives and health of Australian workers.

I now want to turn to some aspects of the government’s plans for the new body. I must say at the outset that we are entering new terrain which is potentially fraught with conflict. There is potential for conflict because the government seeks to create national standards across a national economy but we remain saddled with a Constitution moulded in the late 19th century. Australia in those days was of course a set of minimally connected states, a minimally aware bunch of coastal cities trying to shift from a city-state mentality to that of a sovereign nation. In that context, the Australian Constitution reflects the dominant paradigm of the time—that is, the emerging Commonwealth was granted limited, restricted and defined powers that were truly national in outlook. For example, defence, customs and post and telegraph were expressions of power. But, apart from the express powers enumerated in section 51(xxxv) of the Constitution, all other powers were left by express reservation to the states. In essence, there was a weak centre and a set of powerful flanks. Now of course we have, we are told, a virtually seamless national economy—indeed, the events of recent weeks in financial markets suggest a seamless international or totally globalised economy, particularly in the major advanced nations—and on that foundation the government seeks to establish Safe Work Australia. By definition, such a body, despite the latterly better intentions of the High Court, can only have the power that is expressly granted under the Constitution.

The second major concern is that, in terms of national policies, national legislation and national implementation and communication strategies, Safe Work Australia will need to overcome the rock of statehood—state government departments, state agencies and generally state interests. Indeed, I know from experience that the power of vested interest groups in this area is a sight to wonder at.
Indeed, in the context of a range of industries that are increasingly indigenous to particular states, I see huge misunderstandings that will require careful consideration by the powers that be in Safe Work Australia. By that, I mean manufacturing interests in New South Wales and Victoria; mining interests in Queensland, Western Australia, the Northern Territory and, increasingly, in South Australia; grain-growing interests, which are fundamentally different on the west coast from those on the east coast; and a whole range of biotechnology and value-added service industries which develop and have developed in clusters in particular geographic locations. In each of these instances unsuitable policies, heavy-handed regulation, mindless copying from one industry to another and the desire to delegate responsibility up and away from a lower level in the name of harmony all suggest that caution needs to be the rule of thumb.

The next concern I have is about national coordination, or cross-state harmonisation, and relates to my experience in this field in a former life, between 1986 and 1996. Despite what some people say, they were not halcyon days for national coordination, national harmonisation or national responsibility. My vivid memory of those days, in this area of work, was one of endless meetings, seemingly without purpose, driven by state departments of labour, in coordination with national departments, which simply resulted in layer upon layer of bureaucracy that would have made the presidium of the former USSR react either in embarrassment or in awe—I do not know which.

I particularly remember one committee, charged with the design of chairs for checkout operators in supermarkets, having no less than seven appeal committees attached to the working party and nine—get that!—review committees, charged with doing the same job. The bottom line was and is that the majority of checkout operators prefer to stand, not to sit. The real occupational health and safety issue was the height of the workstation and the ability to manoeuvre hips as an aid to shifting parcels of goods. Nevertheless, we had dozens of committees which examined this issue for years on end and which eventually were unable to find a workable or a sensible solution.

Similarly, the design of a workstation for the loading of grocery items onto shelves above shoulder level was eventually the subject of similar committee investigation and review—alas, with an identical outcome. Eventually, my union simply retained an industrial health firm to interview a number of shelf stackers to find out the nature of their problem relating to lifting above their shoulders. A mechanical tool was designed to assist in loading shelves above chest level. The union sold the concept to national retailers and they purchased hundreds of the units and placed them in supermarkets around Australia. Independent retailers soon followed suit and, hey, injuries caused to shelf stackers from reaching above their shoulders to load high shelves were virtually eliminated.

I recite those two tales simply to highlight that sometimes nationally charged agencies can develop a life and a set of concerns remote from that which is needed at the shop floor level. None of this of course ever occurs deliberately or with malafide; it simply occurs, a bit like the tides. Lessons of the 1980s and 1990s need to be learnt and not mindlessly replicated or repeated.

Similarly, in the field of workers compensation and the desire for uniform protection, the real issues that need to be addressed are, in no particular order: the relationship between workers compensation and common law; the cost to employers; the benefits to affected or harmed workers; incentive, as it relates to workplace health and safety re-
form; and the costs, as population bases become larger as national companies shift from localised state schemes to national schemes. Each of those matters goes to the grant of power reserved to the states and the legislative schemes and restrictions they have enacted and re-enacted over a period of 100 years.

In turn, as sure as workers compensation provides a real benefit to injured or hurt workers, its cost premium can be prohibitive. The proof of this lies in the huge liabilities carried by various state instrumentalities and the premiums charged by insurance companies in this field.

All of the matters that I have identified are merely problematic. They are issues that require hard thinking and serious policy responses. If this is not done, the net result will simply be the transfer of a bankrupt or near bankrupt state agency to a national body. This is a real danger, because one of the prime objectives of Safe Work Australia is ‘developing a national policy for occupational health and safety, and workers compensation’. I do not say it should not be done; I simply say there are consequences to decisions, as there always are. And some of those consequences fall under the category of ‘known knowns’, to paraphrase former United States Defense Secretary Rumsfeld.

A lot of work is being done to centralise and coordinate through the COAG process. A lot of the proposed legislation, regulations and bodies that are being created in a host of areas are beneficial in intent. That cannot be denied. No sensible person could quarrel with breaking up dysfunctional bureaucracies, getting rid of defunct state agencies or voiding past legislation when its use-by date is up. The only caveat I offer is to learn from some of the errors and some of the mistakes from previous attempts in this area of reform. In that way we will truly attain a Safe Work Australia that looks forward and assists those who will be most in need. I commend the bill to the Senate.

Senator XENOPHON (South Australia) (5.38 pm)—I indicate that I will support the second reading of this bill. The Safe Work Australia Bill 2008 establishes Safe Work Australia as an independent statutory body to replace the previous Australian Safety and Compensation Council, which was an advisory body to the minister. I endorse the remarks of other senators, Senator Bishop included, about the importance of having an effective occupational health and safety body in this country. I should also indicate that in my time as a member of the South Australian parliament I was a member of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation and moved for an inquiry into workplace injuries and deaths in South Australia. The report of that inquiry was delivered on 12 October last year. The committee heard extensive evidence about the very human impact when a person is seriously injured or killed in the workplace. That is why it is important that we get it right. It is important that we have a comprehensive framework in place that actually makes a difference in reducing the unacceptably high level of death and injury in the workplace.

In relation to that I want to acknowledge and pay tribute to the work of Andrea Madeley, whose 18-year-old son Danny died several years ago in a horrific industrial accident. She has been a champion for those who have experienced the loss of a loved one as a result of death in the workplace. Andrea established VOID, Voice of Industrial Death. She has been a very strong campaigner, as has her group. She has provided support for families who have lost a loved one and for community groups who want to agitate for reform in relation to occupational health and safety. It is important that we understand that
that is what we are here for—to ensure that this legislation maximises the benefit of reducing the impact of the unacceptably high levels of death and injury in the workplace.

It is because of my experiences as a state member of parliament that I welcome this move to, in the government’s words, ‘harmonise’ occupational health and safety practices across states, which will no doubt be welcomed by businesses that operate nationwide. I accept the argument made to my office during a ministerial briefing that, because national standards have been advisory and each state has had its own legislation, consistent and effective outcomes have been hard to achieve. However, I do wish to focus some attention on another of the government’s claims, which is that this new body will be truly independent, and I note the comments made by Senator Siewert in her contribution on this bill. As an Independent senator in this place, I do not take descriptions of independence lightly. As I look at this new body, Safe Work Australia, I raise a number of concerns in relation to its independent representation of the broad range of interests associated with occupational health and safety. I accept the argument that, because the states make the occupational health and safety laws, it is vital that any national body is founded through their cooperation and support. However, it is important that any independent national statutory advisory body is truly representative of all key bodies and is not top-heavy with departmental heads, members hand-picked by ministers or business representatives from the big end of town.

This balance is all the more significant when one recognises that many of the past problems with OH&S legislation have been in red tape, compliance costs and complexity, which have rendered it unworkable in the small-business context. In my own state of South Australia, the peak employer body is Business SA, but it would be fair to say its membership does not represent the diverse views of all businesses. Indeed, its role in the recent workers compensation changes in South Australia, which were pushed through by a Labor government, indicates that its views are by no means universally endorsed.

I note the concerns of the Australian Chamber of Commerce and Industry and the ACTU in relation to the reduced numbers of non-government representatives and I indicate that I will be moving amendments to deal with what I consider to be an anomaly. I note the comments of Senator Abetz in relation to this and also those of Senator Siewert. I also note the comments of bodies such as the Australian Chamber of Commerce, who point to the lack of representation from legal and insurance bodies on a body that is about occupational health and safety outcomes. These are matters that are of significant concern to me and significant in the ultimate outcome of ensuring that we have an effective occupational health and safety framework in this country.

I would like to refer to some work that is about to be published in the *Journal of Occupational Health and Safety—Australia and New Zealand*. It will be published in volume 24, No. 5 at the end of this month. It is by Dr Kevin Purse of the Hawke Research Institute at the University of South Australia. Dr Purse is someone whom I have known for a number of years through his work in occupational health and safety. He is a person for whom I have high regard. I have high regard for his ability to look at the big picture and to analyse the defects in occupational health and safety structures in Australia and the states.

In the article headed ‘Safe Work Australia: a new one-stop regulatory shop?’ there are a number of important points that have been made by Dr Purse in relation to this legisla-
tion. I propose to address some of the issues raised by Dr Purse and to refer to the matters that he has raised in his article that is soon to be published. I would recommend that article to all honourable senators, if they have an interest in this particular field. Dr Purse’s analysis is, I believe, robust, fair and very comprehensive.

Dr Purse makes the point in terms of the history of this that the National Occupational Health and Safety Commission was established in 1985 by the Hawke government as part of the Hawke government’s implementation of the prices and incomes accord. He states:

The National Commission played an important role in providing, for the first time, a forum that enabled the federal, state and territory governments, in conjunction with the trade union movement and employer interests, to address OHS issues on a national basis.

Dr Purse goes on to say:

Arguably, its major achievement was the development of national standards in seven key hazard areas: manual handling, hazardous substances, noise, plant, major hazardous facilities, dangerous goods, and the certification requirements for industrial equipment operators.

That in itself was a significant achievement. He goes on to say:

In practice, however, the goal of national uniformity was never achieved because the National Commission’s model national standards were frequently adopted by the various jurisdictions on a modified basis only or, on more than one occasion, not at all. This in turn contributed to growing criticism of its performance, which subsequently found more general expression in a 1995 Industry Commission report.

Dr Purse goes on to say:

One other particularly important contribution during the Howard years was the 10-year national OHS strategy announced in 2002, which called for reductions of at least 20% in work-related fatalities and 40% in work-related injuries by 2012.

I note the comment of senators such as Senator Feeney about the enormous cost—the many thousands of Australians who are injured each year in workplace accidents and the many who are killed in the workplace. Those figures do not include those who have died from asbestos related diseases. I disclose that I am a patron of the Asbestos Victims Association of South Australia and am very proud of my involvement with that organisation.

The history of this particular legislation is that the Deputy Prime Minister in the lead-up to the 2007 election announced that there would be an intention to abolish the council—a ‘toothless tiger’ I think the Deputy Prime Minister, then Deputy Leader of the Opposition, called it—if it won office. I understand the policy intent. There was good reason to abolish what was in place, but I have real concerns about the governance arrangements. The points made by Dr Purse are ones that I endorse. He states in his soon-to-be published article:

There are at least three obvious points that can be raised concerning these governance arrangements. The first is that representation would be highly skewed towards government nominees. The second concerns the cumbersome decision-making criteria. While this is no doubt intended to secure decisions which have a high degree of consensus and therefore a greater level of commitment from state and territory governments, the downside risk is that this could result in lowest common denominator outcomes. The third point, which follows on from the other two, is that the parties most directly concerned—employers and unions—would have a lesser role than the juris-
dictional members, both in terms of representa-

tion and voting strength.

Those final matters are some of the matters that I believe would be dealt with by the amendments that I propose to move.

This legislation, as Senator Siewert has pointed out, is defective on the issue of the independence of this body and the way it interacts with the ministerial council. I look forward to the amendments that will be moved by Senator Siewert—and by Senator Abetz, for that matter—in relation to the issue of the governance structures. As Dr Purse states:

From the government’s perspective, the most pressing issue will undoubtedly be the development of model national OHS legislation to be adopted by the states and territories.

That is clearly the case. Dr Purse makes the following point:

With a national workforce of only 10.7 million workers, it is increasingly difficult to justify the continuing plethora of state and territory laws on OHS in Australia. Perhaps even more importantly, if followed through, the July 2008 commitment by COAG to the principle that a national approach must not compromise or reduce OHS standards provides a firm basis for reform.

That to me is another key criterion: let us not have a race to the bottom here when it comes to OH&S legislation. It is also important that there be an effective national compliance and enforcement policy. I see this legislation is providing a framework and a foundation for that. These are matters that must be dealt with.

In relation to the challenges ahead, I note that Dr Purse makes the point that the final shape of the government’s Safe Work Australia legislation will be determined in this place, subject to the concurrence by the House of Representatives. He says:

… it is clear that the government has laid out an ambitious plan for a nationwide restructuring of OHS regulation and, to a lesser extent, workers compensation arrangements.

Dr Purse is optimistic. He believes that, even though we no longer have wall-to-wall state Labor governments:

… the prospects for a national model OH&S legis-

islation have never been better.

That is something that clearly I believe is encouraging, because we need to act on the unacceptably high level of people who are injured and killed in the workplace in this country.

I note that there is a role, as Senator Bishop alluded to, for looking at workers compensation issues. I am very concerned at what the South Australian Labor government has done in workers compensation. I believe that Safe Work Australia will play an important governance and structural role with respect to workers compensation in the various states and that it can only be beneficial in being able to make recommendations that cut red tape and go to the core of workers compensation matters that need to be dealt with—after all, if we can effectively tackle issues of occupational health and safety, that will inevitably lead to a reduction in deaths and injuries in the workplace and will of course mean that workers compensation schemes will not have the same cost pressures on them. A concomitant effect will be maintaining and, particularly in South Australia’s case, increasing the levels of benefits to injured workers, given the draconian changes that were introduced only recently by the South Australian government.

With those remarks, I look forward to the committee stage. This is an important piece of legislation. I think it is important that we get it right and I look forward to the amendments that will be moved by my colleagues Senators Siewert and Abetz so that we can ensure that this is truly an effective and independent body that will make a very real dif-
ference in occupational health and safety in this country and, by extension, reduce the level of death and injury in the workplaces of Australia.

Senator McEWEN (South Australia) (5.54 pm)—Madam Acting Deputy President Hurley, I congratulate you on your appointment to the big chair—another member of the class of 2004 has made it there. I am very pleased to be able to speak this evening on these two bills before the Senate. The Safe Work Australia Bill 2008 and the Safe Work Australia (Consequential and Transitional Provisions) Bill 2008 establish a new Commonwealth statutory authority that is another practical example of the government’s determination to undo the wrongs of the past and to establish a modern, national and balanced approach to workplace issues that will stand the nation in good stead for the future.

As is well known, the Australian Labor Party was established by working people and their unions as a party for the workers. We take the protection of workers and their rights very seriously and we have done so throughout the long history of our party. It was the Labor Party, for example, that initiated the National Occupational Health and Safety Commission that was established in 1985 as part of the Hawke Labor government’s 1983 prices and income accord with Australia’s trade unions. The commission was very important in establishing for the first time a national focus on occupational health and safety. In particular, it developed national standards in addressing hazardous areas for workers such as manual handling, noise, plant, hazardous substances and dangerous goods. The work that the commission did has certainly provided the foundation for ongoing work in that area at both the state and federal level.

During the period of the Howard government, the commission unfortunately suffered funding cuts and a reduced role. It was eventually replaced by the Australian Safety and Compensation Council. That was a council and not an independent statutory authority and, unfortunately, in its guise as a council, the organisation did not have the clout that it had previously had. So, in the 2007 election campaign, Labor, true to its long history of supporting workers and ensuring the best possible outcomes in the area of workers’ safety, promised to replace the council with an organisation with more teeth. That is what we are doing here with these bills tonight, and it is a great thing to see Labor’s workplace relations legislation gradually implemented in the chamber.

That attitude from the Labor government is in stark contrast to the approach of the opposition. When most recently in government, the coalition was determined to make the lives of workers as difficult as possible through draconian industrial relations laws, and, unfortunately, the former government paid scant attention to health and safety at work. In contrast, as I said, protection of workers’ rights was at the forefront of Labor’s election campaign last year. We vowed to roll back Work Choices, which stripped many workers’ rights. That is a process we began earlier in the year, and we look forward to seeing more legislation along those lines as the year progresses.

Labor has always recognised that workplace safety is an incredibly important issue for workers and their families and of course for the economy. There is not much point arguing at the workplace for better wages, flexible hours, longer leave or better working conditions if you are in a workplace where you could get severely injured, contract some workplace related disease or even be killed. We know that more than 300 Australians are killed at work each year and many more die as a result of work related disease. Each year over 140,000 Australians are seriously in-
jured at work, and that means that 17 in every 1,000 employees will be off work for at least a week due to work related injury and disease. Two of those 17 workers will need at least six months off work to recover from the injury or illness they sustained during their working life. It is estimated that there are some 689,000 work related injuries in Australia each year. The struggle that can follow a serious injury has far-reaching effects on both the injured worker and their family, on their relationships, on their job prospects and on their future income. Many of us on this side of the chamber have previously worked in trade unions or related areas and have worked closely with people who have suffered work related injuries and seen the long-term detrimental effect that can have on them and their future prospects.

What makes it all much worse is that so many of those workplace injuries and deaths can be prevented through safer practices in workplaces. Unfortunately, it is often difficult to focus on workplace safety issues. There seems to be an assumption in Australia that workplace safety is not a problem because we are a developed nation and we have reasonably good laws comparable to some other nations. There is also unfortunately often the attitude of little sympathy for injured workers and ignorance about what is at stake. In this legislation we are attempting to put workplace safety at the forefront of people’s minds. If people need to be focused on that, perhaps one of the things they could pay more attention to is the impact of workplace injuries on the economy, which has been estimated in Australia to be a cost of some $34 billion a year. In these current economic times we well know that that vast sum of money could be better spent than on supporting workers who unfortunately have been injured when they need not have been injured.

In addition to establishing Safe Work Australia, the Rudd Labor government has already started work to make Australian workplaces safer and healthier. For example, we have undertaken a review of the Comcare scheme, a scheme which the former government neglected for a decade. Under the previous government, Comcare was underresourced and unable to cope with the investigations workload that it had. Our review will outline ways in which to fix the problems in that system that is so important to us.

The government has also set up an independent panel of experts to conduct a national occupational health and safety review and has also developed an agreement with state and territory governments for nationally consistent occupational health and safety legislation. We want that review to recommend the optimal structure and content of a model occupational health and safety act that is capable of being adopted in all states and territories and federally.

The debate about these bills before us today could not be more timely as next week is Safe Work Australia Week. That is a week that brings the nation’s focus to workplace safety issues and encourages people to really prioritise safety in their workplaces. I would like to congratulate everyone getting involved in Safe Work Australia Week activities which are being held across the nation. In my home state of South Australia, our four major occupational health and safety stakeholders—SafeWork SA, WorkCover SA, Business SA and SA Unions—have truly outdone themselves this year, extending Safe Work Australia Week into a whole month.

Starting today and running until 7 November these organisations are ensuring that everyone across the state, from Port Lincoln to Roxby Downs to Mount Gambier, has the opportunity to participate in an event related to workplace safety. Those events include
community breakfasts, a celebrity doctor with simple tips on how to put life back into your business and working life, and an executive management forum facilitated by Mr Tom Phillips, the former CEO of Mitsubishi Motors Australia. There is also a special South Australian health expo showcasing excellence and innovation in injury prevention.

Safe Work Australia Week is coordinated by the Australian Safety and Compensation Council, the ASCC, and is a good example of what can be done with national input and support. But the government wants to do more. The Safe Work Australia Bill and its transitional bill will establish Safe Work Australia, a replacement for the ASCC. Unfortunately, because of funding and because its powers were limited to coordinating, monitoring and promoting, the ASCC was unable to have a substantive role in promoting and ensuring occupational health and safety across the workforce. Safe Work Australia will be an independent Commonwealth statutory authority designed to improve OH&S outcomes and workers compensation arrangements in Australia.

We know that OH&S systems are aimed at preventing workplace accidents, while the workers compensation systems are designed to deliver support needed to workers and their families when such accidents occur. Historically, both occupational health and safety and workers compensation arrangements have been fragmented across the Commonwealth and states and territories. As we know, each state and territory has its own health and safety laws. While there is some consistency across those laws, there are still, unsurprisingly, some fundamental differences between them. That inconsistency between the jurisdictions can create a lot of confusion and makes it very difficult for workers who may move from one state and territory to another, as we know increasingly workers in Australia do, and also difficult for employers who operate across more than one jurisdiction. I understand there are some 36,000 employers in Australia who operate in more than one jurisdiction. As workers move into a new jurisdiction they want to know what their rights and entitlements are, particularly in relation to compensation, because it may be different from what they had before. If a worker has an ongoing workers compensation claim, then it needs to be made easier for both the employer and the worker to ensure that that claim can be dealt with consistently.

The legislation before us today seeks to set in place the structure to facilitate more consistency across the nation, putting in place a set of high-standard occupational health and safety rules across all jurisdictions. Safe Work Australia will take forward the initiatives of the Commonwealth and the states and territories to streamline and harmonise workers compensation arrangements. For the first time in the history of our Federation, governments from each state and territory and the Commonwealth have formally committed to the harmonisation of occupational health and safety legislation through an intergovernmental agreement.

