CORRECTIONS

This is a PROOF ISSUE. Suggested corrections for the Official Hansard and Bound Volumes should be lodged in writing with the Director, Chambers, Department of Parliamentary Services as soon as possible but not later than:

Thursday, 20 November 2008

Facsimile: Senate (02) 6277 2977
            House of Representatives (02) 6277 2944
            Main Committee (02) 6277 2944
**INTERNET**

The Journals for the Senate are available at 

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

For searching purposes use 
http://parlinfoweb.aph.gov.au

---

**SITTING DAYS—2008**

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>12, 13, 14</td>
</tr>
<tr>
<td>March</td>
<td>11, 12, 13, 17, 18, 19, 20</td>
</tr>
<tr>
<td>May</td>
<td>13, 14, 15</td>
</tr>
<tr>
<td>June</td>
<td>16, 17, 18, 19, 23, 24, 25, 26</td>
</tr>
<tr>
<td>August</td>
<td>26, 27, 28</td>
</tr>
<tr>
<td>September</td>
<td>1, 2, 3, 4, 15, 16, 17, 18, 22, 23, 24, 25</td>
</tr>
<tr>
<td>October</td>
<td>13, 14, 15, 16</td>
</tr>
<tr>
<td>November</td>
<td>10, 11, 12, 13, 24, 25, 26, 27</td>
</tr>
<tr>
<td>December</td>
<td>1, 2, 3, 4</td>
</tr>
</tbody>
</table>

**RADIO BROADCASTS**

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

- **CANBERRA** 103.9 FM
- **SYDNEY** 630 AM
- **NEWCASTLE** 1458 AM
- **GOSFORD** 98.1 FM
- **BRISBANE** 936 AM
- **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
Deputy Leader of the Australian Greens—Senator Christine Anne Milne
Leader of the Family First Party—Senator Steve Fielding

Government Whips—Senators Kerry Williams Kelso O’Brien, Donald Edward Farrell and Anne McIewen

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

Printed by authority of the Senate
<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Adams, Judith Anne</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Arbib, Mark Victor</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Barnett, Guy</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Bernardi, Cory</td>
<td>SA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Bilyk, Catriona Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Birmingham, Simon John</td>
<td>SA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Bishop, Thomas Mark</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Boswell, Hon. Ronald Leslie Doyle</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>NATS</td>
</tr>
<tr>
<td>Boyce, Suzanne Kay</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Brandis, Hon. George Henry, SC</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Brown, Carol Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Brown, Robert James</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Bushby, David Christopher</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Cameron, Douglas Niven</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Carr, Hon. Kim John</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Cash, Michaelia Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Colbeck, Hon. Richard Mansell</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Collins, Jacinta Mary Ann</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Conroy, Hon. Stephen Michael</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Coonan, Hon. Helen Lloyd</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Cormann, Mathias Hubert Paul (2)</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Crossin, Patricia Margaret (3)</td>
<td>NT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Eggleston, Alan</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Ellison, Hon. Christopher Martin</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Evans, Hon. Christopher Vaughan</td>
<td>WA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Farrell, Donald Edward</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Faulkner, Hon. John Philip</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Feeney, David Ian</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Ferguson, Hon. Alan Baird</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Fielding, Steve</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>FF</td>
</tr>
<tr>
<td>Fieravanti-Wells, Concetta Anna</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Fifield, Mitchell Peter</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Fisher, Mary Jo (1)</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Forschaw, Michael George</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Furner, Mark Lionel</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Hanson-Young, Sarah Coral</td>
<td>SA</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Hefferman, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Hogg, Hon. John Joseph</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Humphries, Gary John Joseph (3)</td>
<td>ACT</td>
<td></td>
<td>LP</td>
</tr>
<tr>
<td>Hurley, Annette Kay</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Hutchins, Stephen Patrick</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Senator</td>
<td>State or Territory</td>
<td>Term expires</td>
<td>Party</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>--------------------</td>
<td>--------------</td>
<td>---------</td>
</tr>
<tr>
<td>Johnston, Hon. David Albert Lloyd</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Joyce, Barnaby Thomas Gerard</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>NATS</td>
</tr>
<tr>
<td>Kroger, Helen</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Ludlam, Scott</td>
<td>WA</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Lundy, Kate Alexandra (1)</td>
<td>ACT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Macdonald, Hon. Ian Douglas</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>McEwen, Anne</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>McGauran, Julian John James</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>McLucas, Hon. Jan Elizabeth</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Marshall, Gavin Mark</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Mason, Hon. Brett John</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Milne, Christine Anne</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>AG</td>
</tr>
<tr>
<td>Minchin, Hon. Nicholas Hugh</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Moore, Claire Mary</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Nash, Fiona Joy</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>NATS</td>
</tr>
<tr>
<td>O’Brien, Kerry Williams Kelso</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Parry, Stephen Shane</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Payne, Marise Ann</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Polley, Helen Beatrice</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Pratt, Louise Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Ronaldson, Hon. Michael</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Ryan, Scott Michael</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Scullion, Hon. Nigel Gregory (3)</td>
<td>NT</td>
<td></td>
<td>CLP</td>
</tr>
<tr>
<td>Sherry, Hon. Nicholas John</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Siewert, Rachel Mary</td>
<td>WA</td>
<td>30.6.2011</td>
<td>AG</td>
</tr>
<tr>
<td>Stephens, Hon. Ursula Mary</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Sterle, Glenn</td>
<td>WA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Trooth, Hon. Judith Mary</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Trood, Russell Brunell</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Williams, John Reginald</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>NATS</td>
</tr>
<tr>
<td>Wong, Hon. Penelope Ying Yen</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Wortley, Dana Johanna</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Xenophon, Nicholas</td>
<td>SA</td>
<td>30.6.2014</td>
<td>IND</td>
</tr>
</tbody>
</table>