When Safe Work Australia comes into being, it must take into account the interests of the Commonwealth and the states and territories as well as workers and employers. It will be a reform focused body with the power to make recommendations directly to the Workplace Relations Ministers Council. The states and territories have agreed to an arrangement whereby the Commonwealth will fund 50 per cent of the budget for Safe Work Australia, while the states and territories together will fund the remaining 50 per cent. Details of those funding arrangements are set out in the Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety made be-
tween the Commonwealth and the states and territories on 3 July 2008.

Safe Work Australia will be a positive move financially for the government. The Commonwealth will be required to pay an initial minimum amount of $8.5 million which would be subject to indexation by the CPI as a minimum in the following years. This amount is less than the amount outlaid for the running of the Australian Safety and Compensation Council. It is an example of how a wise investment can deliver excellent benefits for Australian workers and employers.

The Safe Work Australia Bill 2008 will assist the nation in improving occupational health and safety outcomes and workers compensation arrangements in Australia because it will empower Safe Work Australia to do a number of things. It will develop a national policy in respect of occupational health and safety and workers compensation; prepare model occupational health and safety legislation and codes of practice for approval by the ministerial council and for adoption by the Commonwealth, states and territories; and develop compliance and enforcement policy to ensure that a nationally consistent approach is taken to compliance and enforcement. This is very valuable for employers who work across a number of jurisdictions; they will know the rules wherever they are operating. Safe Work Australia will also develop proposals relating to the harmonisation of workers compensation arrangements across all jurisdictions. It will develop proposals for national workers compensation arrangements for employers with workers in more than one jurisdiction. Importantly, it will build expertise across occupational health and safety laws and workers compensation schemes that will be readily accessible across jurisdictions and industries, which will reduce the complexity and costs for businesses.

Another feature of Safe Work Australia will be its ability to undertake data collection and research and to publish its findings. This will ensure that all jurisdictions and industries have access to up-to-date, industry-specific information. Employers and workers will be able to adopt practices that will reduce instances of risk and injury in workplaces across Australia. While facilitating data collection might seem a minor part of the bills before the chamber, it is in fact very important. We should never forget how important good data was in assisting and sustaining the victims of asbestos related diseases during their long fight in the pursuit of compensation. So I am very pleased to see that data collection is specifically mentioned in the bills as an important focus of Safe Work Australia.

The Safe Work Australia legislation will also create and maintain mechanisms for review and revision of the effectiveness of Safe Work Australia in performing its functions. This will ensure that the organisation is active in operating efficiently and is responsive in meeting its strategic and operational goals.

The bill also deals with the membership of Safe Work Australia. This will consist of representatives from Commonwealth, state and territory governments, as well as people representing the interests of workers and employers in Australia. This will make Safe Work Australia a truly representative body rather than just an expert body. It is an innovative structure. I am very pleased to support such a structure, particularly when it includes at a national level not only government representatives but also worker and employer representatives. The importance of having a representative body is also reflected in the bill by the stipulation that SWA needs to have at least two-thirds of its voting membership in place in order to perform its functions. I think that stipulation highlights the
importance of the body and the need to ensure that all interests in the very vexing and sometimes difficult area of workplace safety are taken into consideration.

In closing, while commending the bills to the chamber, I would like to acknowledge the many workplace occupational health and safety delegates in Australia who volunteer to undertake the role of monitoring what happens in their workplaces, of advising their workmates on how to keep themselves safe and of reporting and improving on health and safety in their workplaces. They are the front-line warriors who ensure that workplaces in Australia are safe. No matter what legislation we pass in this place, it would be pretty irrelevant if we did not have these delegates on the ground doing what they do very well. I would also like to acknowledge the work in South Australia of the Asbestos Victims Association. It was at the forefront of ensuring that South Australians who were afflicted by the terrible diseases from asbestos had an opportunity to fight their case for compensation. Like Senator Xenophon, I would also like to acknowledge the work of Dr Kevin Purse, who is a fearless campaigner and sometimes a fearless critic of federal and state governments in the area of workers compensation. I thank him for his work.

Senator POLLEY (Tasmania) (6.14 pm)—Madam Acting Deputy President Hurley, I too place on record my congratulations on your elevation to such esteemed high office in this place.

I rise to speak on the Safe Work Australia Bill 2008 and the Safe Work Australia (Consequential and Transitional Provisions) Bill 2008. I say from the outset that perhaps there is a case for those on the other side of this chamber to seek some assistance because I think too many of them actually suffer from short-term memory loss in relation to their attacks on Australian workers over their almost 12 long years in government. To have people like Senator Boyce come into the chamber and make the assertions she did during her speech is a real case of short-term memory loss—or maybe it is just selective memory.

As promised prior to the last election, the Rudd government is delivering a new independent national body to lead and improve occupational health and safety and workers compensation arrangements in Australia. As most of us in this place would be aware, there have been too many changes at the state level over the last decade or so. I know that all workers in Australia are very much looking forward to these changes and this new legislation.

The purpose of this legislation is to establish Safe Work Australia as an independent Commonwealth statutory body to lead and improve occupational health and safety outcomes and workers compensation arrangements in Australia. The legislation establishes the operational arrangements to support Safe Work Australia, including provisions relating to the nomination of, the appointment of and the terms and conditions of members, conflict-of-interest issues, procedures relating to the conduct of meetings, and decision-making processes. The legislation also enables the chair to constitute committees to draw upon a wide range of expertise for the performance of its functions.

Safe Work Australia will be funded by both the Commonwealth and the states, with each side contributing 50 per cent of the cost. Safe Work Australia will comprise 15 members, including an independent chair, nine members representing the Commonwealth and each state and territory, two members representing the interests of workers, two members representing the interests of employers, and the CEO. Safe Work Australia
will develop national policy relating to occupational health and safety and workers compensation; prepare, monitor and revise model OH&S legislation; develop a compliance and enforcement policy to ensure nationally consistent regulatory approaches across all jurisdictions; develop proposals relating to the harmonisation of workers compensation arrangements—and I do not think we can emphasise too much the importance of that; collect, analyse and publish OH&S and workers compensation data and undertake and publish research; drive national communications strategies to raise awareness of health and safety at work; further develop the National OHS Strategy 2002-2012; and advise the Workplace Relations Ministers Council on OH&S and workers compensation matters. So there is definitely a very important responsibility attached to that board. The legislation will also create and maintain mechanisms for review and revision of the effectiveness of Safe Work Australia in performing its functions. This will ensure that the body is active and operating efficiently in meeting its strategic and operational goals.

Safe Work Australia will replace the Australian Safety and Compensation Council, which was set up administratively by the previous government as an advisory council. In contrast to the ASCC, Safe Work Australia will be funded by both the Commonwealth and the states and territories and will provide a central role in occupational health and safety and workers compensation reform. The government has set itself the task of creating a seamless national economy unhampered by unnecessary state duplications, overlaps and differences. Occupational health and safety is a prime example for this sort of reform.

More than 300 Australians are killed each year at work and many more die as a result of work related disease. Each year over 140,000 Australians are seriously injured at work. There were 139,630 serious workers compensation claims in 2005-06. A large majority of these claims—around 70 per cent—involved injury or poisoning, totalling 98,360 claims. The most common industries where workers are injured at work are transport, construction and manufacturing. According to the ACTU, every week nine Australian workers die under traumatic circumstances. I do not think that we can overestimate the impact that illness, serious injury and death causes to individuals, families and workplaces—and let us not forget the effect on the economy. But we cannot overlook the human cost—the impact on people’s future earnings, their capacity to support their families and the mental health issues that arise from these injuries. Too often workers have to regain their confidence and self-esteem. All these things have an impact on their families and the community as a whole.

Researchers estimate that at least 2,500 workers a year die as a result of illness or injuries, and about 170,000 people suffer a work related injury or illness. The figures are actually higher than this because these are only the deaths and injuries recorded by the workers compensation authorities. Many more Australian workers suffer injuries or illnesses that go unrecorded. Factor in to all of this the work related diseases such as cancer, asbestosis and occupational asthma and the total number of work related fatalities rises to around 2,900 a year. In Tasmania in 2007, nine workers lost their lives in traumatic workplace incidents. I believe this is unacceptable, and the Rudd Labor government believes this is unacceptable. The cost to our economy of these injuries has been estimated at $34 billion per year. However, you cannot put a cost on those injured and the effects on their families and friends and the wider community.
The establishment of Safe Work Australia is an essential part of the government’s strategy to improve safety outcomes and workers compensation arrangements across Australia. Since coming to office we have undertaken a review of the Comcare scheme, set up an independent panel of experts to conduct a national OH&S review and developed a landmark intergovernmental agreement with our state and territory counterparts to harmonise occupational health and safety legislation nationally. The legislation, together with the intergovernmental agreement, ushers in a new era of cooperation and collaboration between the Commonwealth, states and territories in this important area. It is a collaboration that will improve the health and safety of workers across Australia and reduce the complexity of regulation for businesses.

Occupational health and safety and workers compensation are issues too important to be neglected any longer. We do not have to search too far back in our memories to recall the sorts of attacks that the previous Liberal coalition government made on Australian workers. In fact, I think there had not been such an attack since 1929, and we saw the effects of that with the former Prime Minister in fact losing his seat and repeating history.

Workers’ lives and health are also at stake, and so too is the efficiency and impact on the running of our country’s economy. Occupational health and safety and workers compensation reform will increase profitability and productivity and better protect the lives and health of all Australian workers. Safe Work Australia will play a pivotal role in this reform. Every worker has a right to a safe workplace and to a work environment that enables them to live a socially and economically productive life.

I would like to join with my colleague the former speaker in putting on record my thanks to those people who take up the position of occupational health and safety officers in workplaces around the country. In fact, I know firsthand from the experience of my husband, who held that position in local government for a number of years, that it can be very challenging. It is not always easy when you have to take on the bosses—in his case, local government—and companies to ensure that workplaces are safe. After all, everyone is entitled to a safe work environment. This bill reaffirms the Rudd government’s commitment to safer workplaces.

I join with my colleagues in commending this bill to the Senate and I hope those on the opposite side of the chamber will show some sense and will support this in the interest of all Australian workers and their families.

Senator McEWEN (South Australia) (6.23 pm)—I seek leave to incorporate Senator Hutchins’s speech.

Leave granted.

Senator HUTCHINS (New South Wales) (6.23 pm)—The incorporated speech read as follows—

I rise tonight to give support to the Safe Work Australia Bill 2008 and Safe Work Australia (Consequential and Transitional Provisions) Bill 2008. Let me elaborate on the current occupational health and safety system in place in Australia in the present time.

Currently, every state and territory has a different Occupational Health and Safety Act. There are even two Commonwealth OH&S Acts. More than that, there are also several state-based industry-specific OH&S laws like those that cover coal mining in Queensland. These Acts all have a large degree of overlap but their rules and regulatory provisions are different.

For any employer operating across two or more states, this means coming to grips with and implementing not one, but several OH&S regimes into their work environments.

Four years ago the Productivity Commissions raised this problem and identified the need to
harmonise our multiple OH&S schemes into a set of national standards. Importantly, the Productivity Commission recognised that any harmonisation of OH&S laws should not come at the expense of workplace safety standards in any one state. In response to this, the Howard Government created the Australian Safety and Compensation Council—a toothless bureaucratic tiger whose role was reined in to “coordinating” and “monitoring”, “promoting” and “recommending”. Four years later, we’re still no closer to minimising the red tape faced by business and we still have eight distinct OH&S regimes.

Inconsistencies between jurisdictions mean that some workers are at risk of poorer safety standards than those in other states. At the same time, these inconsistencies increase the complexity, paperwork and costs for more than 39,000 Australian businesses that operate across state boundaries.

In response to this challenge, the Howard Government choked. The ASCC was nothing but a smokescreen to cover up the inaction of the Howard Government on occupational health and safety.

During the Federal Election, the now Labor Government made a commitment to overhaul the Australian Safety and Compensation Council and replaced it with a body that could deliver results. This new body was to be independent and non-adversarial; feature inclusive representation from all Federal and State and Territory Governments, as well as employer and employee groups; allow inclusive input to policy development and research into issues; develop expertise across OHS laws and workers compensation schemes; be responsible for data collection mechanisms through which risk, injury and cost profiles can be readily accessed across jurisdictions and industries; drive policy development which will deliver consistency across OHS legislation and across workers compensation schemes; and have powers through its ability to refer matters to the Workplace Relations Ministerial Council and enforcement of common implementation dates for reforms. Safe Work Australia will be that body.

This bill is just another example of Labor meeting its election commitments. It’s another example of Labor’s cooperative federalism—working cooperatively with the States rather than playing politics on the critical issues that matter to working families. It’s another example of Labor getting the job done.

We’ve heard a number of complaints in this place during the course of this debate about the membership of this committee. Senator Abetz had the nerve to claim that this bill is the result of deals between “Labor mates” in State Governments. There have been some concerns that employer and employee representation on this body has been reduced and government representation has been increased.

I think this is indicative of one of the many reasons that the Coalition failed time and time again to achieve any meaningful federal reform in 11 and a half years in Government.

If you want to end the blame game with the States, you’ve got to start by talking and consulting. You can’t just throw a model bill at them and tell them to pass it.

I’m not surprised at Senator Abetz’s allegations one bit—the closest the Howard Government came to cooperative federalism was threatening to pull funding whenever a State wouldn’t do what it was told. Senator Abetz and the Coalition were the bullies in the political playground—stealing the lunch money of the states that wouldn’t play by their rules.

The Rudd Labor Government is trying something that the Howard Government never even tried—we want to use the carrot, not the stick.

11½ years of the Commonwealth Government telling the States to “do what I say or else” has demonstrated that the stick doesn’t work.

By bringing the States to the table and giving them a voice in the formulation of a model Occupational Health and Safety Bill, we’re giving them a stake in the legislation that we’ll be asking them to pass—the carrot they’ve all been waiting for.
Senator Abetz and the Coalition need to get it into their heads that a bit of cooperation never hurt anybody.

The passage and enactment of this legislation will put into motion the Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety agreed to by the Council of Australian Governments in July—a truly momentous landmark in the development of Commonwealth-State relations. Something never seen in the 11 and a half years of the Howard Government.

I want talk a little bit about the primary function that Safe Work Australia will adopt under this bill—developing model Occupational Health and Safety legislation for adoption by the States and Territories.

This is a fundamental policy role that Safe Work Australia’s predecessor—the Australian Safety and Compensation Council—was denied.

The Productivity Commission noted in its review in 2004 that any harmonisation of OH&S laws should not be a case of harmonising down to the lowest common denominator, but rather harmonising up to the best practice OH&S standards of the day.

Assuming the bill passes through this place, there needs to be an acknowledgement by the new members of Safe Work Australia that industry-specific issues need to be confronted and accommodated by any model legislation developed.

I draw the Senate’s attention to one particular industry-specific problem—the pressure placed on truck drivers to meet deadlines and the occupational health and safety hazards this poses.

The trucking industry is facing a safety crisis. 275 people died in heavy vehicle accidents in the twelve months between March 2007 and March 2008—an increase of 19.7 per cent on the previous year.

It’s time that the trucking industry had some recognition in OH&S Laws for the unique risks that truck drivers are faced with every day.

I’ve heard many of the horror stories from drivers about the demands placed on them—forcing them to speed, or ignore breaks and sleep time, and even in some cases use illicit drugs to push through and meet an unrealistic deadline.

These stories take up pages and pages of the Transport Workers Union submission to the National Transport Commission investigation into driver remuneration and payment methods in the Australian Trucking Industry.

I’ll give you a couple of examples: Greg from Port Melbourne says:

“I am paid by the hour, but know that there is no way you can survive on 7.6 hours pay a day so you work as much overtime as you can to survive. As a result I have driven whilst I’ve felt fatigued in order to finish the job and earn more money. I have experienced being pressured to accept lower rates in order to keep work and was been told indirectly that I must do the job or face consequences such as termination.”

Keith, an owner driver from Hemmant in Queensland sums it up:

“Blokes are dying because they can’t get enough money no matter how hard they push themselves.”

The role of Safe Work Australia is not simply to harmonise our OH&S laws across States and Territories. The role of Safe Work Australia is to take a leading role in the development of Occupational Health and Safety policy—to be the open forum for debate between governments, employers and employees on occupational health and safety standards.

This is a unique opportunity to build on our existing OH&S standards and ensure that we are enforcing best practice measures in every jurisdiction in Australia, across every industry. This means delving into the industries facing unique challenges and doing something about it.

In the case of the trucking industry, the TWU argues that the rates of pay and conditions in the transport industry force drivers to succumb to the pressure to work excessive hours, exceed legal speed limits, drive through break and sleep times, and in some cases use illegal stimulants to keep them going.

All of these pose not only a risk to the employee or self-employed driver, but they are a threat to
the very safety of any motorist. These pressures arise from unsafe payment practices.

The existence of the link between remuneration and safety standards was made very clear in the NSW Industrial Relations Commission Mutual Responsibility for Road Safety case. The Full Bench of the NSW IRC found that:

“… every 10 per cent more that drivers earn in pay rate is associated with an 18.7 per cent lower probability of crash, and for ever 10 per cent more paid days off the probability of driver crashes declines 6.3 per cent”.

In response, the Transport Workers Union has proposed a safe rates system to the National Transport Commission. This would include enforceable rates of pay and conditions for employees and owner-drivers which do not encourage or require the drivers to engage in unsafe driving practices, and enforceable requirements on planning for safe and legal performance of road transport journeys. The safety of truck drivers and other road users should dictate journey planning, not the requirements of clients; establishing a chain of responsibility in which all contracting participants from the driver through to the ultimate client are held accountable for the safe and legal performance of road transport work; and an appropriate and adequate enforcement regime—providing sufficient resourcing to regulators and industry and employee groups.

This is the subject of a review by the National Transport Commission at the moment but these are the sorts of industry-specific issues that Safe Work Australia—should this bill pass through this place—needs to consider in formulating national occupational health and safety policy.

Again, this bill is the height of cooperative federalism and is a big step in the right direction for worker’s occupational health and safety rights. It replaces the toothless Australian Safety and Compensation Council and provides a unique opportunity to build strong, national standards for workplace safety.

Colleagues, it is with great pleasure that I commend this bill to the Senate.

Senator LUDWIG (Queensland—Minister for Human Services) (6.23 pm)—If there are no further speakers in respect of the Safe Work Australia Bill 2008 and related bill I will seek to close the debate. I thank senators for their contributions to the debate on these bills. This legislation will give effect to the intergovernmental agreement for regulatory and operational reform in occupational health and safety agreed by COAG on 3 July 2008. This is an historic agreement and a watershed in Commonwealth-state relations. For the first time governments from each state and territory and the Commonwealth have formally committed to the harmonisation of OH&S laws and the implementation of uniform OH&S legislation complemented by consistent approaches to compliance and enforcement.

The Australian government recognises that occupational health and safety is primarily a state and territory government responsibility and that true reform in this area can only be achieved with the Commonwealth, state and territory governments working cooperatively as partners rather than as adversaries. The intergovernmental agreement ushers in a new era of cooperation and collaboration between the Commonwealth and the states and territories. It is a collaboration which will improve the health and safety of workers across Australia and reduce the complexity of regulation for business. The establishment of Safe Work Australia is an essential first step in this process. Safe Work Australia will play a pivotal role in realising the shared commitment of the Commonwealth and all state and territory governments to work together to achieve harmonisation of OH&S laws. It will have the important task of developing a model OH&S act, model regulations and model codes of practice with approval by workplace relations ministers.

However, during the course of this debate, various senators have expressed concern about aspects of Safe Work Australia’s governance and have indicated that they intend
to move amendments to the bill. During my summary I will turn to the various issues that have been raised and, of course, they will be dealt with as well in the committee stage, I would expect. Various senators have questioned the composition of Safe Work Australia and the voting rules relating to the model OH&S legislation. Opposition senators have sought to deflect attention from their own appalling record in the area of occupational health and safety by claiming that this legislation is fundamentally flawed because it creates an imbalance between the representatives of the state and territory governments on the one hand and the representatives of employers and employees on the other. They have also claimed that these rules reduce the role and effectiveness of the workers’ and employers’ representatives.

The membership of Safe Work Australia was agreed in the intergovernmental agreement. It seeks to balance the interests of the jurisdictions, who will be required to enact the model OH&S legislation as agreed by the ministerial council and by the employers and workers who will be affected by the model legislation when it is enacted. I acknowledge that the membership levels agreed in the intergovernmental agreement involve a reduction of employer and worker bodies when compared with the various bodies that preceded the one proposed by this legislation. Both the National Occupational Health and Safety Commission and the Australian Safety and Compensation Council had three representatives from employers and workers. Having said that, however, it is difficult to see what benefits will accrue from increasing the worker and employer membership on Safe Work Australia. Workers and employer representatives together comprise one-third of the membership of Safe Work Australia.

The Commonwealth, state and territory governments, who will jointly fund the operation of Safe Work Australia, are represented by only one member each. Indeed, the Commonwealth’s representation on Safe Work Australia has also been reduced when compared with its membership on the National Occupational Health and Safety Commission and the Australian Safety and Compensation Council. In each case the Commonwealth had two members. With two members each, the social partners will continue to play a significant role in the decision making and effectiveness of Safe Work Australia. Quite frankly, any suggestion that increasing worker and employer representation will increase the expertise available to Safe Work Australia or improve the quality of decision making in Safe Work Australia simply does not stack up. Not only will worker and employer representatives be involved in Safe Work Australia’s operations, they can also engage with the harmonisation process through participation in advisory committees and through any consultation process undertaken by Safe Work Australia.