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

[The above ministers constitute the cabinet]
MINISTRY—continued

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

Leader of the Opposition  The Hon Malcolm Turnbull MP
Shadow Treasurer and Deputy Leader of the Opposition  The Hon Julie Bishop MP
Shadow Minister for Trade, Transport, Regional Development and Local Government and Leader of The Nationals  The Hon Warren Truss MP
Shadow Minister for Broadband, Communications and the Digital Economy and Leader of the Opposition in the Senate  Senator the Hon Nick Minchin
Shadow Minister for Innovation, Industry, Science and Research and Deputy Leader of the Opposition in the Senate  Senator the Hon Eric Abetz
Shadow Minister for Infrastructure and COAG and Shadow Minister Assisting the Leader on Emissions Trading Design  The Hon Andrew Robb AO, MP
Shadow Minister for Foreign Affairs and Manager of Opposition Business in the Senate  Senator the Hon Helen Coonan
Shadow Minister for Finance, Competition Policy and Deregulation and Manager of Opposition Business in the House  The Hon Joe Hockey MP
Shadow Minister for Energy and Resources  The Hon Ian Macfarlane MP
Shadow Minister for Families, Housing, Community Services and Indigenous Affairs  The Hon Tony Abbott MP
Shadow Special Minister of State and Shadow Cabinet Secretary  Senator the Hon Michael Ronaldson
Shadow Minister for Human Services and Deputy Leader of The Nationals  Senator the Hon Nigel Scullion
Shadow Minister for Climate Change, Environment and Water  The Hon Greg Hunt MP
Shadow Minister for Health and Ageing  The Hon Peter Dutton MP
Shadow Minister for Defence  Senator the Hon David Johnston
Shadow Minister for Education, Apprenticeships and Training  The Hon Christopher Pyne MP
Shadow Attorney-General  Senator the Hon George Brandis SC
Shadow Minister for Agriculture, Fisheries and Forestry  The Hon John Cobb MP
Shadow Minister for Employment and Workplace Relations  Mr Michael Keenan MP
Shadow Minister for Immigration and Citizenship  The Hon Dr Sharman Stone
Shadow Minister for Small Business, Independent Contractors, Tourism and the Arts  Mr Steven Ciobo

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

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

Shadow Assistant Treasurer
The Hon Tony Smith MP

Shadow Minister for Sustainable Development and Cities
The 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

Shadow Minister for Ageing
Mrs Margaret May MP

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

Shadow Minister for Veterans’ Affairs
Mrs Louise Markus MP

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

Shadow Minister for Justice and Customs
The Hon Sussan Ley MP

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

Shadow Parliamentary Secretary for Northern Australia
Senator the Hon Ian Macdonald