The opposition would have us believe that state government bureaucrats will be able to repeatedly override legitimate concerns raised by the social partners during OH&S harmonisation discussions. Quite frankly, this is not the case. All questions will be decided by a two-thirds majority vote of members present and voting at a meeting. In the highly unlikely event that there is a split between the states and territories on the one hand and the employer and employee representatives on the other, the independent chair will have the deciding vote.

During the debate today, senators have also taken exception to the fact that the bill does not specifically name the Australian Council of Trade Unions and the Australian Chamber of Commerce and Industry as bodies who can nominate representatives for appointment to Safe Work Australia.
Sitting suspended from 6.30 pm to 7.30 pm

Senator LUDWIG—Prior to the suspension of the sitting I was providing a summary of the debate on the Safe Work Australia Bill 2008. In concluding those remarks I was going on to say that, by not naming the representative bodies in the legislation, the minister is able to seek nominations from the most representative organisation of employers and workers at the time nominations are sought. In this way the minister is able to ensure that a balance of worker and employer interests are represented on Safe Work Australia.

Turning to the issue of voting rules, Senator Siewert has expressed concern about the voting rules and in particular the provisions requiring an absolute majority of the states and territories for any decision about the model OH&S legislation. The voting rules were also agreed in the intergovernmental agreement. Questions relating to the model OH&S legislation will require an absolute majority of all the voting members who represent the Commonwealth, states and territories. This is as it should be, because it is the Commonwealth, states and territories that will be required to enact the model OH&S laws.

Turning to the role of the ministerial council which was also mentioned by a number of senators contributing to the debate, senators criticised the fact that Safe Work Australia is reliant on the cooperation and participation of the ministerial council to which it is required to report directly. The government makes no apology for this. If Australia is to have a harmonised set of OH&S laws then it will only do so with the agreement of the states and territories. The ministerial council will have the responsibility to agree by consensus to the model OH&S legislation proposed by Safe Work Australia, unless at least a majority of jurisdictional representatives on Safe Work Australia support the proposed model OH&S legislation. It is unlikely the ministerial council would reach agreement by consensus.

What the criticisms of the bill fail to acknowledge is that the composition and governance arrangements of Safe Work Australia were agreed by the Commonwealth, state and territory governments as part of the negotiations on the Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety. They overlook the commitment demonstrated by the states and territories in negotiating the intergovernmental agreement and contributing 50 per cent of the funding for Safe Work Australia. The intergovernmental agreement obliges the states and territories to take all necessary steps to enact the model OH&S act.

Occupational health and safety and workers compensation are, quite frankly, too important to be neglected any longer. Workers’ lives and health are at stake, and so too is the efficiency of our economy. Occupational health and safety and workers compensation reform will increase profitability and productivity and better protect the lives and health of Australians. Safe Work Australia will play a pivotal role in these reforms. With those words, I commend the bills to the Senate.

Question agreed to.

Bills read a second time.

In Committee

SAFE WORK AUSTRALIA BILL 2008

Bill—by leave—taken as a whole.

Senator ABETZ (Tasmania) (7.34 pm)—While certain documents are still finding their way around the chamber I might ask the Minister for Human Services as to the rationale for having a six-year review in relation to Safe Work Australia and whether my
comments during the debate on the second reading are correct. That is, whilst the legislation says that the annual report of Safe Work Australia must deal with two specific matters, it does not preclude Safe Work Australia from reporting on an annual basis on the workings of the legislation and how that legislation might potentially be improved. The point I am seeking to get an assurance from the minister on is this: if certain difficulties come to light unforeseen by either government or opposition—or anybody else—in those circumstances it would be unwise to delay any consideration of those matters for a period of six years. I would be interested in getting a confirmation that it would not be beyond the power of Safe Work Australia to place in its annual report certain considerations that the parliament might wish to pursue.

Senator LUDWIG (Queensland—Minister for Human Services) (7.36 pm)—I will deal with a couple of issues in this way. The advice I have is that the provisions referred to by the opposition senators relate to ‘the review of Safe Work Australia’s ongoing roles and functions after a period of six years’. It is entirely appropriate that there be a review after six years. I think the opposition had proposed 10 years in some of their legislation when they were in government. We think six years strikes the right balance.

Proposed section 72 of the bill requires the minister to conduct such a review and to report to parliament about the review. This review of Safe Work Australia’s ongoing role and functions in no way derogates from the requirement that Safe Work Australia produce an annual report. Like any other body established by the Australian government, Safe Work Australia will be required to produce an annual report. Proposed section 70 of the bill requires the CEO to prepare an annual report on Safe Work Australia’s operations and to provide a copy of the annual report to the minister, to Safe Work Australia and to the ministerial council. Of course, the annual report will be a public document. As with any annual report, this government has placed no fetter on the contents of the report produced by the CEO of Safe Work Australia. For instance, if Safe Work Australia identify an issue that needs to be raised, they can put it in their annual report—that is one mechanism by which it can be aired. Alternatively, they can write to the minister. There are a whole range of ways. The Financial Management and Accountability Act 1977 provides specifically that a copy of an agency’s financial statements must be included in the agency’s annual report as tabled in parliament. All of those matters ensure that Safe Work Australia will meet its obligations in both an annual report and a review of its ongoing role and functions after six years.

Senator ABETZ (Tasmania) (7.39 pm)—Thank you for that answer. Just so that we get this clear: is the annual report written at the complete discretion and volition of the CEO? Doesn’t it need to be approved by the board or the ministerial council prior to its submission to the minister?

Senator LUDWIG (Queensland—Minister for Human Services) (7.39 pm)—I think I have answered the question. You have now changed to a different language by us-
The CEO’s job is to assist Safe Work Australia. They would go through the usual process that the Financial Management and Accountability Act requires in terms of financials. They would have a similar role in the way an annual report would be produced. If some unforeseen circumstance were to arise, the CEO would have an obligation to raise it. They would raise it through the annual report, if it could wait. But if it were an urgent and unforeseen matter, I have no doubt that they would raise it through Safe Work Australia. The reporting arrangements are there. Hypothetically, if there were unforeseen circumstances those matters would come forward to be dealt with. We do not envisage any unforeseen circumstances. We expect Safe Work Australia to get on with the job of harmonising OH&S legislation.

Senator ABETZ (Tasmania) (7.41 pm)—I thank the minister for those answers. We now have our running sheet and I think we can go to moving the amendments. I do not want to muck up the order of the amendments. In fact, one of the opposition amendments is the first one on the running sheet. The opposition believes that, for many pieces of legislation, it is indeed beneficial to consider what the objects of the legislation actually ought to be. I think it provides guidance to all those who need to operate within and under the legislation. In those circumstances, one wonders why there was not an objects provision in this particular legislation. What we as an opposition are proposing is an objects clause which is relatively simple but which makes that point very well. I move opposition amendment (1) on sheet 5611:

(1) Page 5 (after line 6), after clause 5, insert:

5A Objects

The objects of the establishment of Safe Work Australia are, through a partnership of governments, employers and employees, to lead and coordinate national efforts to:

- prevent workplace death, injury and disease; and
- harmonise occupational health and safety laws and associated regulations and codes of practice; and
- improve national worker’s compensation arrangements.

I would have thought that this amendment should not provide any difficulties to the government. I note that Senator Xenophon has previously circulated a similar amendment. In discussions with Senator Xenophon, he has indicated that he would be withdrawing his proposed amendment. He has indicated—at least privately to me—his support for the coalition’s amendment, which is slightly more extensive. He had two subparagraphs and the coalition is proposing three. I submit to the minister and the government that there should not be any difficulty with or objection to this amendment. I will limit my comments, at this stage, subject to what the minister’s response might be.

Senator LUDWIG (Queensland—Minister for Human Services) (7.44 pm)—I hate, as always, to disappoint the opposition. There is, of course, no legislative requirement for a bill to have an objects clause. Section 3 of the legislation tells the reader what the act is about and in that sense it could be drawn to be similar to an objects clause. Section 3 explains to the reader of the legislation that the bill will create Safe Work Australia, whose role will be to ‘improve occupational health and safety outcomes and workers compensation arrangements across Australia’. The Commonwealth, states and territories agreed to establish Safe Work Australia in the Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety, and the recitals to the intergovernmental agreement contain the aspirations of the parties, namely that the parties are committed to improving the health and safety of Australian workers. The
recitals also recognise that the prevention of workplace death, injury and disease is an object of the OH&S laws of each jurisdiction.

The issue of ‘leading and coordinating’ in the language of the amendment does have that overture of taking us back to the ASCC; therefore I put the reasons forward as to why we do not need an objects clause in this particular piece of legislation. More importantly, what underpins it is the Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety, and within that is recognised the important work that this bill will do—that is, the prevention of workplace death and injury. I do note that the numbers in the chamber might be again me, but I will wait to see what Senator Xenophon may do in respect of your amendment, Senator Abetz.

Senator SIEWERT (Western Australia) (7.46 pm)—I am indicating the Greens support for this amendment, so I think you are right in saying, Senator Ludwig, that the numbers are going to be again you. We think it is good practice for all legislation—particularly for legislation that establishes a body such as Safe Work Australia—and we believe it is important for this legislation to have an objects clause. The objects can operate as a guide to the operations of this body. We support the objectives proposed by the opposition, as we believe they do capture the intent of the bill and the outcomes that we all want to see by the establishment of this particular body. We would have supported Senator Xenophon’s proposed objects but—for once—we are in agreement with the opposition. We believe that their amendment is more comprehensive so we will be supporting it.

Senator XENOPHON (South Australia) (7.47 pm)—Following discussions with Senator Abetz, I wish to indicate that I prefer his amendment to mine on the issue of objects. Therefore I will not be moving my amendment (1). I think it is preferable to the amendment that I was proposing to move. I think it is important to have objects as an anchor for this important piece of legislation.

The TEMPORARY CHAIRMAN (Senator Crossin)—Can I confirm, Senator Xenophon, that you are withdrawing your proposed amendment (1) on sheet 5612?

Senator XENOPHON—that is so.

Senator ABETZ (Tasmania) (7.48 pm)—Can I thank the crossbenchers—the Greens and Senator Xenophon—for their support. It makes me think that I should sit down and quit whilst I am ahead, because getting the Greens to agree with something that I am proposing is radical in itself. I do not want to push my luck too far. I would say to the minister that I can, to a certain extent, understand his argument. However, the intergovernmental agreement—whilst it is referred to in the legislation and, as I understand it, has to be posted on the internet—is, in fact, not an appendix to the bill. I am wondering in what way the inclusion of objects, as proposed, might damage or in any way cause uncertainty in relation to the interpretation of the legislation.

Senator LUDWIG (Queensland—Minister for Human Services) (7.49 pm)—The point will be when the legislation itself gets created and we can argue about what the objects might be in that. This will start the work for the facilitation of model OH&S legislation, in which case an objects clause can be considered by the government to be put where it will do best in providing the outcomes of prevention of workplace death, injury and disease—in the actual OH&S legislation itself. I think, quite frankly, that it is a small issue, in that you are arguing about the objects clause in the facilitative legislation. My focus is on the outcome, which is
the harmonised OH&S legislation. We can have a serious debate then about what the objects clause may or may not look like should I still be in this role representing the minister—which I hope will be a short time. I hope it is a quick process, quite frankly, because it is important to get that through.

The fact is that we also tabled the Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety when we introduced this legislation. We made our intention plain; therefore, with due respect, we do not see a requirement for an objects clause in this legislation. The important point will be the outcomes. We are outcomes focused. I can recognise that I do not have the numbers in this place, but I would ask you to reconsider. The point that I am making is that the test will be the outcome—the OH&S legislation—and we can argue about the objects clause at that point and what should or should not be included in it.

Senator ABETZ (Tasmania) (7.51 pm)—I do not want to delay this aspect too long but I specifically asked the minister what damage, what ambiguities et cetera might arise if it were included. I would like to think I and my coalition colleagues are reasonable. We have been invited to reconsider and we may reconsider but, quite frankly, we will only reconsider in circumstances where it can be shown that some very real damage might be occasioned. I do not think that case has been made out and in those circumstances the opposition will be persisting with the amendment.

Question agreed to.

Senator XENOPHON (South Australia) (7.52 pm)—by leave—I move amendments (2), (3) and (4) standing in my name on sheet 5612:

(2) Clause 10, page 9 (lines 10 to 13), omit paragraphs (1)(d) and (e), substitute:

(d) 3 members nominated by the Australian Council of Trade Unions;
(e) 3 members nominated by the Australian Chamber of Commerce and Industry;

(3) Clause 15, page 11 (line 16) to page 12 (line 1), omit subclauses (2) to (5), substitute:

(2) The Minister can only make the appointment if the person has been nominated for the appointment by the Australian Council of Trade Unions.

(4) Clause 16, page 12 (lines 8 to 21), omit subclauses (2) to (5), substitute:

(2) The Minister can only make the appointment if the person has been nominated for the appointment by the Australian Chamber of Commerce and Industry.

I move these amendments as I believe that they will ensure that the membership of Safe Work Australia will be more representative than what is proposed in the bill. Relating to amendment (2), it is important that the two peak bodies representing employers and employees in this country are represented. I note that by increasing the membership to three of each there will be a better balance between the two. I also believe it is appropriate that they be the ACTU and the ACCI, given the role they have had in relation to this. The peak employer and peak union bodies recognised by the ILO in this country are the ACTU and the ACCI. Amendments (3) and (4) are consequential in the sense that these appointments must be nominated by the ACTU and the ACCI respectively.

I urge honourable members to support these amendments. I believe they will make the membership of Safe Work Australia more representative, genuinely tripartite in its composition and therefore more effective in the important role it has.

Senator ABETZ (Tasmania) (7.54 pm)—Can I indicate that the coalition had drafted similar amendments in relation to the num-
bers for the representative bodies being increased from two to three. We believe that that is important in trying to get the balance right, especially when you read the detail in the legislation as to the numbers and the strength of the vote that, in particular, the state and territory governments will have on this body. We as an opposition strongly believe that, rather than giving greater emphasis to state bureaucrats in this sort of legislation, there ought to be emphasis on those who actually have to deal with the legislation in the workplaces—that is, of course, the employers and the employees. Therefore, maintaining that sort of representation at the level of three each seemed to us in the opposition to be a worthy cause.

Seeing as Senator Xenophon kindly ceded to us in relation to the objects, we thought it would be a good idea if he moved this tranche of amendments. Agreement seems to be breaking out between us, Senator Xenophon and Senator Siewert, so we will have to be very careful that it does not become catching—

Senator Xenophon—Don’t get too carried away!

Senator ABETZ—and, yes, that we do not get too carried away with it. In relation to the nomination of the organisations, the coalition had given consideration to an amendment indicating that the representatives had to be from the peak employee representative body and the peak employer representative body recognised by the International Labor Organisation, but it is cleaner, tidier and more definite to name the organisations so that there is absolute clarity. I think the Greens have given similar consideration to Senator Xenophon’s approach. The coalition on balance believe the Xenophon and Greens approach on this may be more beneficial than that which we had initially anticipated, so I can indicate the coalition’s support for Senator Xenophon’s amendments.

Senator SIEWERT (Western Australia) (7.57 pm)—The Greens will also be supporting these amendments. As I articulated in my speech on the second reading, the Greens were planning, and in fact had drafted, exactly the same amendments. It was a bit silly putting up the same amendments, so we decided that we would support Senator Xenophon’s amendments. We think it is particularly important that there be three representatives of both employees and employers on this body, and in particular that the employer body and the employee body nominating these representatives should be named in the legislation. We believe both of these organisations have a track record in occupational health and safety and therefore they are the most appropriate bodies to nominate representatives to Safe Work Australia. Therefore, we support these amendments.

Senator LUDWIG (Queensland—Minister for Human Services) (7.58 pm)—There does appear to be a break-out, of sorts, of the coalition. What I am concerned about, though, is that the main point is really getting missed here. The main point is that, if you look at what has occurred to date, we have a significant advancement from where we have been in the last decade. We have an intergovernmental agreement to move forward on model OH&S laws.

What I am concerned about now, quite frankly, is that these amendments may put in jeopardy the agreement that has been reached. They may also assist in defeating future policy proposals by state or federal Labor to develop legislation right across the board, even legislation which is not directly related to OH&S and workers compensation. They mean that when you get an historic agreement, such as the one the Rudd government has, it will then be subject to an ex-
amination not in principle, which I think is fair to argue, but in process. We are now talking about unravelling some of the detail, which it has taken a significant amount of time for the parties to get to. Of course, you would expect that to be the argument from the government. It is important to recognise that this is a historic agreement, and we ask the chamber to respect that and to pass it. We think it is fair and it strikes the right balance.

The Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety provides for there to be two representatives from employer bodies and two from employee bodies. We think that strikes the right balance. One of the most important functions of Safe Work Australia will be the development of model OH&S legislation and codes of practice for approval by the WRMC and subsequent adoption by the Commonwealth and each of the states and territories.

If Safe Work Australia does not represent the collective views of states and territories there is, quite frankly, little prospect of model legislation being adopted by the states and territories. The intergovernmental agreement seeks of course to balance the interests of the jurisdictions which will be adopting the model OH&S legislation and the employers and workers who will be affected by the model legislation when adopted. Of course, I acknowledge that the membership levels agreed in the intergovernmental agreement involve a reduction of employers and workers members, when compared with the various bodies that preceded SWA. Both the National Occupational Health and Safety Commission and the Australian Safety and Compensation Council had three representatives from employers and workers. Having said that, it is difficult to see what benefits would accrue from increasing the worker and employer membership of SWA. I have not seen the argument articulated that raising the membership from two to three representatives would provide a benefit in bringing together model OH&S laws, supported by both the Commonwealth and the states and brought into reality—in other words, the outcome. The outcome of this legislation is that we end up with model OH&S laws. What you may be doing, in seeking to amend the bill, is to put in jeopardy that very position.

This government is focused on the outcomes of developing that—through the intergovernmental agreement, through this bill—into practice; that is, model OH&S laws. Any suggestion that increasing worker and employer representation on SWA will increase the expertise available to SWA or improve the quality of decision making by SWA might be one argument but, as I have said in my summation, it simply does not stack up. SWA can have and will have advice, but it is about the outcomes of providing OH&S model laws. SWA can also engage in the harmonisation process through participation advisory committees and through any consultation process undertaken by SWA, so there is a means available for the parties to move in the direction that the legislation wishes them to go.

The Prime Minister signed the intergovernmental agreement in good faith and, in so doing, committed the Commonwealth to establish SWA in the form outlined in the agreement, which means having two representatives each from employee and employer groups. In the light of that commitment the government is simply not in a position to accept the proposed amendment. Even if you can find merit in it—and I suggest there is none—we are now arguing about the process rather than the outcome, and that is what concerns me most of all in respect of this. The proposed amendment invites the government to renege on its commitment to the states and territories. The government cannot
vote in favour of this amendment, without first consulting the state and territory governments. If the amendment is made, the government will need to discuss the revised composition of SWA with the states and territories. The only thing this amendment will achieve is to delay the harmonisation process.

On that basis alone, notwithstanding the argument I have already put, the government, quite frankly, does not think this process should be delayed one jot. It is important to move this legislation forward. When the Rudd government was in opposition, when for years we argued for better protection for workers, we did not accept delay then and say, ‘No, we’ll argue it again tomorrow; tomorrow might be a better day.’ We argued for better protection for workers as to occupational health and safety for today. This starts the process. I would ask you to reconsider the position that you are now putting.

In respect of picking the Australian Council of Trade Unions or, alternatively, the ACCI, the difficulty is always that, when you pick favourites, difficulties always present themselves. I was surprised that the opposition would pick the ACCI. There are a number of other substantive employer organisations which might have claim to represent the interests of employers on occupational health and safety. In so doing, the opposition have shown their hand to be, perhaps, in favour of the ACCI over others such as AiG and the like. But that is their position, not mine.

By not naming the bodies in the legislation, the minister is able to seek nominations from bodies which are the most representative organisations of employers and workers at the time nominations are sought. In this way, the minister is able to ensure that a balance of worker and employer interests are represented on SWA. Naming the representative bodies in the bill will not provide any flexibility for the future. Bodies may evolve, amalgamate, change their name or provide new identities and over time some organisations wax and wane. When you pick the actual legislative name or the business name of an organisation, it might state that you can only have a person who is from that organisation or who is picked by that organisation. Then you get into difficulties of that organisation either delaying or frustrating the outcomes.

I am sure everyone will come with good intentions, but the point in this instance is that it is much easier and more convenient and, most importantly, it provides the best position for ensuring that you have the most representative organisation of employers and workers at the time nominations are sought. Allowing the minister the flexibility to seek nominations from a range of representative bodies gives them the opportunity to have representatives from different sections of the workforce sit on Safe Work Australia. Of course, depending on the projects Safe Work Australia is engaged on at the time, the minister might wish to have representation from particular areas of employment. Naming bodies in the legislation would again take away that flexibility. It in fact locks you into only two representative bodies irrespective of the issue that is alive at the time. With that, I would ask you to reconsider the position that you are putting.

**Senator ABETZ** (Tasmania) (8.08 pm)— Can I ask the minister: which body in Australia today does he believe is the most representative of Australian workers? Come on, you know what you have to answer.

**Senator LUDWIG** (Queensland—Minister for Human Services) (8.08 pm)— You might tempt me there, Senator Abetz, and I may not agree with you. My view is not the relevant point here; the legislation is...
the relevant point. The bill that is before us provides for a choice by the Australian Council of Trade Unions. I do not know what circumstances would arise that would require another area to be chosen, but the bill does allow flexibility in the decision, it does ensure that the minister can have the flexibility in choosing the most representative body for the particular issue that is alive at a particular time. I think the legislation being put forward provides the flexibility that is needed. It is a sensible position, one whereby the minister can ensure that, from both the employer’s perspective and the employee’s perspective, all the issues are dealt with appropriately.

As I said, I am surprised that you would pick one employer organisation over another. That is the choice that we would be faced with in this legislation. I am sure that if the shoe were on the other foot you would be asking why I had picked one employer organisation over another and you would be saying that the flexibility should be there for the relevant minister to choose—or we would be in a convoluted position of having a list of employer representative bodies so that we did not embarrass one or the other. Both circumstances are really second-best solutions. I am surprised that you have picked one against others that could represent the interests of employers in this area. Be that as it may, it is your choice.

Senator ABETZ (Tasmania) (8.10 pm)—I would have thought, under the International Labour Organisation arrangements, which the minister continually tells us we are all beholden to, the peak representative body for employees would be the ACTU. The minister’s reluctance to even acknowledge that the ACTU is the peak body representing Australian workers is, quite frankly, astounding. Of course, the reason that he did not want to answer that one is undoubtedly that he did not necessarily want to answer in relation to employer groups either. The International Labour Organisation, as I understand it, acknowledges the ACCI as the peak employer group and, if that is the case, then I think the amendments that were proposed by Senator Siewert and Senator Xenophon make a lot of sense.

Of course, what it also means is that the Minister for Employment and Workplace Relations cannot play favourites and pick and choose people whom she thinks might be subservient to her particular whims at any particular time. That is why I am attracted to the position that, rather than giving the minister complete choice in this regard, there be some acceptance that within the Australian community there are such peak bodies.

One thing I would ask the Minister for Human Services is in relation to the agreement with the states. I have been kindly provided with the relevant page by some of the officers, and I thank them for it because I have not brought with me the intergovernmental agreement. Schedule 1 refers to matters to be included in Commonwealth legislation establishing the ASCC replacement body. In it, there is discretion for the minister to specify:

i. an independent chair, nominated by the Commonwealth Minister in consultation with WRMC;
ii. a member nominated by the Commonwealth Minister;

It also says:

iv. 2 members representing bodies which, in the Commonwealth Minister’s opinion, represent the interests of workers across Australia;

Would it unravel the agreement if this parliament were to say that, within the parliament’s view, the body that represents the interests of workers across Australia is in fact the ACTU?

Senator LUDWIG (Queensland—Minister for Human Services) (8.13 pm)—I will just correct something you were refer-
ring to earlier. You asked me a question about the peak bodies. The legislation, as you correctly identify, talks about representative bodies; it does not talk about peak bodies. That is plain within the legislation. Of course, you then asked my personal view. This is in respect of the legislation and my answer was in respect of that, so I would kindly ask you to desist from verballing responses that you may think you have heard. My answer was quite succinct.

In respect of the decision, as I stated at the outset and continue to state, the legislation provides the best course of action for the minister to be able to select the representative body for both the employer and the employee, for the reasons that I have argued. It provides the flexibility for the minister to ensure that at any particular time and place they can choose the best organisation to represent the interests of the employer or employee on the particular issue that is before Safe Work Australia. That is the logical position to adopt.

Again, I am surprised that the opposition would choose one organisation over a range of organisations that may claim to be representative of employers. We could get into that argument between employer and employee organisations in particular areas, but in this instance the solution is to ensure that the agreement is met—and passing this legislation gives effect to the agreement. The legislation provides for the best outcome—that is, that the minister chooses the employee and employer representative bodies. That provides for the necessary flexibility, as I have said and will not reiterate again.

Senator SIEWERT (Western Australia) (8.16 pm)—One of the arguments being put here is that we have reached an agreement with the states and therefore the parliament cannot alter it, which I have a great deal of difficulty with. I am particularly concerned because the Commonwealth and the states have reached a nice cosy little agreement about the make-up of this body. Firstly, they expect the Senate to be just a rubber stamp. Well, I am sorry, but that ain’t what we are here for. We will deal with that in another amendment. Secondly, when it comes to voting, for example, at meetings, they have cosily given themselves a majority of votes of all the voting members who represent the Commonwealth, states and territories. Here we are as a Senate, expected to support willy-nilly any agreement that is made between the Commonwealth and the states. So the states and the Commonwealth have cosily got themselves together, drafted this legislation—overall, we do support Safe Work Australia—and given themselves these powers that override the tripartite nature of this body, and they expect the Senate to agree with it: ‘Let’s all get together, decide on the rights that we’re going to have that override the other two members of this tripartite body and the Senate will wear it.’ Well, I am sorry, but we do not. We will talk about that obvious anomaly in the legislation when that amendment comes up, but for the same reason we do not support it here. We do not think this is a good approach to take to a tripartite body.

I would also point out that this amendment has another important element to it: it removes the ministerial veto on nominations from employee and employer representative organisations, which they currently have under this particular bill. So this amendment has two very important functions: not only does it increase representation and name the specific employee and employer bodies but it also removes the ministerial veto on nominations. We believe—or the Greens certainly believe; I am not speaking on behalf of the coalition or Senator Xenophon here—that that particular element also undermines the independence of Safe Work Australia. So
there are three important issues that we are dealing with here: the removal of the veto, the increase in the number of members and the naming of the employer and employee organisations. But if the argument is going to continue to be put forward that ‘We agreed it with the states; therefore it stays’ then what is the point of bringing it to the Senate? What is the point if the government thinks it will be able to reach a cosy agreement with the states all the time, bring it in here and have it rubber-stamped? I am sorry, it does not work that way.

Senator LUDWIG (Queensland—Minister for Human Services) (8.18 pm)—That is probably the best argument for supporting the legislation, and I thank the senator for that submission. What we are trying to do is ensure that when this model legislation goes into state and territory parliaments they do not tinker with it, quite frankly. If we can get an agreement at federal level on SWA, and it can go forward as model OH&S legislation, it will require the cooperation of states and territories to pass the laws as promulgated at the federal—

Senator Siewert—Well, you should’ve got it right in the first place!

Senator LUDWIG—You will get an opportunity to respond in due course. What you are arguing for is being able to tinker with the agreement here, which will give the opportunity to the states and territories to say, ‘Look, the Commonwealth tinkered with it; why can’t we as well?’ You then immediately move right away from model OH&S legislation at the start gate—you do not even get out of the gate with model legislation that is uniform. That is what you are now sentencing us to. Do not expect the Rudd government to say, ‘We don’t want our legislation up in the form that we have put it forward.’ I do not have to support your amendment in this place. I can put my best foot forward, put the bill forward and put the reasons forward as to why we want it passed in the form that the intergovernmental agreement agreed upon. Of course this place is not a rubber stamp—the Senate can do what it wants. You can pass an amendment that you put up, but do not expect me to support it. We are not expecting the Senate to be a rubber stamp, but do not expect the government to support your amendments. The reason I am asking the Senate to support the legislation in the form that we have circulated is that the Commonwealth does not want to be the first to breach the IGA when we come to model legislation. We do not want numerous amendments to be made at the state level, because uniformity would be lost even before it started. That is the position that you are putting to us now—and I reject it, as is this government’s right and as is your right to amend it and start this process of what I would call the ring-around. That is what it will start. I ask you to reflect upon that.

Senator ABETZ (Tasmania) (8.21 pm)—If the Prime Minister spent a bit more time in the country and was able to tell Australian senators and the parliament how to vote, rather than going over to the United States and trying to tell the congress how to vote on issues, we might not be in this position. I think what we have in the intergovernmental agreement is somewhat arrogant. In schedule 1, clause 3, we are told ‘the legislation will’ and it then sets out certain matters. What that basically suggests is that six Labor premiers, two Labor chief ministers and, I would assume, the Labor Deputy Prime Minister got together to make a deal and will now try to foist it on all their parliaments without having a sensible discussion. I suppose the question that arises is: would it unravel this agreement, Minister, if any amendments whatsoever were to be proposed? Would the inclusion of objects unravel this legislation and, if so, would that start the ring-around?
If it would, you might as well do a job lot and do a ring-around on all the amendments that this Senate might be minded to pass.

Quite frankly, I would defy any Labor Deputy Prime Minister, Premier—indeed, Premier Barnett in Western Australia—or Chief Minister to explain to the people of their state why there should not be three representatives of workers organisations and three employer representatives on Safe Work Australia. On my maths, that would make a body of 16 rather than 14 people, and the ‘social partners’, as they are called in this politically correct language, would only have six—

Senator Jacinta Collins—What would you call them?

Senator ABETZ—Senator Collins, do not get me started—you would be one of the least politically correct on that side, and I welcome that. Those six social partners would still be a minority in the 16. I would be gobsmacked if any state Premier or Chief Minister were willing to get up and say that would somehow stand in the way of preventing workplace deaths, injuries and diseases, of harmonising occupational health and safety and of improving national workers compensation arrangements. I really cannot see, with great respect, how that would change any of the objects of this legislation.

I think the minister and I may have been talking past each other in relation to the ‘peak body’ definition. The ‘peak body’ definition, as I understand it, is a definition employed by the International Labor Organisation, and the ILO does not seem to have any difficulty in saying that ACCI and the ACTU are the two representative bodies to be taken into account. I understand that Australia is a signatory to that body—it was one of the initial signatories in 1913 or something, if my history does not elude me. In those circumstances, I cannot see why the Greens amendment nominating the bodies and stopping the minister from playing favourites would in any way derogate from the benefits that we hope this legislation will have.

Senator LUDWIG (Queensland—Minister for Human Services) (8.26 pm)—There are two points I wanted to raise. One goes to the substantive issue that you went to first, Senator Abetz, which is—I will see if I can be plain about this—whether, if there is inconsistency with the IGA in the legislation, we are technically in breach of the IGA. What that would mean is that we would have to go back to the states to talk through whether there was going to be a change. That would cause delay and it could also cause the argument to be had again. As with most things, when you reach agreement and sign on the dotted line, you want it reflected in the legislation as agreed. Having reached agreement, that is our desire. If we had to go back, it could potentially put that IGA in jeopardy without having at least gone back and spoken to the states about it. Therefore, as the government, we are putting it up as an agreement and asking the Senate consider passing the bill in an unamended form.

In respect of the second issue, there is nothing in the legislation that contravenes ILO Convention 155. The convention stipulates that consultation must occur ‘with the most representative organisations of employers and workers’. Worker and employer representatives will be directly involved in the development of draft model legislation and draft model codes of practice by virtue of their membership on Safe Work Australia. In addition, the draft model legislation and model codes of practice will be subject to the broader consultation requirements of the Australian government before they are recommended to the Workplace Relations Ministers Council for approval. The bill, as I have said, requires a minister to appoint two members who represent the interests of
workers and two who represent the interests of employers in Australia. These appointments can only be made following nomination by bodies that the minister considers represent the interests of workers and employers across Australia. There is nothing in the legislation that would impede the independence of the employer and worker representatives on the SWA.

Question put:
That the amendments (Senator Xenophon’s) be agreed to.

The committee divided. [8.33 pm]
(The Chairman—Senator the Hon. AB Ferguson)

Ayes………… 38
Noes………… 26
Majority……… 12

AYES
Abetz, E. Adams, J. *
Barnett, G. Bernardi, C.
Birmingham, S. Boswell, R.L.D.
Boyce, S. Brandis, G.H.
Brown, B.J. Bushby, D.C.
Cash, M.C. Cormann, M.H.P.
Eggleston, A. Ferguson, A.B.
Fielding, S. Fierravanti-Wells, C.
Fifield, M.P. Fisher, M.J.
Hanson-Young, S.C. Heffernan, W.
Humphries, G. Johnston, D.
Joyce, B. Kroger, H.
Ladlam, S. Mason, B.J.
McGauran, J.J. Minchin, N.H.
Nash, F. Parry, S.
Payne, M.A. Ronaldson, M.
Ryan, S.M. Scullion, N.G.
Siewert, R. Trood, R.B.
Williams, J.R. Xenophon, N.

NOES
Arbib, M.V. Bilyk, C.L.
Bishop, T.M. Brown, C.L.
Cameron, D.N. Carr, K.J.
Collins, J. Conroy, S.M.
Crossin, P.M. Farrell, D.E.
Faulkner, J.P. Feeney, D.
Forshaw, M.G. Furner, M.L.
Hurley, A. Hutchins, S.P.
Ludwig, J.W. Lundy, K.A.
Marshall, G. McEwen, A. *
Polley, H. Sherry, N.J.
Pratt, L.C. Wortley, D.
Stephens, U.

PAIRS
Colbeck, R. Evans, C.V.
Cooman, H.L. Sterle, G.
Ellison, C.M. Moore, C.
Macdonald, I. Wong, P.
Milne, C. Hogg, J.J.
Troeth, J.M. O’Brien, K.W.K.

* denotes teller

Question agreed to.

Senator SIEWERT (Western Australia) (8.37 pm)—I move Greens amendment (1) on sheet 5593:

(1) Clause 26, page 16 (lines 18 to 19), omit “Division 4 allows the Ministerial Council to direct Safe Work Australia to amend either of the final plans.”

This amendment relates to strategic and operational plans. As I articulated in my contribution to the second reading debate, this legislation allows the ministerial council to direct changes to strategic and operational plans of Safe Work Australia. We do not believe it is appropriate that the ministerial council should be able to directly alter strategic and operational plans.

The members of the ministerial council will have representation on Safe Work Australia and will be participating in the formulation of these plans. We believe that it is unnecessary for the Commonwealth, states and territories to have direct interference in these plans. We believe that it undermines both the independence and the tripartite nature of Safe Work Australia.

This amendment should be read in conjunction with Greens amendment (2), which I will move later. It also deals with strategic and operational plans and their finalisation. Basically, it takes out division 4, which al-
lows the ministerial council to direct Safe Work Australia to amend either of the final plans. As I said, we do not believe it is appropriate to allow the ministerial council this level of interference in the operation of SWA. As I said, it undermines both the independence and tripartite approach of SWA. I can already hear the minister thinking aloud that this amendment is contrary to the agreement that was made under the IGA. The same argument stands for me, and that is that the Commonwealth, states and territories have given themselves a nice little cosy arrangement whereby, even if these matters are approved by their representatives, the ministerial council can knock them off. We do not believe that that is an appropriate way to run occupational health and safety in this country and, therefore, we put this amendment to the chamber.

Senator LUDWIG (Queensland—Minister for Human Services) (8.40 pm)—This amendment requires an agreement too. Clearly, we oppose this amendment, and I will provide the specific reasons shortly. However, as a general outline of our opposition, the amendment is not in accordance with the IGA. Therefore, the substantive position that I put earlier remains, which is that the Greens refrain from seeking to amend an existing agreement. I know that I am not going to be successful in getting you to refrain from doing that. We would divide in respect of the amendment, but in the interests of the chamber I will not seek to do that. However, I would ask the opposition and the Greens to look at the next four amendments to see whether or not they could seek leave to put them as a job lot. They all require that the particular provisions stand as printed, as I understand it. I am sure the clerks could organise a way for us to go forward with the debate on those individual matters and, by leave, effectively put them as a job lot. We would then seek to divide in respect of them.

I do not know whether we would then have separate divisions. I am open to suggestions on the best way to proceed. I make the point that they depart from the IGA, for reasons that I will outline shortly.

With respect to the Greens amendments, I can talk to them now or reflect upon the amendment that has just been moved. I am really in your hands, Senator Siewert, and those of the opposition as to how to proceed. I will sit down and give you an opportunity to add to the debate.

Senator SIEWERT (Western Australia) (8.42 pm)—I am happy to debate all the amendments, depending on what the opposition feels about that. As you rightly point out, Senator Ludwig, this amendment omits words. The other amendments also omit words. I am happy to have the substantive debate now. We understand where the government is coming from in terms of not wanting to alter the IGA. I think the government understands very clearly where we are coming from. We wish to amend this legislation as agreed to by the Commonwealth, states and territories. As I said before, it is unfortunate that they have got together and voted themselves a nice cosy little arrangement on some of these issues. I should not be surprised that the government is quite concerned about altering the IGA. On the flip side, the government should not be surprised that we have some concerns about the legislation before us.

Senator ABETZ (Tasmania) (8.43 pm)—Can I indicate to the government that we believe the Senate has a very vital role to play in scrutinising legislation. That federal Labor have come to an agreement with all the state Labor premiers and chief ministers and determined what they would do is interesting; but, at the end of the day, I listened very, very carefully to the admonitions of the Labor Party before the last election about
how the Senate should not be taken for
granted, how it should not be treated like a
rubber stamp and how it should exercise its
independent mind and scrutinise legislation
very carefully.

And of course now that we are listening to
the sound advice of people like Senator
Ludwig and others we are being told that
possibly this is not such a good idea after all
because Mr Rudd knows best and if he has
come to an arrangement, or indeed his dep-
uty has come to an arrangement, with the
state Labor governments then that should be
paramount. We on this side have a differing
view. We believe that there are certain mat-
ters that are quite fundamental and therefore
the Senate should be looking through these
matters very carefully.

I make those preliminary comments be-
cause I would not want a cognate debate on
this to descend into a situation where the
minister does not deal specifically with all
the issues that are raised by senators. So
whilst it makes, I think, good sense to have a
cognate debate I would nevertheless expect
that the government would deal with each
question and the merits in relation to each
amendment in some detail so that we can
have a clear position put by the government
as to why they are not supportive of the raft
of amendments. If that were to be the agreed
approach to be taken by the minister, there
should be a clear indication given at all
times. I think to a large extent we would be
guided by you, Mr Chairman, as to which
amendments should be seen as being taken
together so that they are in a job lot. And
undoubtedly, Mr Chairman, you will be ad-
vised by those clever clerks that sit next to
you as to how that might best be achieved.

Senator LUDWIG (Queensland—
Minister for Human Services) (8.47 pm)—
While the chair is working through the sub-
tleties of that, the position that I will put will
be really in answer to the strategic and op-
erational plans put forward by the Greens. As
I understand it the Greens have amended
their proposals to allow the opposition to
also include some of the issues that would
have otherwise been dealt with in amend-
ments (4) to (19) by the Greens. That is as I
understand it. I will put the position that the
government will take and if there are addi-
tional points that you want drawn then it is
really for the opposition to draw them out. In
response to that the government will provide
additional information. So in this instance I
will put our position in front of the opposi-
tion’s, only so that they can then have an
opportunity of hearing the position we are
putting and pulling out any other salient
questions they may have.

The government does not make any apol-
gogy for Safe Work Australia reporting di-
rectly to the ministerial council. The gov-
ernment recognises that the states and territo-
ries have an important role in regulating oc-
cupational health and safety. If Australia is to
have a harmonised set of OH&S laws, then it
can only do so with the cooperation and
agreement of the states and territories. One
of the most important functions of Safe Work
Australia will be the development of model
OH&S legislation and codes of practice for
approval by the WRMC and their subsequent
adoption by the Commonwealth and each of
the states and territories. If Safe Work Aus-
tralia does not represent the collective views
of states and territories, there is in truth little
prospect of model legislation being adopted
by the states and territories.

The states and territories are providing 50
per cent of the funding for Safe Work Austra-
lia, so it is appropriate that the WRMC has
an oversight role in relation to Safe Work
Australia’s strategic and operational plans. It
is still Safe Work Australia’s responsibility to
develop the plans, with the WRMC having a
right to review and if necessary amend the
For the WRMC to have an effective role it needs to be given explicit powers to approve or reject a plan as well as the power to give directions to make specific alterations. If the bill is not drafted to give the WRMC such powers, the WRMC would have to rely on its informal authority rather than having a legislative authority. There is of course nothing stopping the WRMC from making informal suggestions or providing comments to Safe Work Australia outside of its legislative power to give directions.

The position put forward by the opposition is that, unlike when the opposition were in government, we are in the hands of the Senate to get the legislation up. The numbers are not on this side of the chamber. What we are asking, though, is that you give consideration to the position that I am putting. It is sensible to put the position that the intergovernmental agreement is a significant step forward. We need the facilitative legislation to ensure that we then arrive at the outcome—that is, model OH&S laws. It is a valid argument to put that we do not want to see the states starting to depart from model OH&S legislation arrived at through a consultative process as soon as it ends up in their parliaments. We want them to ensure that we have model legislation that reflects truly right across Australia. That is the position we are arguing for.

We are not asking the Senate to rubber-stamp anything. The opposition, when last in government, had the numbers to simply invoke their will. We are clearly not in that position. We are arguing the position that the best way forward to achieve the outcomes that we have put forward is to ask the Senate to approve the legislation unamended. And of course already we find that we are behind the eight ball in respect of a couple of amendments, and the numbers in this place might also mean that we are disappearing out the back door in respect of these amendments as well—if I look around the chamber and see what the numbers are.

Nevertheless, that does not deter me from arguing our case. We think it is a sensible position that we have put forward. We think it is consistent with the direction we are heading, which is to concentrate on the outcomes of ensuring that we have model OH&S laws for the prevention of accidents in the workplace. It is an important goal not to lose sight of in the arguments that we are having here this evening.

Senator SIEWERT (Western Australia) (8.52 pm)—I find it a strange point that the government is not asking the Senate to be a rubber stamp but wants us to approve this legislation unamended. They want us to review the legislation and find the problems but not do anything about them. I reiterate that the Greens support strong, effective OH&S laws in this country and support a strong body to oversight those laws. We also very strongly support a true tripartite approach. This particular legislation puts a group in that so-called tripartite arrangement above the other two groups. Already the legislation gives that group stronger voting rights. But above all, it then gives the ministerial council the ability to reject, send back or make alterations to the strategic and operational plans outside the approval process. We do not believe that that is good governance. We do not believe that is an effective way for this tripartite body to operate, when all the good thoughts and processes around OH&S show that you have to have a good, strong tripartite approach to these issues.