Shadow Parliamentary Secretary for Roads and Transport
Mr Don Randall MP

Shadow Parliamentary Secretary for Regional Development
Mr John Forrest MP

Shadow Parliamentary Secretary for International Development Assistance and Shadow Parliamentary Secretary for Indigenous Affairs
Senator Marise Payne

Shadow Parliamentary Secretary for Energy and Resources
Mr Barry Haase MP

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
The Hon Peter Lindsay MP

Shadow Parliamentary Secretary for Education
Senator the Hon Brett Mason

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

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

Shadow Parliamentary Secretary for Immigration and Citizenship and Shadow Parliamentary Secretary Assisting the Leader in the Senate
Senator Concetta Fierravanti-Wells
THURSDAY, 13 NOVEMBER

Chamber

Business—

Rearrangement.................................................................................................................. 1
Horse Disease Response Levy Bill 2008 .................................................................................. 1
Horse Disease Response Levy Collection Bill 2008................................................................. 1
Horse Disease Response Levy (Consequential Amendments) Bill 2008—
Report of Rural and Regional Affairs and Transport Committee ........................................ 1
Committees—

Regional and Remote Indigenous Communities Committee—Meeting.................................. 1
Legal and Constitutional Affairs Committee—Reference.......................................................... 1
Diabetes ....................................................................................................................................... 1
Committees—

Rural and Regional Affairs and Transport Committee—Extension of Time ......................... 2
National Diabetes Service Scheme ............................................................................................ 2
Committees—

Resolutions of Appointment .................................................................................................... 2
Ms Aisha Ibrahim Duhulow......................................................................................................... 2
White Paper on Global Population............................................................................................ 3
Men’s Health.............................................................................................................................. 3
International Transgender Day of Remembrance..................................................................... 4
Prime Minister .......................................................................................................................... 4
Committees—

Publications Committee—Report ........................................................................................... 10

Budget—

Consideration by Estimates Committees—Additional Information........................................ 10
Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008—
Returned from the House of Representatives ........................................................................ 10
Australian Organ and Tissue Donation and Transplantation Authority Bill 2008—
First Reading ........................................................................................................................... 11
Second Reading ....................................................................................................................... 11
Social Security and Veterans’ Entitlements Legislation Amendment (Schooling Requirements) Bill 2008—
Report of Community Affairs Committee .............................................................................. 12
Committees—

Finance and Public Administration Committee—Report ......................................................... 12
Economics Committee—Report .............................................................................................. 19
Economics Committee—Procedure Committee—Report .......................................................... 22
Independent Reviewer of Terrorism Laws Bill 2008 [No. 2]—
Second Reading ...................................................................................................................... 29

Business—

Rearrangement ......................................................................................................................... 35
Australian Organ and Tissue Donation and Transplantation Authority Bill 2008—
Second Reading ....................................................................................................................... 35
Third Reading .......................................................................................................................... 41
Customs Amendment (Australia-Chile Free Trade Agreement Implementation) Bill 2008 ........ 41
Customs Tariff Amendment (Australia-Chile Free Trade Agreement Implementation) Bill 2008—
Second Reading ....................................................................................................................... 41
Third Reading .......................................................................................................................... 42
Financial Transaction Reports Amendment (Transitional Arrangements) Bill 2008—
Second Reading ....................................................................................................................... 42
Third Reading .......................................................................................................................... 43
Dairy Adjustment Levy Termination Bill 2008—
Second Reading ....................................................................................................................... 43
Third Reading .......................................................................................................................... 44
Independent Reviewer of Terrorism Laws Bill 2008 [No. 2]—
In Committee .......................................................................................................................... 44
Third Reading .......................................................................................................................... 48

Documents—

Tabling ....................................................................................................................................... 48
Business—

Rearrangement .......................................................................................................................... 48
CONTENTS—continued