It is deeply concerning to me that we have been presented with a piece of legislation, which the government has agreed with the states and territories, that we are not to do anything with even when we see faults and problems with it. I can see why the government feels like it has its hands tied behind its
back, but that is the way it is. We do not think this is as good as it could be, so we are trying to amend it to make it better. That is what I see as the job of the Senate and that is what I see as my job on this issue and that is what we are doing. You will have to go back and explain to the states that you could not con the Senate into it!

Senator Ludwig—I am sure they will read my transcript.

Senator ABETZ (Tasmania) (8.55 pm)—I think Senator Siewert summarised very succinctly what this Rudd government is all about. On the one hand they will say, ‘The Senate should examine legislation. We are not going to treat you like a rubber stamp.’ But then, when you identify problems, the government says, ‘You might have identified problems but pass the legislation anyway.’ It is indicative of the Rudd government saying one thing and then doing another. That has been the hallmark in the nine or 10 long months that they have been in government.

The simple fact with this legislation is that we believe there should be some degree of independence for Safe Work Australia. We believe that, as Senator Siewert has said, consultation is absolutely vital. It would be very interesting to know from the minister, in coming to the arrangement of the intergovernmental agreement, who did you consult with? I reckon it was the Labor state and territory bureaucracies.

Unfortunately the people that have the most skin in the game in this, namely the workers and the employers, are not part of the signatory block. Sure, it is an intergovernmental agreement, so they should not be on that, but it is interesting. It is a matter of great concern, I must say, when ACCI and the ACTU jointly write to us about this. Usually they oppose each other, but on this matter they have to deal with the issues of occupational health and safety not from a bureaucratic but from a practical point of view. They both have a view about extra representation—no, I withdraw the words ‘extra representation’—or maintaining the representation to the level to which they had been accustomed and were afforded by the previous coalition government.

It is interesting, isn’t it? When Rudd Labor have an opportunity to consult with those that actually deal with workplaces, who do they prefer? It is the state Labor government bureaucracies—the John Della Boscas of this world, who really know how to look after the workers, especially at Iguanas! He is the same minister that did not come, as I understand it, to one of these workplace ministerial councils. Indeed, as I understand it, state Labor ministers did not come to these Workplace Relations Ministers Council meetings on a number of occasions, so they were, in fact, not able to be held. But in all those circumstances they still wanted to shift the power to these state Labor ministers and state Labor bureaucracies at the expense of those people that actually have skin in the game.

Those that have skin in the game are the workers and those who provide the work. The most representative body of the organised workforce in Australia is, of course, the ACTU. From the employer point of view, according to the ILO at least, it is ACCI. It is difficult making choices, but at least there is some objective test—which previously has been alluded to in Senator Xenophon’s amendment—which we believe is preferable to the minister playing favourites, because then the appointees and the organisations that are allowed to appoint or recommend people do not have to worry about their conduct and their vote for future reappointment et cetera.

It is the same with this Greens amendment dealing with strategic and operational plans that seeks to delete these words from clause...
26. ‘Division 4 allows the Ministerial Council to direct Safe Work Australia to amend either of the final plans.’ What we have is supposedly an independent body that will help make all these decisions but, just in case they get it wrong, they need the John Della Boscas of this world to be sitting around the table to make sure that all their mates are looked after, that all the ducks are in a row and that things are in order. If you want a genuine occupational health and safety reform agenda in this country you have to ensure that that sort of tactic is not employed. I think the Greens amendment in relation to what is being proposed is an appropriate amendment, and we as an opposition will be supporting it.

Senator LUDWIG (Queensland—Minister for Human Services) (9.01 pm)—I do not want to delay the debate too much longer in respect of this point but, if you want an answer in respect of consultation, I will give you one. In the time that the Rudd government has been in government we have had five rounds of workplace relations ministers councils, WRMCs. For the period when the opposition were in government they dealt with Work Choices—I will play the game that Senator Abetz has occasionally played in this place—guess the number of WRMCs that the opposition had when they were in government during Work Choices. It will not be hard for those on this side to know the answer. I am sure Senator Abetz might recall that the answer is zero—none. It begs the question: why would the opposition argue for a better position than what they themselves provided? We, on the other hand, have sought to consult through the WRMC, as the appropriate place for that consultation. In fact, when Mr Hockey was the workplace relations minister during the 18-month period of Work Choices, there were how many WRMCs—if we play that game again? The answer, and I will relieve everyone of the burden of guessing, is exactly the same answer that I provided before—zero. What we are putting forward is consultation with social partners through the NWRCC, the National Workplace Relations Consultative Council. It is the position that we can provide you with the answer because we are about ensuring that there is consultation in respect of this—unlike Work Choices which had a one-day Senate hearing to boot.

Senator ABETZ (Tasmania) (9.03 pm)—We can canvass past history as much as we want, and that is all well and good, but it really seems as though the mantra of the Rudd government now is: ‘Having condemned the coalition for its former approach, we now somehow see some merit in it.’ You can chop us off at the knees as much as you like, but it does not make you stand any taller in relation to the issue of lack of consultation and why you would want to limit and to actively decrease the number of union and employer representatives. It does not make sense.

In relation to the Greens amendment, we would be having direct ministerial influence in relation to Safe Work Australia and the council amending the final plans. It just seems to me that if you are going to have an independent body it begs the question: why would you have the ministerial council being able to direct Safe Work Australia to amend those plans? That is the difficulty that I confess the coalition has. Consultation is vitally important. If the ministerial council can ram things through, then I am not sure it will make those organisations represented on Safe Work Australia feel confident that their views will be taken into account and taken heed of. When you go through the member-
ship of Safe Work Australia set out in clause 10, you note there will clearly be a very strong representation of state ministers through their bureaucracy. Safe Work Australia will have eight members, each of whom represents a different state or territory. So you will have those officials representing their state ministers, undoubtedly being told by their state ministers what the agenda ought be, should be, and how those agenda items ought be prosecuted or dealt with in each particular circumstance. I would imagine that those officials would have some fairly detailed marching instructions given to them by the eight individual ministers.

In the event that they are sitting around the table and the organisational representatives, or ‘social partners’ as they are referred to—some of us would just call them the employer and employee representatives, but that is no longer fashionable in 2008—are able to convince these bureaucrats and officials from the various state governments that the path they were going down was wrong or impractical from the point of view of those who have skin in the game and actually know how these things work in workplaces, and Safe Work Australia therefore adjusted its plan accordingly, then guess what? Even if the organisational representatives, or social partners, could convince those bureaucrats, you would still have the ministerial council able to override the decision—a decision on which these representative bodies actually had the opportunity of having input. It seems to me that the proposed approach really does minimise the value the government is placing on these representative organisations, and I believe the Greens amendment is therefore worthy of support.

Senator LUDWIG (Queensland—Minister for Human Services) (9.08 pm)—I would like to make two short points. Firstly, the NWRCC is the consultative group, which includes employee representatives, which Safe Work Australia went through. It was discussed there—which is the consultative process. I reject the argument that it was just the state government officials who were spoken to; it was significantly broader than that. My second point is in relation to the substantive amendment that has been put forward. In respect of the three-year strategic plan, we do not have a crystal ball to tell us what might happen in 18 months time. Therefore, what we have proposed, which was agreed to through the IGA, was that, if there were circumstances which warranted an amendment to that, a change to that, a modification to that, then this was the best way forward to do that—if there was a significant change in circumstances which required an amendment to the strategic plan. The IGA put forward this position as being the most sensible way of ensuring that it continues to be relevant—a strategic plan that can be used by Safe Work Australia.

I do not know the circumstances in which it would be invoked. It was a position that was agreed to so that we could have flexibility to ensure that the strategic plan would remain relevant and continue forward. Be that as it may, I am asking the chamber to agree to the position that I have put forward. I think it is a sensible position. It does take into account the state and Commonwealth position of getting to the outcome—and the outcome is model OH&S laws. It is not going to be an easy process. The Rudd government does not want to see it stalled at this early point in the process. It is not about putting a fait accompli to the Senate in committee. It is about asking the Senate in committee to see the merit in the IGA, approve the framework and move forward to get the outcome.

Senator SIEWERT (Western Australia) (9.11 pm)—I do not see the merit in some of these provisions. I do not see the merit in the ministerial council being able to direct Safe
Work Australia to make specified alterations to its strategic plan. This is not just about putting something in place to deal with unforeseen circumstances in the future. I would have thought you could have written that particular clause differently if that was the intent. But this is clearly designed to override the final strategic and operational plans of Safe Work Australia.

Admittedly, the Greens were planning to move stronger amendments in terms of dealing with the draft. But we thought, no, let us give the opposition their due. The opposition did not want to go as far as that, and we thought that was fair enough. On some of the amendments the opposition are making, we were prepared to not go in as hard on the draft process as we had planned. But, when it comes to these final strategic and operational plans, it is quite clear that a cosy deal has been done between the states and territories and the Commonwealth to allow the ministerial council to override Safe Work Australia whenever it feels like it. There are no riders on this particular clause. It allows for specified alterations to Safe Work Australia’s strategic plan and requires that they give the altered plan to the council within the period specified in the direction. It is quite clear about the way it overrides Safe Work Australia. We do not think that is appropriate legislation. We do not think it should be given a tick. We do not think that particular clause is merited. The coalition seem to be agreeing with us.

Senator Parry—We do; we are; we agree.

Senator SIEWERT—They are agreeing with us. Quite clearly, the majority of the Senate in committee does not think this clause has merit.

The TEMPORARY CHAIRMAN (Senator Forshaw)—The question is that Greens amendment (1) on sheet 5593 be agreed to.

Question agreed to.

The TEMPORARY CHAIRMAN—We now have opposition amendments (2), (3), (4), (5) and (6) and Australian Greens amendment (2), which is identical to opposition amendment (6). In relation to the discussion that occurred earlier, Senator Abetz, where you sought advice from the clerks, I would put to you that the opposition could proceed to move, by leave, the three sets of amendments, (2) to (6). The questions will need to be put separately. As the Australian Greens amendment (2) is exactly the same as the opposition amendment (6) it would presumably then not need to be proceeded with, depending upon the outcome of the vote. So I now invite you, Senator Abetz, to move your three amendments together by leave, if that is the wish of the chamber.

Senator ABETZ (Tasmania) (9.15 pm)—by leave—I indicate that the opposition opposes the bill in the following terms:

(2) Clause 28, page 17 (line 24) to page 18 (line 24), subclauses (2) to (5), TO BE OPPOSED.

(3) Clause 28, page 19 (lines 1 to 4), subclause 8, TO BE OPPOSED.

(4) Clause 30, page 21 (lines 1 to 31), subclauses (2) to (5), TO BE OPPOSED.

(5) Clause 30, page 22 (lines 8 to 11), subclause (8), TO BE OPPOSED.

(6) Division 4, clauses 31 and 32, page 23 (line 1) to page 25(line 27), TO BE OPPOSED.

I thank the Senate and I would like to thank Senator Siewert for what is, in effect, the withdrawal of the Australian Greens amendment (2) because the wording and the intent is identical, as indicated in the notation to opposition amendment (6). The amendments that we are moving deal with clauses 28, which is the approval of the strategic plan, and 30, dealing with the approval of the draft
plan, and then clauses 31 and 32, dealing with the ministerial council’s directions to alter the strategic plan and the ministerial council’s directions to alter the operational plan. As I indicated earlier, it seems to us in the opposition that in charging an organisation such as Safe Work Australia with what is a very onerous responsibility in reforming occupational health and safety law and this country it will be dealing with issues that are of genuine concern to all of us in this place. Undoubtedly we have all dealt with issues that are related to occupational health and safety. I remember, in my former life as a lawyer, dealing with the issue of an industrial death at what was then known as the ‘zinc works’ and now operated by Nyrstar. In acting for the widow of that worker I became aware of the impact that industrial deaths—and, indeed, injuries—have on families, extended families and the community, and, of course, the huge impact it has on the employer as well. It is something that we should pursue with as much vigour as we possibly can to ensure that we get the right sorts of outcomes.

Occupational health and safety has largely been a state government issue. It would be fair to say that in the last decade or so it has become an issue of greater and greater concern within the Australian community. As a result of that, the Howard government introduced some measures to try to harmonise the state laws and to ensure that we had a fair and appropriate set of laws. New South Wales went way over the top in relation to its legislation, in that organisations can be fined and the money finds its way, as I understand it, into some within the trade union movement. It seems to me that those sorts of interferences within the state regimes by Labor operatives ultimately act to the detriment of sensible occupational health and safety standards in this country. But all that aside, more and more employers are now dealing with workers across state boundaries, or they are sending a worker from their home state into another state or territory for a particular job. Therefore it stands to reason that we should have standardised and harmonised legislation. That is why in general, and in principle, we support this legislation.

That is why a body such as Safe Work Australia—as we have now amended it to make it more representative of those that actually have skin in the game—should be listened to, and their views on the plans for the future strategic plans and operational plans should be listened to. To allow on top of that the ministerial council to amend and direct Safe Work Australia in relation to those plans potentially puts us back into the situation that we are trying to get away from—that is, the strangulation of the process by individual state governments that have other interests other than simply good occupational health and safety laws. It seems to me that providing this quite substantive power to the ministerial council in relation to the capacity to alter strategic plans and operational plans is not something that is warranted. That is why the opposition is moving these amendments, and we urge the Senate to support them.

Senator LUDWIG (Queensland—Minister for Human Services) (9.21 pm)—What I have done in respect of the first Greens amendment, the area dealing more broadly with the strategic and operational plans, is outline the government’s position. As a way forward, if there were particular issues that you wanted to take up I have given you an opportunity to draw questions out of that. I have dealt with all of the issues that you have raised. I do not want to take up the time of the chamber by reiterating them in full again.

The main points we make are that if you want model laws, model outcomes and codes
of practice that deal with and prevent work related injuries and tragedies, such as death, then this legislation does provide the facility for that outcome to be attained. Even if you want moieties—I think that is the word—to be removed from New South Wales, this is the vehicle to get rid of legislation that could be described as outdated and out of kilter with modern OH&S thinking, not only in that clause but in others that might exist or subsist. If you want to achieve an outcome you have legislation before you. For some reason, the historic nature of this sometimes gets lost in people arguing around some of the detail. An outcome was reached with the IGA. There are always going to be arguments, such as: we could have got a better deal, the states could have got a better deal, the particular interests of a territory may not have been adequately dealt with. The fact is to move to an outcome we got the signatures on a document which provides us with the best opportunity to achieve that outcome, the model OH&S laws.

An important function of Safe Work Australia will be the development of those model OH&S legislation codes of practice for approval. There is little prospect of model legislation being adopted by the states and territories without their agreement, without a framework, without the IGA and without our ability to get them around the table and move the debate forward. The WRMC has an important role to play. To be effective, it needs to be given explicit powers to approve or reject the plan, for the arguments that I put forward earlier—that is, that it provides the greatest flexibility and will ensure that the IGA and Safe Work Australia will develop a strategic plan that will meet the WRMC’s approval. Otherwise, it would have to rely on its informal authority to achieve that. In most cases, I suspect the practical reality of the circumstances will be that those types of discussions will ensure the strategic plan becomes a living document that really reflects the strategic nature that Safe Work Australia wants to achieve—that is, model OH&S laws, codes of practice and the like. But I cannot foresee every circumstance, and this clause is designed to ensure that there is that flexibility—no more than that.

I ask again in respect of these matters that the chamber agree that the bill does stand as is. It is, in fact, reverse logic. The question before us is that the relevant clauses stand as printed. We ask you to reject the other position and accept the position that the government is putting forward. The best way forward is, having reached agreement with the state and territories, to achieve an outcome in a relatively short time.

Senator SIEWERT (Western Australia) (9.25 pm)—As I indicated earlier, the Greens will be supporting these amendments. They actually do not go as far as ours would have gone, so we think they are a fair compromise in terms of still allowing the ministerial council to approve a draft plan so that that plan becomes final. The ministerial council therefore does have a role in approving plans. The specific role for the ministerial council in approving or refusing the draft plan is one of oversight and does not allow them to direct the draft plans. The last opposition amendment, which was exactly the same as the Greens amendment, specifically relates to those final plans by not enabling the ministerial council to effectively override Safe Work Australia and undermine the tripartite nature of that body. We believe these are sensible amendments and we will support them.

The DEPUTY PRESIDENT—The question is that subclauses 28(2) to 28(5) and 28(8), subclauses 30(2) to 30(5) and 30(8) and division 4 of part 4 stand as printed.
The committee divided. [9.32 pm]
(The Deputy President—Senator the Hon. AB Ferguson)

Ayes............ 26
Noes............ 38
Majority....... 12

AYES
Arbib, M.V. Bilyk, C.L.
Bishop, T.M. Brown, C.L.
Cameron, D.N. Carr, K.J.
Collins, J. Conroy, S.M.
Crossin, P.M. Farrell, D.E.
Faulkner, J.P. Feeney, D.
Forshaw, M.G. Furner, M.L.
Hurley, A. Hutchins, S.P.
Ludwig, J.W. Lundy, K.A.
Marshall, G. McEwen, A. *
McLucas, J.E. Polley, H.
Pratt, L.C. Sherry, N.J.
Stephens, U. Wortley, D.

NOES
Abetz, E. Adams, J.
Barnett, G. Bernardi, C.
Birmingham, S. Boyce, S.
Brown, B.J. Bushby, D.C.
Cash, M.C. Colbeck, R.
Cormann, M.H.P. Eggleston, A.
Ferguson, A.B. Fielding, S.
Fierravanti-Wells, C. Fifield, M.P.
Fisher, M.J. Hanson-Young, S.C.
Heffernan, W. Humphries, G.
Johnston, D. Joyce, B.
Kroger, H. Ludlam, S.
Macdonald, I. Mason, B.J.
McGauran, J.J. Minchin, N.H.
Nash, F. Parry, S. *
Payne, M.A. Ronakson, M.
Ryan, S.M. Scullion, N.G.
Siewert, R. Trood, R.B.
Williams, J.R. Xenophon, N.

PAIRS
Evans, C.V. Boswell, R.L.D.
Hogg, J.J. Milne, C.
Moore, C. Ellison, C.M.
O’Brien, K.W.K. Troeth, J.M.
Sterle, G. Brandis, G.H.
Wong, P. Coonan, H.L.

Question negatived.

Senator ABETZ (Tasmania) (9.30 pm)—I indicate that the opposition opposes clause 38(2) and also clause 42(2) as on sheet 5611, in the following terms. They canvass the same matters:

(7) Clause 38, page 28 (lines 21 to 29), subclause (2), TO BE OPPOSED.

(8) Clause 42, page 31 (lines 15 to 29), subclause (2), TO BE OPPOSED.

Clause 38(1) of the legislation says:
At a meeting, a question is decided by a two-thirds majority of the votes of the voting members present and voting.

In relation to this legislation we think it is important that there be a general consensus in relation to matters, and therefore a matter being decided by a two-thirds majority seems to have some merit. But the legislation then goes on to say:

(2) However, if the question relates to the model OHS legislation or model OHS codes of practice, the question is decided by—

the two-thirds majority that I referred to before, and—

(b) a majority of the votes of all of the voting members who represent the Commonwealth, States and Territories.

I am assuming in my numerical calculation that the chair is in fact deemed not to be a representative of the Commonwealth and I think that would be right. In those circumstances, you would have nine votes representing the Commonwealth, states and territories—that being six for the states, two for the territories and one for the Commonwealth—and a majority of that number would of course be five out of the nine. Therefore, in the event that you had six out of the nine voting against a proposal, you could in fact have six members out of the total 14 able to defeat a matter. We believe that that will potentially give too much power to those state Labor bureaucracies that
have been part and parcel of the problem, for the past decade or so, of getting good OH&S legislation in this country.

Moving briefly to clause 42 of the legislation, that deals with decisions without meetings, and a similar structure is suggested. The opposition’s view is that the provision ‘a majority of the votes of all the voting members who represent the Commonwealth, states and territories’ should not be given that benefit. We are therefore of the view that clause 42(2) should be opposed. The questions are that the various clauses stand as printed, so we are recommending to the chamber that the two clauses that I have outlined, clause 38(2) and clause 42(2), be opposed.

Senator SIEWERT (Western Australia) (9.40 pm)—As I articulated earlier in the chamber, the Greens will be supporting these amendments. We are very concerned about these provisions because they are another example of the bill’s provisions for favouring governments over the key stakeholders. As I said before, it is no surprise that the government does not want the IGA fiddled with, because the states and the Commonwealth have conveniently agreed to give themselves extra voting rights under this clause in the legislation. While we do support the legislation, as I have said a number of times, we believe there are some problems with it and that these particular clauses have some significant problems. We believe that it would be a fairer and more effective tripartite organisation if the Commonwealth and state governments did not have the extra voting rights applied under this provision. We therefore support the coalition’s amendments opposing these clauses in the legislation.

Senator ABETZ (Tasmania) (9.42 pm)—In my previous presentation I omitted to mention the consequential amendments (9) and (10). I am seeking that the chamber agree to those, but they are consequential in relation to the matters I referred to previously.

Senator LUDWIG (Queensland—Minister for Human Services) (9.42 pm)—These are the last substantive amendments that we will ask the chamber to divide on. To get to the germane point, the intergovernmental agreement provides for the ministerial council to agree to the model OH&S legislation proposed by SWA by consensus. Unless at least a majority of jurisdictional representatives on Safe Work Australia support the proposed model OH&S legislation, it is unlikely that the ministerial council would reach agreement by consensus. We can put the numbers down the way you have let them fall. We are not going to cavil as to the way the opposition has put them.

Can we bear in mind, though, that the voting rules are intended to avoid unnecessary delays that would result from SWA recommending to the ministerial council model legislation that has no chance of gaining agreement. It is about ensuring that you have them all on board so you can move forward. This is a simple way of ensuring that you have them on board before you move out of the station. It also underpins the point that we are trying to make in all of this, which is that it is about getting to model OH&S laws through a consensus. Where we find that we cannot get the majority of states on board, given that we have to ask them to amend their legislation, this recognises the reality that you are not going to get model OH&S laws without consensus. We want to be able to get consensus and move forward to get good OH&S model laws in place and codes of practice to provide for the outcomes we have mentioned.

The TEMPORARY CHAIRMAN (Senator Crossin)—The question is that opposition amendments (7) and (8) on sheet
611 be agreed to. Therefore the question is that clause 38(2) and clause 42(2) stand as printed.

Senator Ludwig—Just so we can be clear, what we are trying to do, Chair, is avoid having two divisions. We wanted to divide on amendments (7), (8), (9) and (10) as a job lot, which means we might have to put them slightly differently than the way you are expressing them. The point is to prevent bringing people back to the chamber again. We recognise the numbers in the place, but we do want to at least test it.

The Temporary Chairman—I hear what you are saying, Minister, but in fact you cannot do that because we are asking two different questions. We cannot combine the two questions; we have to put amendments (7) and (8) before amendments (9) and (10). Therefore the question is that clause 38(2) and clause 42(2) stand as printed.

Question put.

The committee divided. [9.50 pm]

(The Chairman—Senator the Hon. AB Ferguson)

Ayes............. 27
Noes............. 39
Majority......... 12

AYES

Arbib, M.V.
Bishop, T.M.
Cameron, D.N.
Collins, J.
Crossin, P.M.
Farrell, D.E.
Feeney, D.
Furner, M.L.
Hutchins, S.P.
Landy, K.A.
McEwen, A.
Polley, H.
Sherry, N.J.
Wortley, D.

Bilyk, C.L.
Brown, C.L.
Carr, K.J.
Conroy, S.M.
Evans, C.V.
Faulkner, J.P.
Forshaw, M.G.
Hurlay, A.
Ludwig, J.W.
Marshall, G.
McLucas, J.E.
Pratt, L.C.
Stephens, U.

NOES

Abetz, E.
Barnett, G.
Birmingham, S.
Brown, B.J.
Cash, M.C.
Cormann, M.H.P.
Ellison, C.M.
Fielding, S.
Fifield, M.P.
Hanson-Young, S.C.
Humphries, G.
Joyce, B.
Ludlam, S.
Mason, B.J.
Minchin, N.H.
Parry, S. *
Ronaldson, M.
Scullion, N.G.
Trood, R.B.
Xenophon, N.

Adams, J.
Bernardi, C.
Boyce, S.
Bushby, D.C.
Colbeck, R.
Eggleston, A.
Ferguson, A.B.
Fierravanti-Wells, C.
Fisher, M.J.
Heffernan, W.
Johnston, D.
Kroger, H.
Macdonald, I.
McGauran, J.J.J.
Nash, F.
Payne, M.A.
Ryan, S.M.
Siewert, R.
Williams, J.R.

PAIRS

Hogg, J.J.
Moore, C.
O'Brien, K.W.K.
Sterle, G.
Wong, P.

* denotes teller

Question negatived.

Progress reported.

ADJOURNMENT

The President—Order! It being 9.54 pm, I propose the question:

That the Senate do now adjourn.

Housing Affordability

Senator Farrell (South Australia) (9.55 pm)—We are always hearing or reading about the housing affordability crisis as it affects the big capital cities of Australia. Regrettably, what often gets overlooked is how the issue affects working families in the smaller regional towns, especially those in South Australia. In my home state, we have seen the benefits of the mining and exploration boom and the way it has created jobs, particularly for young people. Many mines
are opening or expanding in South Australia, including Roxby Downs, Prominent Hill and many smaller mines, as demand for our minerals grows. In fact, the mining boom has been so successful in my state that an international mining survey ranked South Australia fourth best in the world for mining prospects over the last 12 months.

One of the side-effects of this boom is the impact on land and house prices in rural towns. To give just one example, the city of Port Augusta in the Upper Spencer Gulf was reported to have had a 34 per cent increase in housing costs over the last 12 months. But recently I saw firsthand how some regional towns are imaginatively trying to address the issue. Two weeks ago I was asked to open a new housing estate in Ceduna in the far west of South Australia. Ceduna is a particularly pretty seaside town at the end of the Nullarbor desert. The surrounding coastal strips are some of the most ruggedly beautiful regions of Australia, and not too far from Venus Bay, where I once saw the sun come up in 1972. It is also not far from Fowlers Bay, where Matt Flinders, when circumnavigating Australia, took shelter from a storm.

Ceduna has a population of approximately 3,500 people and has many of the problems that affect other regional towns across Australia. Its principal industries are fishing, tourism and cereal farming, although poor rains will, sadly, wipe out many of the crops this year. Like much of the west coast, where my mother’s family came from, it of course produces export quality oysters—in Murat Bay, Denial Bay and nearby Smokey Bay. While walking along the picturesque norfolk-island-pine-lined foreshore during the world-famous Oysterfest, I was struck by the great sense of excitement, almost a buzz, in the town with the prospect of being the hub for new mines like the mineral sands development of Iluka mines, less than 200 kilometres inland. The mine will mainly produce zircon, which is used in, amongst other things, radiometric dating. The $420 million new mine will bring roughly 200 new young families to the town—hence the urgent need for affordable housing.

The housing estate that I was privileged to open was called Talbot Grove. It was a response to the need in Ceduna to provide cheap and affordable, yet quality, housing. The Ceduna council has had a dream of providing cheap, affordable housing in Ceduna for the last 10 years. With the support and encouragement of the Ceduna council and the state government, Scott Rowlands and his company were able to bring this project to fruition. Builders from Phoenix Relocatables built transportable homes in Adelaide that were then brought to Ceduna and put in place on 19 blocks of land that the council provided. These top-quality finished house and land packages were sold for prices ranging from $150,000 to $170,000. The amazing feature of the new housing estate is that it averaged four houses put in place every five weeks. The newest part of Ceduna is now almost completely populated. When I opened Talbot Grove on Saturday, 4 October, 18 of the 19 houses had been purchased and a contract was near on the 19th.

Talbot Grove is an ideal example of what can happen when stakeholders work together on the important question of affordable housing. The 19 families in Ceduna that have taken advantage of this will have housing that is modern, affordable and adequate for their families’ needs. In fact, I think that this project could become a national benchmark for providing affordable housing across regional areas.

I want to take this opportunity to congratulate Mr Rowlands on providing housing to families in Ceduna that is much sought after. I also want to congratulate the CEO, the mayor and the council of Ceduna for
having the foresight to support this project. Mayor Allan Suter, Chief Executive Officer Tony Irvine and other members of council attended the opening ceremony. The opening was well attended and many of the new residents came along to show how proud they were of their new homes. Other distinguished guests and some of the tradesmen who had helped put the houses together were also in attendance. In summary, Talbot Grove in Ceduna shows what can be done to provide affordable but quality housing in the regions.

Barwon Heads Bridge

Senator RONALDSON (Victoria) (10.00 pm)—What a great pleasure it is to rise on the adjournment tonight. I would like to talk about Barwon Heads tonight. Barwon Heads is on Victoria’s Bellarine Peninsula. There is a bridge there that combines both history and utility. At 308 metres in length, the Barwon Heads Bridge is the longest all-timber bridge ever to be built in Victoria. Built in 1927, the bridge has become a tourism landmark that was used in the popular TV series Seachange, which I am sure, Mr President, you were an avid viewer of.

During World War II, the Army wired the bridge with demolition charges after there was a suspected sighting of a Japanese transport ship in Bass Strait. Of course, there was no enemy invasion and the Barwon Heads Bridge survived to serve as a vital artery for local commerce and business. But what the Imperial Japanese Army failed to do in 1942 an imperious Victorian Labor government seeks to do in 2008. Premier John Brumby has set his sights on the defacement of a much loved local landmark with a scheme that is ill conceived, ill advised and ill considered. He is aided and abetted by the member for South Barwon, a man better known for his arrogant and rude dismissal of local residents than his support for them.

The passage of time has taken its toll on the historic Barwon Heads Bridge. It was downgraded some years ago from its original 44-tonne capacity to a 16-tonne load limit. There are even questions about the long-term viability of the bridge. During the lead-up to the 2006 Victorian election, the Labor state government proclaimed that the Barwon Heads Bridge had been saved from demolition. Minister Hulls, the planning minister at the time, stated:

This evocative old bridge is one of the Bellarine Peninsula’s most loved and photographed landmarks. Today’s decision will make sure it stays.

But, like so many other Labor commitments, promises turned out to be as hollow as a chocolate Easter egg—a bridge to nowhere.

The downgrading of the bridge-carrying capacity means that heavier vehicles are forced to take a 43-kilometre-long detour inland to get from one side of the heads to the other. The Victorian Labor government’s response to this problem brings to mind the famous saying about the cure being worse than the disease. The current proposal calls for reconstruction of the Barwon Heads Bridge in its original wooden style six metres downstream from its original position. That part of the plan is fair enough. But then VicRoads went a bridge too far. They went a bridge too far by proposing the building of a concrete eyesore of a pedestrian bridge adjacent to the heritage bridge on its seaward side. With the pedestrian bridge slated to be built a mere 35 metres from the end of the spit that has been seriously eroded by heavy seas, it will run smack-bang through the most environmentally sensitive part of the spit and will encroach on the popular Barwon Heads beach.

The President of the Grove District and Community Association, Michael Harbour, stated to the Geelong Advertiser that 30 metres of the fragile spit have eroded during storms over the past few months. I quote:
Should the erosion continue by the time the pedestrian bridge is completed it may be sitting in mid-air.

So, because of the hollow promises of Minister Hulls at Barwon Heads, there is a bridge to somewhere that the Labor government plans to turn into a bridge to nowhere. It is a bridge that could be rendered useless by the time it is completed.

Not surprisingly, the scheme has not gone down well with the local community. In fact, the area residents are, quite rightly, utterly outraged. They are outraged over the fact that this concrete monstrosity would completely spoil the iconic views of the wooden heritage bridge that had become a regional landmark. Friends of the Barwon Heads Bridge president, Bernard Napthine, was quoted in the *Geelong Advertiser* to the effect that he was ‘bitterly disappointed’ with the Brumby government plan.

On 30 September 2008, the following organisations convened a meeting at the Barwon Heads Town Hall to address the public’s alarm at the proposal: the Barwon Heads Association, the Barwon Heads Traders, the Friends of the Barwon Heads Bridge and the Ocean Grove and District Community Association. The *Geelong Advertiser* reported that over 150 people attended the meeting to express their concern over the VicRoads plan to construct a pedestrian bridge adjacent to the original heritage structure. The prevailing sentiment at the meeting was clear. Jeff Waite of the Friends of the Barwon Heads Bridge put it succinctly when he said, ‘We want one bridge in the same spot.’

There is one man who should be at the forefront of the fight against the desecration of the Barwon Heads Bridge: the Buckley ward councillor who represents the Barwon Heads region, Peter McMullin. But the long-time ALP activist has been missing in action on the Barwon Heads Bridge front. It turns out that he has been living in Melbourne for the last six months, laying the foundations of a run for mayor of Victoria’s capital city. Mr McMullin has left his constituents in the lurch. He has sacrificed the people of Barwon Heads on the altar of his own crass personal ambition.

This is one of those problems where the solution is simple. The iconic Barwon Heads Bridge should be rebuilt in a manner that respects its heritage status. This would accommodate traffic ranging from light trucks to pedestrians. If another bridge is required for heavy commercial vehicles, it should be constructed far enough upstream to preserve the unique historical ambiance of Barwon Heads. Above all else, the concrete eyesore pedestrian bridge that VicRoads wants to build adjacent to the heritage bridge should be cancelled. Regrettably, the Brumby Labor government has turned a blind eye and a deaf ear to community concerns. This arrogant lack of interest comes despite the claims of the ALP member for Geelong Province, Elaine Carbines, during the 2006 election campaign that the Victorian government was ‘listening’ to the local community’s views.

This arrogant lack of interest comes despite the declaration by the Labor member for South Barwon, Michael Crutchfield, whom I referred to before, that the plan represented a ‘win for old-fashioned community spirit’. Hull’s hollow promises have ensured that this so-called win has eroded away like the Barwon Heads spit. In fact, roads minister Tim Pallas seems to resent the fact that the people of Barwon Heads even have the democratic nerve to express their views. Just last week, Minister Pallas apparently spat the dummy during a meeting with local residents, threatening in a fit of pique to take his monetary marbles and go home. Like the former union heavy that he is, Pallas resorted to intimidation rather than persuasion. In fact, he went on to say that, if opposition to
the VicRoads plan were to persist, he would take the $40 million allocated to the project and use it elsewhere in Victoria. But the people of Barwon Heads have quite rightly refused to be browbeaten by Minister Pallas. Friends of the Barwon Heads Bridge responded that they would rather have no reconstruction project at all if it includes the planned cement pedestrian bridge.

Unfortunately, the Brumby government’s hubris does not just manifest itself in union-like bullyboy tactics or magisterial contempt for the Victorian people. Labor is so arrogant, so pompous, that it thinks it can actually lie its way through the public controversy created by its ill thought out proposal for the Barwon Heads Bridge. VicRoads originally claimed that the current reconstruction proposal was developed in cooperation with Heritage Victoria. But they were caught out in their framework of falsehood when the Executive Director of Heritage Victoria, Ray Tonkin, denied that he had approved a separate pedestrian bridge. In fact, it turns out that he did not need to. The pedestrian bridge is not being built within a 10-metre distance of the original wooden bridge; therefore, it does even fall within the jurisdiction of Heritage Victoria. So it is not just that the Victorian Labor government are poor planners; they are poor liars as well. They were playing fast and loose with the truth until they were caught out in their own web of falsehood.

This combination of arrogance and incompetence is typical of John Brumby and his crew. They are former trade union hacks who value privileges over responsibilities and power over principle and who put their interests over your needs. They are so convinced of their innate superiority that they think they can do whatever their whim might dictate, and public opinion be damned. This sort of behaviour is the antithesis of the Liberal philosophy of government. We believe that governments are elected to serve the people, not to run over them roughshod. We believe that government should stand at the people’s side, not in their way. We believe that the concerns of the Bellarine Peninsula and Barwon Heads communities deserve to be recognised and respected. The destiny of the Barwon Heads Bridge should be determined by the local community, not for the local community. The best way to accomplish this is to send the Labor government packing at the next state election. We will do it at a federal level as well.

In conclusion, I am sure that people who listen to or read this speech will be utterly appalled to learn that the beautiful bridge which set the scene for the magnificent ABC drama series SeaChange will be completely and utterly bastardised by this concrete construction.

Canberra

Senator LUNDY (Australian Capital Territory) (10.10 pm)—Today I had the honour of launching a new exhibition called ‘A Capital Choice’. This display at the National Capital Exhibition Centre at Regatta Point tells the story of the ‘battle of the sites’. This dramatic engagement involved many successive federal and state governments and stretched across nearly two decades. The battle saw towns and cities vying to become the site for Australia’s national capital city.

It is 100 years ago this month that the Yass-Canberra area was chosen by the votes of the respective houses in the federal parliament. A few years later, in 1913, at the Foundation Stones ceremony on Capital Hill, Australia’s second Labor Prime Minister, Andrew Fisher, outlined a lofty vision for his adopted country’s future national capital:

Here—

he intoned—
on this spot, in the near future … the best thoughts of Australia will be given expression to
I hope this city will be the seat of learning as well as of politics, and it will also be the home of art.

On the same podium, the Governor-General, Lord Denman, went a step further, challenging the big crowd present to imagine, as he so eloquently put it, ‘a city bearing some resemblance to the city beautiful of our dreams’.

The comments of these two people, from very different backgrounds, set an exemplary tone for Canberra and its development that refused to be diminished in the difficult decades of war and depression that followed. Indeed, throughout the 20th century, there was always someone in the right place and at the right time prepared to shoulder responsibility and keep the vision for Canberra clear and strong.

Sir Robert Menzies, by his own admission, hated leaving Melbourne for the national capital. But during the 1950s even Menzies, as he would later write, somehow converted into an ‘apostle’ for Canberra. With the famed encouragement of his wife, Dame Pattie, he became one of its most steadfast advocates. In doing so, he was following the example of two men for whom he had the utmost respect—his illustrious predecessors, two of federal Labor’s finest, John Curtin and Ben Chifley. For both Curtin and Chifley, Canberra’s seminal position as the nation’s capital became an article of faith.

Why did some of our most prominent public figures and community shapers, throughout the last century, no matter their background, politics, education or personality, feel compelled to see Canberra through to its next formative stage? In 1912, Walter Burley Griffin famously said that he had built an ‘ideal city of the future for the fledgling Australian nation’, yet one that, candidly, he did not think any government authorities would accept. Fortunately, he was proved wrong. While not everyone identified with the emergent ‘city in the landscape’, the so-called Bush Capital, something about the award-winning original design coaxed out the nurturing instinct and won the allegiance of many.

The answer to this question, I suspect, started with people liking the fact that the Griffin plan was no ‘big bang’ European, aristocratic, supersized plan full of big matching marble buildings. Instead, Australia was gifted with an enlightened, organic plan that needed to be sensitively approached and understood and, above all, refreshed and renewed by each succeeding generation. It is a city dreamt up by Griffin for what he would memorably label ‘a nation of bold democrats’—a stunning one-off city project, designed to encourage a public spirit and community ethos commensurate with the personality and prospects of the nation it represented.

When Senator John McCallum’s Senate select committee inquired into the national capital in September 1955, the group, perhaps a little out of character, wore their hearts on their sleeves in stating unequivocally:

…the more one studies Griffin’s plans and his explanatory statements, the more obvious it is that departures from his main principles should not be lightly countenanced … It is a grand plan and something we should hold on to.

It was with this conscious sense of imposing history, past courage, past insight and responsibility that the Joint Standing Committee on the National Capital and External Territories met in the first half of this year to inquire into the role of the Commonwealth’s custodian body for Canberra—the National Capital Authority—and outline the prospective direction ahead. As chair of this inquiry, I have to admit to being at first a little daunted by the dimensions of this responsibility.
The Canberra story is a hundred years old. But as the home of our cultural institutions, the national capital is host to the treasured memories of our Indigenous people going back thousands upon thousands of years. These histories belong to all of us. Caring for them is a project we share with our forebears and our contemporaries.

That is why the recent joint standing committee report, entitled *The way forward*, stated its first objective was:

… to ensure that the Commonwealth protect and promote the unique design of Canberra because it represents the intrinsic character of the National Capital …

The committee was determined to respect the work and conclusions of its enlightened predecessors, for a century of Federation has taught us a number of things that are articles of faith. First, we know that we now have a capital of true national significance. The city offers a particular kind of cultural, historical and political experience unable to be matched anywhere in the country. It is the heart of our democracy and it tells the stories of Australia’s past, present and future dreams with substance and feeling through our national institutions.

Secondly, the time has well and truly arrived for Australia and its elected political representatives to properly recognise and understand the city’s palpable international significance. A number of the world’s most accomplished architectural historians and town planners have, in recent decades, praised the city’s most compelling qualities. Ten years ago renowned American town-planning scholar Professor John Reps put it quite simply when he stated that Canberra deserves recognition and protection as ‘one of the treasures not only of Australia but of the entire urban world’.

Thirdly, it has only been in the past few decades that a deep appreciation of Canberra has grown beyond the committed resident population and the passionate few advocates elsewhere in Australia and abroad. Australians discovering their nation’s capital for the first time often do it through personal experience, be it the parliament during their sixth grade visit, or searching for family in the National Archives or remembering a loved one with a poppy in the wall at the War Memorial. Through all these moments Australians make this city their own and wonder why it took so long to discover it.

Unlikely evidence that we are heading in the right direction was provided only a few weeks ago when the satirical talents of the highly creative Working Dog team were applied to Canberra in an ABC TV episode of *Hollowmen* entitled *Edifice complex*. Walter Burley Griffin got several mentions, along with talk of prime ministers’ needs for ‘legacy projects’, the importance of the visual shadow of buildings, the Bauhaus effect and even a line referring to Canberra as ‘an unfinished masterpiece’. In the coming years, our generation of custodians have a unique opportunity in the spirit of *Edifice complex* to add some real splashes of paint to the canvas of this unfinished masterpiece.

Seriously, though, as we work our way towards the centenary year of 2013 the series of centenary birthdays should be embraced as both a cultural stimulus and an opportunity for national celebration. It might well prove to be the case that the most significant role for capital cities in the 21st century is their symbolic role—the highly rewarding role whereby the city strives to meaningfully represent the public life, its evolving values, its aspirations and the achievements of the nation, as well as confronting the serious challenges of the future, including lightening our carbon footprint and taking on the challenge of climate change.
The joint standing committee report titled *The way forward* contains 22 recommendations. There is much to consider and much to act on. The federal government is quite rightly taking the necessary time to confirm its course of action in response. That response must be thoughtful and visionary—a fitting tribute to the trail-blazing pioneers of the past. It is my hope that it is also a response that sets an exciting and expansive agenda for the city into the 21st future. Our great nation deserves a capital of which we can all be proud.

**Senateadjourned at 10.19 pm**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

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


Australian Capital Territory (Planning and Land Management) Act—National Capital Plan—Amendment 63—Molonglo and North Weston [F2008L03633]*.