National Rental Affordability Scheme Bill 2008 ................................................................. 48
National Rental Affordability Scheme (Consequential Amendments) Bill 2008—
  Second Reading .................................................................................................................. 48
Questions Without Notice—
  Climate Change ............................................................................................................... 50
  Economy ............................................................................................................................ 51
  Emissions Trading Scheme ............................................................................................... 51
  Whaling ............................................................................................................................. 52
  Trade: Banana Imports ..................................................................................................... 53
  Murray-Darling River System ........................................................................................... 54
  Infrastructure .................................................................................................................... 55
  Water ................................................................................................................................. 55
  Immigration ....................................................................................................................... 57
  Mobile Phone Services ...................................................................................................... 58
Questions Without Notice: Additional Answers—
  Emissions Trading Scheme ............................................................................................... 59
  Traveston Crossing Dam .................................................................................................... 59
  National Broadband Network .......................................................................................... 59
Questions Without Notice: Take Note of Answers—
  Climate Change ............................................................................................................... 59
  Whaling ............................................................................................................................. 64
Committees—
  Reports: Government Responses ..................................................................................... 64
Budget—
  Statements and Documents ............................................................................................... 69
Horse Disease Response Levy Bill 2008 ............................................................................. 69
Horse Disease Response Levy Collection Bill 2008............................................................. 69
Horse Disease Response Levy (Consequential Amendments) Bill 2008—
  Report of Rural and Regional Affairs and Transport Committee .................................. 69
Committees—
  Selection of Bills Committee—Report ............................................................................. 69
Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2008—
  Second Reading ............................................................................................................... 70
Committees—
  Men’s Health Committee—Membership ......................................................................... 88
Documents—
  Consideration .................................................................................................................. 88
Committees—
  Consideration .................................................................................................................. 93
Auditor-General’s Reports—
  Consideration ................................................................................................................. 94
Adjournment—
  Parliamentary Group on Population and Development .................................................. 94
  Tasmanian Roads .............................................................................................................. 95
  Christmas Island .............................................................................................................. 97
Questions On Notice
  Treasury: Printer Products—(Question No. 544) ............................................................... 100
  Proposed Pulp Mill—(Question No. 559) ........................................................................ 100
  Health: Electromagnetic Radiation—(Question No. 739) ................................................... 101
Thursday, 13 November 2008

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9.30 am and read prayers.

BUSINESS

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.31 am)—I move:

That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

Australian Organ and Tissue Donation and Transplantation Authority Bill 2008.

No. 4 Financial Transaction Reports Amendment (Transitional Arrangements) Bill 2008.

No. 5 Dairy Adjustment Levy Termination Bill 2008.

Question agreed to.

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.32 am)—I move:

That the order of general business for consideration today be as follows:

(a) general business order of the day no. 76 (Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2008); and

(b) orders of the day relating to government documents.

HORSE DISEASE RESPONSE LEVY BILL 2008
HORSE DISEASE RESPONSE LEVY COLLECTION BILL 2008
HORSE DISEASE RESPONSE LEVY (CONSEQUENTIAL AMENDMENTS) BILL 2008

Report of Rural and Regional Affairs and Transport Committee

Senator McEWEN (South Australia) (9.32 am)—by leave—At the request of the Chair of the Standing Committee on Rural and Regional Affairs and Transport, Senator Sterle, I move:

That the time for the presentation of the final report of the Rural and Regional Affairs and Transport Committee on the Horse Disease Response Levy Bill 2008 and related bills be postponed to a later hour of the day.

Question agreed to.

COMMITTEES

Regional and Remote Indigenous Communities Committee

Meeting

Senator PARRY (Tasmania) (9.33 am)—by leave—At the request of the Chair of the Select Committee on Regional and Remote Indigenous Communities, Senator Johnston, I move:

That the Select Committee on Regional and Remote Indigenous Communities be authorised to hold a public meeting during the sitting of the Senate today, from 3.30 pm till 5.45 pm.

Question agreed to.

Legal and Constitutional Affairs Committee

Reference

Senator CROSSIN (Northern Territory) (9.34 am)—Before seeking to have business of the Senate notice of motion No. 1 taken as a formal motion, I seek leave to table a document.

Leave granted.

Senator CROSSIN—I table the exposure draft of the Personal Property Securities Bill 2008, and move:

That the exposure draft of the Personal Property Securities Bill 2008 be referred to the Legal and Constitutional Affairs Committee for inquiry and report by 24 February 2009.

Question agreed to.

DIABETES

Senator WORTLEY (South Australia) (9.34 am)—I, and also on behalf of Senator Barnett, move:

That the Senate—

(a) notes that:

(i) on 20 December 2006, a landmark decision was made by the United Nations General Assembly to adopt Resolution 61/225,

(ii) the resolution recognised the risks that diabetes and its complications pose to families, member states and world health and was adopted by consensus,

(iii) the resolution declared 14 November as World Diabetes Day,

(iv) this resolution joins HIV/AIDS and autism as the only other diseases having its own resolution and declared day of observation,

(v) an estimated 246 million people aged between 20 and 79 worldwide have diabetes and this number is expected to grow by 44 per cent reaching 380 million by 2025,

(vi) each year 3.8 million adults die from diabetes-related illnesses, representing one death every 10 seconds,

(vii) an estimated 7.4 per cent of the Australian population has diabetes, according to the Australian Diabetes, Obesity and Lifestyle (AusDiab) study in 2000, and

(viii) according to an AusDiab study the social and medical costs in Australia were estimated in 2002 to total $6 billion annually;

(b) acknowledges the work of Professor Martin Silink, AM, MD, FRACP, as President of the International Diabetes Federation and his colleagues worldwide for their work to ensure that this united resolution was carried;
(c) recognises that:
   (i) in the catalogue of chronic illness few conditions would be more needful of attention than the scourge of diabetes,
   (ii) the prevention and management of diabetes are the responsibility of the whole of society,
   (iii) parliaments should play a leading role in promoting community education and implementing effective policies and health care for sufferers of this worldwide scourge,
   (iv) left undiagnosed and untreated, diabetes dramatically affects quality of life and shortens lifespan and its malevolent course inevitably leads to many serious associated health complications, including heart disease, stroke, renal failure, limb amputation and blindness, and
   (v) unless national governments act to deliver comprehensive policies, the implications for health budgets will be calamitous; and
   (d) calls on the Government to:
      (i) continue to make diabetes a national health priority,
      (ii) commission a report by the Australian Institute of Health and Welfare into the health costs of diabetes,
      (iii) adequately fund best-practice medicine for the treatment of diabetes, and
      (iv) continue to promote healthy lifestyle programs, especially targeted to children and young people.
Question agreed to.

COMMITTEES
Rural and Regional Affairs and Transport Committee
Extension of Time
Senator McEWEN (South Australia) (9.35 am)—At the request of the Chair of the Standing Committee on Rural and Regional Affairs and Transport, Senator Sterle, I move:
    That the time for the presentation of the report of the Rural and Regional Affairs and Transport Committee on natural resource management and conservation challenges be extended to 12 March 2009.
Question agreed to.

NATIONAL DIABETES SERVICE SCHEME
Senator SIEWERT (Western Australia) (9.35 am)—I move:
    That the Senate—
      (a) notes that:
        (i) 14 November is World Diabetes Day which in 2008 is focusing on children and adolescents particularly,
        (ii) there are currently 250 million people worldwide who are living with diabetes,
        (iii) in Australia an estimated 1.5 million people have the disease,
        (iv) people with diabetes are at an increased risk of cardiovascular disease, foot complications, blindness, dental problems, kidney failure and amputations,
        (v) 2 per cent of all Australian deaths are due to diabetes,
        (vi) Indigenous Australians are three times more likely to suffer from diabetes that non-Indigenous Australians,
        (vii) 8 per cent of all Indigenous Australian deaths are due to diabetes, and
        (viii) the relatively low use of the National Diabetes Services Scheme by Indigenous patients; and
      (b) calls on the Government to continue:
        (i) its efforts to ensure that people in regional, rural and remote communities have adequate access to the National Diabetes Services Scheme, and
        (ii) to explore means through which the access of Indigenous people to the National Diabetes Services Scheme can be improved.
Question agreed to.

COMMITTEES
Resolutions of Appointment
Senator PARRY (Tasmania) (9.36 am)—I move:
    That the resolutions of appointment of the following select committees, agreed to on the dates indicated, be varied in accordance with this resolution:
    (a) Select Committee on Agricultural and Related Industries, agreed 14 February 2008—paragraphs (7) and (9) of the resolution be omitted;
    (b) Select Committee on Fuel and Energy, agreed 25 June 2008—paragraphs (9) and (11) of the resolution be omitted;
    (c) Select Committee on the National Broadband Network, agreed 25 June 2008—paragraph (8) and in paragraph (11) “, and that the quorum of a subcommittee be 2 members” of the resolution be omitted; and
    (d) Select Committee on Regional and Remote Indigenous Communities, agreed 19 March 2008—paragraph (9) of the resolution be omitted.
Question agreed to.