University House Statute—University House Rules 2008 [F2008L03616]*.

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 11 of 2008—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2008L03522]*.

Australian Sports Anti-Doping Authority Act—National Anti-Doping Scheme Amendment Instrument 2008 (No. 001/008) [F2008L03530]*.

National Anti-Doping Scheme Amendment Instrument 2008 (Fees and Charges) (No. 002/008) [F2008L03533]*.

Civil Aviation Act—

Civil Aviation Regulations—

Civil Aviation Order 100.66 Amendment Order (No. 2) 2008 [F2008L03543]*.

Instrument No. CASA 420/08—Permission and direction – helicopter special operations [F2008L03046]*.

Civil Aviation Safety Regulations—

Airworthiness Directives—Part—

105—

AD/A320/207—Flight Controls – Trimable Horizontal Stabilizer Actuator [F2008L03643]*.

AD/A320/225—Elevator Servo-Control Rod Eye-End [F2008L03572]*.

AD/A320/226—Trimable Horizontal Stabilizer Actuator [F2008L03571]*.

AD/A320/227—Cockpit Door Latch/Striker Assembly [F2008L03644]*.

AD/A330/92—Passenger Compartment Electrical Harness [F2008L03645]*.

AD/AC/101—Fuel Filler Openings [F2008L03646]*.

AD/AC-CLA/5—Shock Strut Assembly [F2008L03573]*.

AD/B747/383—APU Power Feeder Wire Bundle [F2008L03647]*.

AD/B767/245—Passenger Oxygen Masks [F2008L03648]*.

AD/BAe 146/134—Horizontal Stabiliser Lower Skin & Joint Plates [F2008L03575]*.
AD/BELL 206/3—Forward Engine Mount Attachment – Inspection and Modification [F2008L03576]*.
AD/BELL 206/4—Control Tubes – Inspection [F2008L03570]*.
AD/BELL 206/5—Cyclic Pitch Control System Lever – Inspection and Modification [F2008L03569]*.
AD/BELL 206/10—Removal of Landing Gear Spacers – Modification [F2008L03577]*.
AD/BELL 206/11—Main Rotor Blade Retention Bolt – Inspection [F2008L03578]*.
AD/BELL 206/12—Transmission Magnetic Drain Plug B-734 Replacement [F2008L03568]*.
AD/BELL 206/13—Fan Shaft Assembly – Inspection [F2008L03567]*.
AD/BELL 206/15—Tail Rotor Pedal Controls Modification [F2008L03566]*.
AD/BELL 206/17 Amdt 1—Transmission Mount Spindle – Inspection [F2008L03565]*.
AD/BELL 206/20 Amdt 1—Cyclic Control Installation – Fitting of Balance Spring [F2008L03564]*.
AD/BELL 206/23—Overhead Console Installation – Inspection [F2008L03563]*.
AD/BELL 206/25—Tail Rotor Balance Check and Tail Rotor Gearbox Casing and Mounting Inspection [F2008L03649]*.
AD/BELL 206/28—Engine Bell Mouth Seal Doubler – Modification [F2008L03650]*.
AD/BELL 206/32—Aluminium Fuel Lines – Replacement [F2008L03654]*.
AD/BELL 206/38—Main Rotor Mast – Inspection [F2008L03579]*.
AD/BELL 206/39—Nut P/N 1022A14 Main Rotor Hub Latch Bolt and Blade Retention Bolt – Inspection [F2008L03597]*.
AD/BELL 206/45—Tail Rotor Drive Shaft Cover and Lower Skin of Horizontal Stabilizer – Modification [F2008L03658]*.
AD/BELL 206/55—Pylon Support Link P/N 206-031-308-5 and -7 – Replacement [F2008L03598]*.
AD/BELL 206/69—Passenger Door Attachments – Inspection [F2008L03599]*.
AD/BELL 206/86—Pylon Support Installation Retaining Bolts – Inspection [F2008L03600]*.
AD/BELL 206/120—Bogus Pressure Gauge Emergency Floats P/N 212-073-905-1 [F2008L03682]*.
AD/CESSNA 206/23—Fuel Reservoir Fitting [F2008L03562]*.
AD/CESSNA 206/28—Fuel Tank Filler Neck [F2008L03561]*.
AD/CESSNA 206/34—Wing Tip Navigation Strobe Lights [F2008L03560]*.
AD/CESSNA 207/15—Fuel Reservoir Fitting [F2008L03559]*.
AD/CL-600/97 Amdt 1—Enhancement to Takeoff Operational Safety Margins [F2008L03618]*.
AD/CL-600/98 Amdt 1—Enhancement to Takeoff Operational Safety Margins [F2008L03619]*.
AD/DH 82/1—Undercarriage Strut – Modification [F2008L03606]*.
AD/DH 82/3—Rudder Bar Attachment Spigot – Modification [F2008L03607]*.
AD/DH 82/4—Q Type Harness – Modification [F2008L03620]*.
AD/DH 84/2 Amdt 2—Undercarriage Strut – Inspection [F2008L03622]*.
AD/DH 89/2—Aileron Differential Pulley – Inspection [F2008L03621]*.
AD/DH 89/3—Interplane Strut – Inspection [F2008L03623]*.
AD/DHC-1/2—Engine Mount Pick-Up Points – Modification [F2008L03624]*.
AD/DHC-1/4—Undercarriage Torque Link Centre Hinge Joint – Modification [F2008L03625]*.
AD/DHC-1/5 Amdt 2—Fuel System – Modification [F2008L03557]*.
AD/DHC-1/7—Tailplane Attachment Lugs and Bulkhead – Inspection [F2008L03626]*.
AD/DHC-1/8—Fairey-Reed Propeller – Spinner Removal [F2008L03556]*.
AD/DHC-1/14—Flap Hinge Arms – Inspection and Modification [F2008L03627]*.
AD/DHC-1/16—Tailwheel Yoke Attachment Bolt – Inspection [F2008L03628]*.
AD/DHC-1/18—Fuselage Centre Top Structure – Inspection and Modification [F2008L03629]*.
AD/DHC-1/27—Seat Restraint Installations – Modification [F2008L03634]*.
AD/DHC-2/1—Fuel Tanks Inspection and No Smoking Placards [F2008L03555]*.
AD/DHC-2/3—Rudder Pedal Assembly – Modification [F2008L03636]*.
AD/DHC-2/4—Undercarriage Legs – Anti-Corrosion Treatment [F2008L03635]*.
AD/ERJ-170/17—Aircraft Maintenance Plan [F2008L03553]*.
AD/ERJ-190/16—Fasteners at Bulkhead 1 [F2008L03584]*.
AD/PA-24/1—Battery Cables – Provision of Insulation Inside Battery Box [F2008L03552]*.
106—AD/LYC/119—ECi Cylinder Assemblies [F2008L03521]*.
Instrument No. CASA EX51/08—Exemption – recency requirement [F2008L02651]*.

Commissioner of Taxation—Public Rulings—
Class Ruling CR 2008/60.

Corporations Act—
Accounting Standards—
AASB 1039—Concise Financial Reports [F2008L03580]*.
AASB 2008-8—Amendments to Australian Accounting Standards – Eligible Hedged Items [F2008L03582]*.
ASIC Class Orders—
[CO 08/1] [F2008L03595]*.
[CO 08/763] [F2008L03532]*.
[CO 08/764] [F2008L03534]*.
Customs Act—Customs By-law No. 9740019 [F2008L03519]*.

Defence Act—
Defence Force (Superannuation) (Productivity Benefit) Determination Amendment No. 1 of 2008 [F2008L03617]*.

Determinations under section 58B—Defence Determinations—

2008/45—Legal officer sessional fee—amendment.

2008/46—Annual review of housing-related allowances and contributions.

2008/47—Escorts and education assistance for children—amendment.

2008/48—Miscellaneous amendments.

2008/49—Annual review of housing and accommodation contributions.

2008/50—Annual review of housing-related allowances and contributions—amendment.

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

56 of 2008—Reporting Standard FRS 100.0 Reporting Requirements for First Home Saver Accounts Providers [F2008L03601]*.


Food Standards Australia New Zealand Act—Australia New Zealand Food Standards Code—Amendment No. 102—2008 [F2008L03711]*.


Health Insurance Act—Declaration of Quality Assurance Activity—QAA No. 4/2008 [F2008L03531]*.

Higher Education Support Act—VET Provider Approvals—

(No. 1 of 2008)—QANTM Pty Ltd [F2008L03660]*.

(No. 2 of 2008)—SAE Investments (Australia) Pty Ltd [F2008L03661]*.

(No. 3 of 2008)—Think: Colleges Pty Ltd [F2008L03663]*.

(No. 4 of 2008)—Baptist Business College Limited [F2008L03668]*.


Migration Act—

Migration Agents Regulations—MARA Notices—

MN39-08b of 2008—Migration Agents (Continuing Professional Development—Private Study of Audio, Video or Written Material) [F2008L03537]*.

MN39-08c of 2008—Migration Agents (Continuing Professional Development—Attendance at a Seminar, Workshop, Conference or Lecture) [F2008L03539]*.

MN39-08f of 2008—Migration Agents (Continuing Professional Development—Miscellaneous Activities) [F2008L03540]*.

Migration Regulations—Instrument IMMI 08/069—Travel agents for PRC citizens applying for Tourist Visas [F2008L03528]*.

Select Legislative Instrument 2008 No. 205—Migration Amendment Regulations 2008 (No. 7) [F2008L03542]*.

201—Occupational Health and Safety (Safety Standards) Amendment Regulations 2008 (No. 1) [F2008L03614]*.
Primary Industries Levies and Charges Collection Act—Select Legislative Instrument 2008 No. 198—Primary Industries Levies and Charges Collection Amendment Regulations 2008 (No. 2) [F2008L03581]*.
Quarantine Act—Quarantine Service Fees Amendment Determination 2008 (No. 3) [F2008L03449]*.
Social Security Act—Social Security (Personal Care Support Scheme – NSW Department of Ageing, Disability and Home Care (DADHC) Direct Funding Model) (DEEWR) Determination 2008 [F2008L03541]*.
Social Security (Administration) Act—Social Security (Administration) (Declared relevant Northern Territory areas — Various (No. 31)) Determination 2008 [F2008L03535]*.
Superannuation Industry (Supervision) Act—Superannuation Industry (Supervision) (Approved Guarantee) Determinations Nos—
1 of 2008 [F2008L03523]*.
2 of 2008 [F2008L03524]*.
Therapeutic Goods Act—Therapeutic Goods Order No. 77—Microbiological Standards for Medicines [F2008L03574]*.
Water Act—Select Legislative Instrument 2008 No. 204—Water Amendment Regulations 2008 (No. 1) [F2008L03630]*.
Governor-General’s Proclamation—Commencement of provisions of an Act
Migration Legislation Amendment Act (No. 1) 2008—Items 3 to 5 and 14 of Schedule 5—
7 October 2008; Schedule 1—27 October 2008; and items 1 to 4 and subitems 6(1) and (2) of Schedule 4—27 October 2008 [F2008L03538]*.
* Explanatory statement tabled with legislative instrument.

Indexed List 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 January to 30 June 2008—Statement of compliance—AusAid.

Departmental and Agency Appointments
The following documents were tabled pursuant to the order of the Senate of 24 June 2008:
Agriculture, Fisheries and Forestry portfolio agencies.
Australian National Audit Office.
Australian Public Service Commission.
Broadband, Communications and the Digital Economy portfolio agencies.
Commonwealth Ombudsman.
Department of the Prime Minister and Cabinet.
Immigration and Citizenship portfolio agencies.
Innovation, Industry, Science and Research portfolio agencies.
National Archives of Australia.
Office of the Inspector-General of Intelligence and Security.
Office of the Privacy Commissioner.
Old Parliament House.
Resources, Energy and Tourism portfolio agencies.

Departmental and Agency Grants
The following documents were tabled pursuant to the order of the Senate of 24 June 2008:
Agriculture, Fisheries and Forestry portfolio agencies.
Australian National Audit Office.
Australian Public Service Commission.
Commonwealth Ombudsman.
Defence portfolio agencies.
Department of Broadband, Communications and the Digital Economy.
Department of the Prime Minister and Cabinet.
Immigration and Citizenship portfolio agencies.
National Archives of Australia.
Office of the Inspector-General of Intelligence and Security.
Office of the Privacy Commissioner.
Old Parliament House.
Resources, Energy and Tourism portfolio agencies.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Treasury: Media Management Contract
(Question Nos 445, 453 and 464)

Senator Minchin asked the Minister representing the Treasurer, upon notice, on 30 May 2008:

Since 1 July 2006: (a) has the department or any agency in the Minister’s portfolio engaged: (i) CMAX Communications, (ii) Maximum Communications, (iii) Mr Christian Taubenschlag, (iv) Ms Tara Taubenschlag, or (v) any company operated by Mr Christian Taubenschlag or Ms Tara Taubenschlag; and (b) if so, in each case: (i) when was the engagement, (ii) what was the nature of the engagement, (iii) what was the value of the engagement, (iv) what was the term of the engagement, (v) was the engagement entered into after a competitive process; if not, why not, and (vi) did the Minister or any of his/her staff have a role in recommending this engagement.

Senator Conroy—The Treasurer has provided the following answer to the honourable senator’s question:

Australian Accounting Standards Board
The AASB has never at any time engaged any of these companies.

Australian Bureau of Statistics
The ABS has never at any time engaged any of these companies.

Australian Competition and Consumer Commission
Since 1 July 2006 the Australian Competition and Consumer Commission has not engaged CMAX Communications, Maximum Communications, Mr Christian Taubenschlag, Ms Tara Taubenschlag, or any company operated by Mr Christian Taubenschlag or Ms Tara Taubenschlag.

Australian Office of Financial Management
The AOFM has never at any time engaged any of these companies.

Australian Prudential Regulation Authority
APRA has never at any time engaged any of these companies.

Australian Securities and Investment Commission
ASIC has not engaged in any way with any of the companies mentioned above since 1 July 2006.

Australian Taxation Office
The ATO has never at any time engaged any of these companies.

Corporations and Markets Advisory Board
CAMAC has never at any time engaged any of these companies.

Inspector-General of Taxation
The IGT has never at any time engaged any of these companies.

National Competition Council
The NCC has never at any time engaged any of these companies.

Productivity Commission
The Productivity Commission has never at any time engaged any of these companies.
Royal Australian Mint
The RAM have not engaged any of these companies or people since 1 July 2006.

The Treasury
The Treasury has never at any time engaged any of these companies.

Health and Ageing: Media Management Contract
(Question Nos 450, 474 and 476 amended)

Senator Minchin asked the Minister representing the Minister for Health and Ageing, upon notice, on 30 May 2008:

Since 1 July 2006: (a) has the department or any agency in the Minister’s portfolio engaged: (i) CMAX Communications, (ii) Maximum Communications, (iii) Mr Christian Taubenschlag, (iv) Ms Tara Taubenschlag, or (v) any company operated by Mr Christian Taubenschlag or Ms Tara Taubenschlag; and (b) if so, in each case: (i) when was the engagement, (ii) what was the nature of the engagement, (iii) what was the value of the engagement, (iv) what was the term of the engagement, (v) was the engagement entered into after a competitive process; if not, why not, and (vi) did the Minister or any of his/her staff have a role in recommending this engagement.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question and, as earlier information submitted was incomplete due to an oversight, replaces the answer provided on 9 July 2008.

Since 1 July 2006:

(a) the Department of Health and Ageing engaged the services of:

(i) CMAX Communications, from February 2007 to June 2007 (see (b)); and neither the department nor any agency in the Health and Ageing portfolio has engaged the services of:

(ii) Maximum Communications;

(iii) Mr Christian Taubenschlag;

(iv) Ms Tara Taubenschlag; or

(v) any company operated by Mr Christian Taubenschlag or Ms Tara Taubenschlag (other than CMAX Communications as identified in (a)(i) above); and

(b) in the case of CMAX Communications:

(i) the organisation was engaged on 22 February 2007;

(ii) to provide advice and assistance to develop a strategic Communication Plan and supporting materials for the Central Office accommodation realignment project (Woden, ACT);

(iii) for the total sum of $25,245 (inc. GST);

(iv) with the term of the engagement being between February 2007 and June 2007;

(v) via a direct source procurement process (single select), given the urgent need for assistance with project communications, the short-term engagement and the relatively minor contract value; and

(iv) neither the Minister nor the Minister’s staff had any role in this engagement.

Due to advice received from the Department of Health and Ageing, the original answer was not published in Hansard. A copy is available from the Senate Table Office.
Agriculture, Fisheries and Forestry: Media Management Contract
(Question No. 460)

Senator Minchin asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 30 May 2008:

Since 1 July 2006: (a) has the department or any agency in the Minister’s portfolio engaged: (i) CMAX Communications, (ii) Maximum Communications, (iii) Mr Christian Taubenschlag, (iv) Ms Tara Taubenschlag, or (v) any company operated by Mr Christian Taubenschlag or Ms Tara Taubenschlag; and (b) if so, in each case: (i) when was the engagement, (ii) what was the nature of the engagement, (iii) what was the value of the engagement, (iv) what was the term of the engagement, (v) was the engagement entered into after a competitive process; if not, why not, and (vi) did the Minister or any of his/her staff have a role in recommending this engagement.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

Since 1 July 2006:
(a) (i) Yes, the former Export Wheat Commission engaged CMAX Communications.
(b) (i) 16 May 2008.
(ii) Development of new website content for Wheat Exports Australia.
(iii) $2,200 (GST excluded).
(iv) One-off, short-term consultancy completed before 30 June 2008.
(v) No. Consultant was selected as Canberra-based; possessed specialist grains industry skills and knowledge; and was available at short notice.
(vi) No.

Finance and Deregulation: Printer Products
(Question No. 525)

Senator Milne asked the Special Minister of State, upon notice, on 14 July 2008

(1) Does the department have a policy regarding the use of remanufactured printer products as opposed to buying new ones; if so, does the department assess the cost and re-useability of the product as part of its decision making in regard to the policy.
(2) Does the department have a policy directive to use remanufactured printer products and, by doing so, lower the balance of payments through reducing imports.
(3) What environmental standard has the department put in place in regard to the disposal of printer cartridges.
(4) Is the Minister aware that several of the printer companies are now putting chips in printer cartridges so that they cannot be re-used.
(5) Does the department have any contractual arrangements with Lexmark or Epson; if so, is the department party to any ‘Prebate’ program.
(6) Does the department know what happens to the printer cartridges when they are empty.
(7) With whom does the department hold a printer supply contract and what are the conditions of the contract.
(8) How much does the department spend on printer cartridges each financial year.
(9) Does the department use Planet Ark to recycle cartridges.
(10) Does the department use foreign companies such as Corporate Express when purchasing printer cartridges.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

(1)-(10) Please refer to the answer provided in response to question No. 531 by the Minister representing the Minister for Finance and Deregulation.

Finance and Deregulation: Printer Products
(Question No. 531)

Senator Milne asked the Minister representing the Minister for Finance and Deregulation, upon notice, on 14 July 2008

(1) Does the department have a policy regarding the use of remanufactured printer products as opposed to buying new ones; if so, does the department assess the cost and re-useability of the product as part of its decision making in regard to the policy.

(2) Does the department have a policy directive to use remanufactured printer products and, by doing so, lower the balance of payments through reducing imports.

(3) What environmental standard has the department put in place in regard to the disposal of printer cartridges.

(4) Is the Minister aware that several of the printer companies are now putting chips in printer cartridges so that they cannot be re-used.

(5) Does the department have any contractual arrangements with Lexmark or Epson; if so, is the department party to any ‘Prebate’ program.

(6) Does the department know what happens to the printer cartridges when they are empty.

(7) With whom does the department hold a printer supply contract and what are the conditions of the contract.

(8) How much does the department spend on printer cartridges each financial year.

(9) Does the department use Planet Ark to recycle cartridges.

(10) Does the department use foreign companies such as Corporate Express when purchasing printer cartridges.

Senator Sherry—The Minister for Finance and Deregulation has supplied the following answer to the honourable senator’s question:

(1) No.

(2) No.

(3) The department utilises the Planet Ark disposal program.

(4) I understand that the department is aware that some printer companies build microchips into their printer cartridges to reduce the use of third-party or refilled cartridges. The advice is that these cartridges can be reused by returning them to the original manufacturer.

(5) No. The department does not have any contractual arrangements with Lexmark or Epson, in relation to the provision of printer cartridges.

(6) The department disposes of empty printer cartridges through the Planet Ark disposal program.

(7) The department has established a non-exclusive “IT Peripherals” panel arrangement through which printers are purchased from the various suppliers on the panel. There is also a non-exclusive stationery supply contract with OfficeMax through which toner and print cartridges are purchased.

(8) The department spent $312,356.63 in the 2007-08 financial year on printer cartridges and toner.
(9) Yes.

(10) The department’s printer cartridge supplier (OfficeMax) sources all products from local distributors to ensure that cartridges meet Australian Industry Standards. OfficeMax Australia Limited is a wholly-owned subsidiary of US based OfficeMax Incorporated.

**Human Services: Printer Products**

*(Question No. 538)*

Senator Milne asked the Minister for Human Services, upon notice, on 14 July 2008:

1. Does the department have a policy regarding the use of remanufactured printer products as opposed to buying new ones; if so, does the department assess the cost and re-useability of the product as part of its decision-making in regard to the policy.

2. Does the department have a policy directive to use remanufactured printer products and, by doing so, lower the balance of payments through reducing imports.

3. What environmental standard has the department put in place in regard to the disposal of printer cartridges.

4. Is the Minister aware that several of the printer companies are now putting chips in printer cartridges so that they cannot be re-used.