MS AISHA IBRAHIM DUHULOW
Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.36 am)—I move:
    That the Senate—
    (a) notes that in October 2008, 13-year-old Aisha Ibrahim Duhulow was stoned to death for adultery in Kismayo, Somalia, by 50 men in front of 1 000 spectators, after her father reported she had been raped by three men, none of whom were arrested;
    (b) expresses profound distress at this barbaric act against a child;
    (c) condemns the Al-Shabaab militia rebels who arranged the stoning; and

(d) backs international action to restore peace and human dignity to Somalia.

Question agreed to.

WHITE PAPER ON GLOBAL POPULATION

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.37 am)—I move:

That the Senate calls on the Government to develop a white paper on population during this period of government which takes into account:

(a) projections of a global population of between 9 to 10 billion people by 2050;

(b) the inability of the Earth to provide for 9 to 10 billion people if average resource consumption is to be at current levels in Australia;

(c) climate change;

(d) Australia’s inability to host exponential population growth; and

(e) the wellbeing of future generations and life on Earth.

Question put.

The Senate divided. [9.41 am]

(The President—Senator the Hon. JJ Hogg)

AYES

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

NOES

Adams, J. Bernardi, C.
Bilyk, C.L. Boswell, R.L.D.
Boyce, S. Brandis, G.H.
Brown, C.L. Cameron, D.N.
Cash, M.C. Colbeck, R.
Collins, J. Conroy, S.M.
Coonan, H.L. Cormann, M.H.P.
Crossin, P.M. Eggleston, A.
Farrell, D.E. Feeney, D.
Ferguson, A.B. Fielding, S.
Fierravanti-Wells, C. Fifield, M.P.
Fisher, M.J. Forshaw, M.G.
Furner, M.L. Hogg, J.J.
Humphries, G. Hurley, A.
Hutchins, S.P. Ludwig, J.W.
Lundy, K.A. Macdonald, I.
Marshall, G. McEwen, A.
McGauran, J.J.J. McLucas, J.E.
Minchin, N.H. Moore, C.
Nash, F. Parry, S.*
Polley, H. Pratt, L.C.
Stephens, U. Sterle, G.
Williams, J.R. Wong, P.

* denotes teller

Question negatived.

MEN’S HEALTH

Senator BERNARDI (South Australia) (9.45 am)—I move:

(1) That a select committee, to be known as the Select Committee on Men’s Health, be established to inquire into and report by 30 May 2009 on:

(i) level of Commonwealth, state and other funding addressing men’s health, particularly prostate cancer, testicular cancer, and depression,

(ii) adequacy of existing education and awareness campaigns regarding men’s health for both men and the wider community,

(iii) prevailing attitudes of men towards their own health and sense of wellbeing and how these are affecting men’s health in general, and

(iv) the extent, funding and adequacy for treatment services and general support programs for men’s health in metropolitan, rural, regional and remote areas.

(2) That the committee consist of 7 senators, 2 nominated by the Leader of the Government in the Senate, 4 nominated by the Leader of the Opposition in the Senate, and 1 nominated by any minority party or independent senators.

(3) (a) Participating members may be appointed to the committee on the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator;

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and

(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(4) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.

(5) That the committee elect as chair one of the members nominated by the Leader of the Opposition in the Senate.

(6) That the chair of the committee may, from time to time, appoint another member of the committee to be the deputy chair of the committee, and that the member so appointed act as chair of the committee at any time when there is no chair or the chair is not present at a meeting of the committee.

(7) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

(8) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to
refer to any such subcommittee any of the matters which the committee is empowered to examine.

(9) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(10) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(11) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Question agreed to.

INTERNATIONAL TRANSGENDER DAY OF REMEMBRANCE

Senator HANSON-YOUNG (South Australia)

(9.45 am)—I move:

That the Senate—

(a) notes that:

(i) Thursday, 20 November 2008, marks the 10th International Transgender Day of Remembrance, and

(ii) this day of action was established as a reminder of those who have been killed as a result of anti-gendered hatred or prejudice; and

(b) recognises the work of the Human Rights and Equal Opportunity Commission in their consultation with the sex and gender diverse community in how they can assist in promoting and protecting the human rights of people who are transgender, transsexual or intersex.