5. Does the department have any contractual arrangements with Lexmark or Epson; if so, is the department party to any ‘Prebate’ program.

6. Does the department know what happens to the printer cartridges when they are empty.

7. With whom does the department hold a printer supply contract and what are the conditions of the contract.

8. How much does the department spend on printer cartridges each financial year.

9. Does the department use Planet Ark to recycle cartridges.

10. Does the department use foreign companies such as Corporate Express when purchasing printer cartridges.

Senator Ludwig—The answer to the honourable senator’s question is as follows:

**Core Department (excluding CRS Australia)**

1. The core DHS department leverages the Centrelink–Fuji Xerox Australia (FXA) contract for the provision of printers and multi-function devices (MFDs), which includes black print cartridges in the lease costs. As such, there is not a policy regarding the use of remanufactured printer products. The Child Support Program within the department has an Environmental Policy which recommends the use of remanufactured and recyclable consumables, including printer products. Printer products are currently supplied through contractual arrangements between the Australian Taxation Office (ATO) and EDS, however, no specific assessments of cost and re-useability have been required.

2. There is no current policy directive to use remanufactured printer products within the core DHS department. Both colour and black print cartridges are supplied through FXA as part of the conditions of the printer contract. The contract held between the ATO and EDS, which supplies printer products for the CS Program, stipulates that arrangements for the supply of printer cartridges must comply with the ATO’s Environmental Policy.

3. Environmental standards for cartridge disposal are not required to be in place under the conditions of the DHS-FXA as expended cartridges are collected by the supplier and returned to the manufacturer. FXA has advised that expended cartridges are used in remanufacturing processes. The FXA

In regard to disposal of printer products for the CS Program, ATO and EDS have contracted ATI for the provision and disposal of printer cartridges. Used toner cartridges are collected and disposed through industry approved environmental methods. For Fuji Xerox devices, they are placed in FX collection boxes and returned to FX. For the new Lexmark printers, ATI has arranged for disposal through Planet Ark (a cartridge recycling organisation).

(4) Some printer companies build microchips into their printer cartridges to reduce the use of third-party or refilled cartridges. The advice is that these cartridges can be reused by returning them to the original manufacturer.

(5) The core DHS department does not have any contractual arrangements with Lexmark or Epson. The CS program does not have any direct contractual arrangements with either company, although through their arrangements with ATO and EDS, Lexmark products are used.

(6) Printer cartridges purchased through a ‘Prebate’ program are returned to the original manufacturer where they are remanufactured with the majority of the original cartridge being reused. Advice from the DHS FXA Account Executive is that the returned (expended) cartridges are remanufactured. Remanufacturing of printing products used by the CS Program varies, as outlined in the response to Question 3.

(7) The current contract for the core DHS department is with Fuji Xerox Australia. Basic conditions of the contract include:
- three year lease on Printing devices (printers and MFDs);
- lease price includes Black and white printing (black print cartridges);
- FXA deliver (and install if required) new/remanufactured cartridges to the site and remove expended cartridges; and
- the department pays for colour cartridges (for printers) and a colour click charge (for MFDs).

As noted in previous responses, the printer supply contract for the CS Program is held between ATO and EDS. Conditions of the contract include:
- lease on printing devices until 30 June 2010; and
- provision and disposal of printer consumables separately billed from printer lease as part of contract with ATI.

(8) In the 2007-08 financial year the core DHS department has spent approximately $11,000 on Colour Printer Cartridges. Black Cartridges are included in the device lease price and do not form part of this figure. The total amount spent by the CS Program for printer cartridges in the 2007-08 financial year was approximately $488,000.

(9) Planet Ark is used to recycle cartridges in relation to Lexmark products for the CS Program as outlined in the response to Question 3.

(10) The majority of both core Department and CS Program printer cartridges are supplied through their respective printer service contracts. There are, however, a small number of non-standard printers (e.g. portable inkjet) and there is no specific policy preventing these parts being sourced from foreign-owned companies.

CRS Australia

(1) CRS Australia has no specific policy regarding the use of remanufactured printer products. All purchasing complies with the Commonwealth Procurement Guidelines.

(2) See (1) above.
(3) CRS Australia has joined the Close the Loop program. It is CRS Australia’s policy to utilise this program for the disposal of printer cartridges.

(4) Some printer companies build microchips into their printer cartridges to reduce the use of third-party or refilled cartridges. The advice is that these cartridges can be reused by returning them to the original manufacturer.

(5) CRS Australia does not have any contractual arrangements with Lexmark or Epson.

(6) Not applicable as the answer to question (5) is ‘no’.

(7) CRS Australia has a contract with Konica Minolta for the leasing (including the supply of cartridges) of Multi Function Devices which combine printing, scanning and photocopying functions in a single device. CRS Australia has no contract for the supply of print devices only.

(8) CRS Australia spent $97,752.32 (excluding GST) in the 2007-08 financial year on printer cartridges.

(9) No.

(10) Yes, CRS Australia has a contract with Corporate Express for office supplies, including printer cartridges for its fleet of Lexmark printers. As per (7) above, cartridges for the Multi Functional Devices (MFDs) are provided by Konica Minolta under the lease agreement.

### Indigenous Communities

**(Question No. 568)**

**Senator Siewert** asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, upon notice, on 30 July 2008:

1. Prior to November 2007, how many people, excluding doctors, volunteered to the department to help with the Northern Territory Emergency Response (NTER).
2. How many people, excluding doctors, completed the single day training course for volunteers for the NTER.
3. Were any of these volunteers used in the NTER; if not, why not.
4. Were any of these volunteers informed by the department that they would no longer be needed.

**Senator Chris Evans**—The Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

1. As of 12 November 2007, 110 people had registered their interest in undertaking volunteer work as part of the Northern Territory Emergency Response. This excludes people volunteering for paid positions.
2. Volunteers were then contacted and informed they would be required to undergo police and medical checks as part of the preparation for placement. 32 people decided to continue in the process and undertook cultural awareness training. Of these 19 passed all checks, including medical and police checks, and were assessed as being suitable for field placement. At the training sessions it was explained that placement in volunteer projects was not guaranteed. It would depend on the availability of suitable projects.
3. No volunteers were placed due to unresolved logistics, duty of care and other legal issues.
4. FAHCSIA is negotiating the referral of these volunteers to the national volunteering program run by Indigenous Community Volunteers (ICV). When these arrangements are finalised volunteers will be invited to contact ICV.
Climate Change Public Awareness Campaign
(Question No. 573)

Senator Bob Brown asked the Minister for Climate Change and Water, upon notice, on 25 August 2008:

(1) What specific measures is the Government taking to ensure its climate change advertising/public awareness campaign is reaching deaf and hearing impaired people.

(2) How much money to date has been spent on education and training in relation to climate change that is designed for deaf and hearing impaired people.

(3) How much funding has been budgeted for education and training in relation to climate change for deaf and hearing impaired people for the next 12 months.

Senator Wong—The answer to the honourable senator’s question is as follows:

(1) The Government’s public awareness campaign is using a mix of mainstream media for communicating to the Australian community, including deaf and hearing impaired Australians. This includes closed captioned television advertisements and print advertisements, both of which reach deaf and hearing impaired Australians.

(2) As of 28 August 2008, the Government had spent $4,971,314.98 on its climate change communication campaign that is was accessible to deaf and hearing impaired Australians.

(3) The Government has approved a budget of $14 million for its current climate change communication campaign that will run from 20 July until the 1 November 2008. Approximately $12.6 million of the approved $14 million will be spent on public education and awareness raising activities accessible to deaf and hearing impaired Australians within the next 12 months.

Education, Employment and Workplace Relations: Carbon Offsets for Air Travel
(Question Nos 580, 608 and 613)

Senator Minchin asked the Minister representing the Minister for Education, upon notice, on 25 August 2008:

(1) What are the department’s guidelines on the purchasing of carbon offsets for air travel.

(2) In 2008, how many flights undertaken by departmental officials were carbon offsets purchased, and of these, how many were purchased for: (a) business class fares; and (b) economy class fares.

(3) In the 2007-08 financial year, what was the additional cost to the department of purchasing carbon offsets for travel.

Senator Carr—The Minister for Education has provided the following answer to the honourable senator’s question:

(1) The department currently does not have any guidelines regarding the purchasing of carbon offsets for air travel.

(2) None.

(3) Not applicable.

Education, Employment and Workplace Relations: Carbon Offsets for Air Travel
(Question Nos 581 and 582)

Senator Minchin asked the Minister representing the Minister for Employment and Workplace Relations and Minister representing the Minister for Social Inclusion, upon notice, on 25 August 2008:

(1) What are the department’s guidelines on the purchasing of carbon offsets for air travel.

QUESTIONS ON NOTICE
In 2008, how many flights undertaken by departmental officials were carbon offsets purchased, and of these, how many were purchased for: (a) business class fares; and (b) economy class fares.

In the 2007-08 financial year, what was the additional cost to the department of purchasing carbon offsets for travel.

**Senator Wong**—The Minister for Employment and Workplace Relations and Minister for Social Inclusion has provided the following answer to the honourable senator’s question:

1. The department currently does not have any guidelines regarding the purchasing of carbon offsets for air travel.
2. None.
3. Not applicable.

**Defence: Carbon Offsets for Air Travel** *(Question Nos 588 and 609)*

**Senator Minchin** asked the Minister representing the Minister for Defence, upon notice, on 25 August 2008:

1. What are the department’s guidelines on the purchasing of carbon offsets for air travel.
2. In 2008, how many flights undertaken by departmental officials were carbon offsets purchased, and of these, how many were purchased for: (a) business class fares; and (b) economy class fares.
3. In the 2007-08 financial year, what was the additional cost to the department of purchasing carbon offsets for travel.

**Senator Faulkner**—The Minister for Defence has provided the following answer to the honourable senator’s question:

1. Defence has no current guidelines on the purchasing of carbon offsets for air travel.
2. Five.
   (a) One.
   (b) Four.
3. $161.89.

**Infrastructure, Transport, Regional Development and Local Government: Carbon Offsets for Air Travel** *(Question No. 592)*

**Senator Minchin** asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 25 August 2008:

1. What are the department’s guidelines on the purchasing of carbon offsets for air travel.
2. In 2008, how many flights undertaken by departmental officials were carbon offsets purchased, and of these, how many were purchased for: (a) business class fares; and (b) economy class fares.
3. In the 2007-08 financial year, what was the additional cost to the department of purchasing carbon offsets for travel.

**Senator Conroy**—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

1. The Department currently has no guidelines regarding the purchase of carbon offsets for air travel.
2. N/A
3. N/A
QUESTIONS ON NOTICE

**Attorney-General’s: Carbon Offsets for Air Travel**
* (Question Nos 597 and 602)

Senator Minchin asked the Minister representing the Attorney-General and the Minister representing the Minister for Home Affairs, upon notice, on 25 August 2008:

1. What are the department’s guidelines on the purchasing of carbon offsets for air travel.
2. In 2008, how many flights undertaken by departmental officials were carbon offsets purchased, and of these, how many were purchased for: (a) business class fares; and (b) economy class fares.
3. In the 2007-08 financial year, what was the additional cost to the department of purchasing carbon offsets for travel.

Senator Wong—The Attorney-General and the Minister for Home Affairs have provided the following answer to the honourable senator’s question:

1. I am advised that the Attorney-General’s Department does not currently have a policy on purchasing carbon offsets for air travel.
2. I am advised that no flights undertaken by departmental officials in 2008 included the purchase of carbon offsets.
3. I am advised that there was no additional cost to the Department of purchasing carbon offsets for travel for 2007-08.

**Resources, Energy and Tourism: Carbon Offsets for Air Travel**
* (Question Nos 600 and 601)

Senator Minchin asked the Minister representing the Minister for Resources and Energy and the Minister representing the Minister for Tourism, upon notice, on 25 August 2008:

1. What are the department’s guidelines on the purchasing of carbon offsets for air travel.
2. In 2008, how many flights undertaken by departmental officials were carbon offsets purchased, and of these, how many were purchased for: (a) business class fares; and (b) economy class fares.
3. In the 2007-08 financial year, what was the additional cost to the department of purchasing carbon offsets for travel.

Senator Carr—The Minister for Resources and Energy and the Minister for Tourism have provided the following answer to the honourable senator’s question:

1. The department does not have any guidelines in place relating to carbon offsets for air travel.
2. (a) Nil.
   (b) Nil.
3. Nil.

**Defence: Ministerial Staff**
* (Question Nos 624 and 645)

Senator Minchin asked the Minister representing the Minister for Defence, upon notice, on 25 August 2008:

1. How many departmental officers are working in the office of the Minister/Parliamentary Secretary.
2. How many of these staff are Departmental Liaison Officers.
3. How many departmental officers, on secondment from the department, are in the office of the Minister/Parliamentary Secretary in personal staff positions.
Senator Faulkner—The Minister for Defence has provided the following answer to the honourable senator’s question:
(1) As at 27 August 2008, there were seven departmental officers seconded to the offices of the Minister for Defence, the Minister for Defence Science and Personnel, the Parliamentary Secretary for Defence Procurement and the Parliamentary Secretary for Defence Support.
(2) Five were Departmental Liaison Officers and two were military escort officers.
(3) None.

Tasmania: Meander River
(Question No. 726)

Senator Milne asked the Minister for Climate Change and Water, upon notice, on 29 August 2008:
(1) How much money has the Federal Government allocated to the construction of irrigation pipelines from the Meander River via water release from the Meander Dam in Tasmania.
(2) Has the Tasmanian Government requested funds from the Federal Government for the construction of irrigation pipelines from the Meander River via the Meander Dam; if so, how much.
(3) If funds have been allocated by the Federal Government, does this comply with the National Water Initiative and the National Competition Policy; if so, how.
(4) Have funds been sought by the Tasmanian Government or allocated by the Federal Government to any other irrigation pipeline development in Tasmania; if so: (a) how much money has been sought or allocated; and (b) what are the locations of the pipelines involved.

Senator Wong—The answer to the honourable senator’s question is as follows:
(1) To date there has been no allocation of funds to the construction of irrigation pipelines from the Meander River via water release from the Meander Dam in Tasmania.
(2) The Tasmanian Government has not formally requested any funds from the Australian Government for the construction of irrigation pipelines from the Meander River via water release from the Meander Dam.
(3) No funds have been allocated by the Australian Government for the construction of irrigation pipelines from the Meander River via the Meander Dam.
(4) The Tasmanian Government has not formally requested funds from the Australian Government for any specific irrigation pipeline development in Tasmania. To date there has been no allocation of funds by the Australian Government to any specific irrigation pipeline development in Tasmania. The Australian Government has committed up to $140 million towards supporting more efficient irrigation in Tasmania. The funding is subject to Tasmania’s agreement to a range of conditions related to implementation of National Water Initiative commitments. Individual projects will also require due diligence assessment, including accounting for the findings of the CSIRO Tasmanian Sustainable Yields Project due for completion in December 2009.

Housing Affordability
(Question No. 732)

Senator Ludlam asked the Minister representing the Minister for Housing, upon notice, on 4 September 2008:
(1) As recommended in the report by the Select Committee on Housing Affordability in Australia, A good house is hard to find: Housing affordability in Australia, dated June 2008, has an emergency taskforce been established to consult with Pilbara communities and industry to develop a coordinated response to the housing affordability crisis: (a) if so: (i) what are the terms of reference and
membership of the taskforce, and (ii) when and with whom will it meet; and (b) if not: (i) does the Minister intend to establish such a taskforce, and (ii) given the conditions that people in the region are experiencing and its impact on the sustainability of the regional economy, can the Minister inform the Senate of when this emergency will be recognised and addressed by the Government.

(2) What funds does the Government intend to invest to address the crisis in public and community housing in the Pilbara.

(3) Will the provision of units of affordable housing in the Pilbara be prioritised in the assessment of projects under the National Rental Affordability Scheme.

(4) Has the issue of land-banking (the speculative withholding of land release) and reform of Land-Corp been discussed with the State Government of Western Australia as part of the discussions about ongoing Commonwealth housing funding.

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

(1) The answer is NO. The Government is implementing an Australian wide response to housing affordability that includes measures likely to benefit mining communities including but not limited to the Pilbara. The Government’s response to the Senate Inquiry report has not yet been finalised. The Department of Families, Housing, Community Services and Indigenous Affairs is consulting with other agencies to prepare a whole of government response.

(2) The Commonwealth Government provides funding to the States and Territories to deliver public and community housing to people in need under the Commonwealth State Housing Agreement. The day to day management of this housing is the responsibility of individual State and Territory Governments. This includes the identification of priority locations, tenancy matters, management of waiting lists and housing maintenance. In 2007-08, the Commonwealth provided $102,497,000 to Western Australia under the Commonwealth State Housing Agreement. A further $53,586,000 was provided by the Commonwealth to Western Australia in 2007-08 for indigenous community housing under a pooled funding arrangement through the Indigenous Housing and Infrastructure Agreement (total funding $87,057,000). It is estimated that in 2007-08 around $5.2million of the pooled funds was invested in indigenous community housing in the Pilbara. Further discussions will occur between the Commonwealth and the States and Territories in the context of implementing the new Commonwealth-State financial arrangements which are expected to be in place from 1 January 2009. States and Territories will identify priority areas and will determine the best way to achieve improved and jointly agreed public and community housing outcomes.

(3) The priorities identified by the Western Australian government for the first round of the National Rental Affordability Scheme are for proposals that target areas of high projected population growth, or that have experienced rapidly increasing property prices in the past five years, or with limited provision of existing affordable housing; or in the Perth metropolitan area within close proximity of an activity centre or transport node, or undergoing significant urban renewal or redevelopment. The Pilbara area would meet some of these priorities. Round one applications for incentives under the National Rental Affordability Scheme are currently being assessed and considered through a competitive selection processes. Stage 6 of the assessment process will involve national prioritisation which will address the balance of allocations across Australia and within specific locations. The selection process will be finalised by 27 October 2008.

(4) Through the COAG Housing Working Group, all States and Territories have been working with the Commonwealth to identify potential reforms to social housing which are aimed at improving agreed housing outcomes. Discussions about future Commonwealth funding for housing will be undertaken by Treasurers in coming weeks. The recent election and change of government in Western Australia has caused some delay in this process.
Pacific Seasonal Worker Pilot Scheme
(Question No. 734)

Senator Ellison asked the Minister representing the Treasurer, upon notice, on 12 September 2008:

In regard to the Government’s horticulture industry Pacific Seasonal Worker Pilot Scheme which was announced by the Minister for Agriculture, Fisheries and Forestry on 17 August 2008:

(1) What is the total whole of government cost of this initiative across all forward estimates.
(2) What is the cost to each government department involved in this initiative.

Senator Conroy—The Treasurer has provided the following answer to the honourable senator’s question:

The costing details of the Pacific Seasonal Worker Pilot Scheme are in the process of being finalised. Once finalised, the costing will appear in the Government’s next economic and fiscal update.

Radioactive Waste
(Question No. 737)

Senator Ludlam asked the Minister representing the Minister for Resources and Energy, upon notice, on 15 September 2008:

(1) Is the Minister accurately quoted in an article on page 1 of The Age on 9 June 2008 stating ‘He said it was necessary to finalise the site well before the next election because nuclear waste from Sydney’s Lucas Heights research reactor sent overseas for reprocessing would return to Australia from 2011’.
(2) Can the Minister confirm that the Contract for the Management of ANSTO’s [Australian Nuclear Science and Technology Organisation’s] Research Reactors Spent Fuel, dated 1999, between ANSTO and the French company Compagnie Generale des Matieres Nucleaires (COGEMA) for reprocessing the spent nuclear fuel from Lucas Heights, states at 5.3.1 ‘Principle’ that return ‘shall take place in 2015 at the latest’, with a reference at 5.3.2.1 under the heading ‘Performance bond’ to the date of 31 December 2015.
(3) Can the Minister confirm that in the aforementioned agreement there is a reference to ‘any extension permitted by COGEMA’ indicating the potential for a later date to be sought by Australia.
(4) Can the Minister confirm that while the contract provides for a potential return ‘as soon as technically possible’, there is a provision that a performance bond be paid by Australia of 1.5 million francs (approximately $397 514) to COGEMA in 2013, which may then be forfeit if return is not made by 31 December 2015.
(5) In the absence of a radioactive waste management strategy that satisfies the ALP [Australian Labor Party] National Platform and Constitution 2007, ‘Chapter 5’, ‘scientific, transparent, accountable, fair and allows access to appeal mechanisms’, will the Minister consider negotiating an extension arrangement with COGEMA or paying the performance bond and further management costs for Australia’s waste to remain in France.

Senator Carr—The Minister for Resources and Energy has provided the following answer to the honourable senator’s question:

(1) Yes.
(2) Yes.
(3) The reference to the contract is correct. However, in 1999 Australia and France exchanged letters pursuant to the 1981 Agreement between the Government of Australia and the Government of the...
French Republic concerning Nuclear Transfers between Australia and France. In these letters, Australia
• stated that it will accept the return of spent research reactor fuel reprocessing wastes and committed to taking “all reasonable steps to facilitate their return, within the framework of relevant regulatory requirements, as soon as such return is technically possible”; and
• assured France that it “does not intend to take or support any legislative or regulatory initiative or other action which would prevent or hinder execution of the [ANSTO-COGEMA] contract relating to the return” of wastes to Australia.

(4) Yes.
(5) No. A request to COGEMA to retain reprocessing waste in France longer than technically necessary would breach the commitment made by Australia to France in 1999. Such a course of action would also ignore the waste to be returned to Australia from the reprocessing of spent research reactor fuel in the United Kingdom.