Question agreed to.

PRIME MINISTER

Senator FIELDING (Victoria—Leader of the Family First Party) (9.46 am)—I seek leave to amend general business notice of motion No. 280, standing in my name, before asking that it be taken as a formal motion.

Leave granted.

Senator FIELDING—I have an amendment to the motion, which relates to the establishment of a select committee on the integrity of the Prime Minister’s office. I need to circulate that now, if I can. The amendment would change item No. 8. I ask that a copy of it be given to the other parties. The amendment is to item No. 8, in which the words are to be inserted: ‘but that no journalist shall be asked to reveal their source’.

That the committee have power to send for and examine persons and documents, but that no journalist shall be asked to reveal their source …

The PRESIDENT—Is there any objection to the motion, as amended, being taken as formal?

Senator Parry—Mr President, on a point of clarification: Senator Fielding was amending item No. 8. We believe it is item No. 9. Could we have clarification?

The PRESIDENT—I am advised by the Clerk that the amendment is in No. 8. Is there any objection to the motion, as amended, being taken as formal? There being no objection, I call Senator Fielding.

Senator FIELDING—I foreshadow that I will move the following motion standing in my name:

(a) the reported leak of the telephone conversation between the Prime Minister of Australia and the President of the United States of America on 10 October 2008—

The PRESIDENT—Senator, it is not normal procedure to read the motion. It is already on the Notice Paper.

Senator Parry—Again, I seek leave to clarify. The motion has been amended—

Senator Bob Brown—On a point of order: I cannot hear what the honourable senator is saying.

The PRESIDENT—that is a fair point of order. I would ask senators in the chamber, particularly those around Senator Brown, to be quiet so that Senator Brown can hear.

Senator Parry—So we are clear on what we are voting for, item 8 in Senator Fielding’s notice of motion on today’s Notice Paper, page 11, relates to the committee quorum. I believe item 9 is the item that should be amended, not item 8.

The PRESIDENT—Senator Parry, I am informed by the Clerk that in the version that Senator Fielding has circulated, which you obviously do not have a copy of, it is paragraph 8. That is as he has amended his motion in the Notice Paper, by leave. Leave was granted to amend the notice as per the Notice Paper.

Senator Coonan—On a point of order: I appreciate that the Clerk has advised that what Senator Fielding sought to amend is his document but, in the printed notice of motion, paragraph 9 is the one that needs to be amended. Unless what is being circulated is totally different—

The PRESIDENT—Senator Coonan, I can help you out. Senator Fielding, from what I understand, has circulated an amended notice of motion, and in this amended notice of motion, which he has circulated, it is No. 8. You are quite correct as per the Notice Paper,
but leave was granted for Senator Fielding to amend that motion.

Senator Bob Brown—Mr President, I raise a point of order. In that case, I think we need to have that motion in front of us. I do not have a copy.

The PRESIDENT—That is a reasonable point. I think you are entitled to have a copy of the motion before you. I certainly have not seen the motion. It has been tabled with the Clerk. I would suggest that if a copy can be handed—

Senator Ferguson—I suggest that we defer this formal motion until we have dealt with all other formal motions. People might then have had a chance to read the amended motion.

The PRESIDENT—This is the last formal motion.

Senator FIELDING—I can maybe help. Could we make sure that everybody has the amendment in front of them. On the Notice Paper my notice of motion is on page 11. If senators look at page 11, they will see that the amendment I have circulated would change item 9. That is as per what was negotiated behind the scenes. So it is item 9, as I have circulated in the chamber.

The PRESIDENT—Is everyone clear on that? All right. Is there any objection to the motion as amended being taken as formal? Senator Fielding, will you move the motion as amended, now that we have clarified everything.

Senator FIELDING—Can I just check that the coalition are happy with that?

Opposition senators interjecting—

The PRESIDENT—No, Senator Fielding, will you move your motion, as amended.

Senator FIELDING—I move the motion, as amended:

(1) That a select committee, to be known as the Select Committee on the Integrity of the Prime Minister’s Office, be established to inquire into and report by 3 December 2008 on:

(a) the reported leak of the telephone conversation between the Prime Minister of Australia and the President of the United States of America on 10 October 2008;

(b) the role and any involvement of the Prime Minister’s office in relation to the leak;

(c) the role and any involvement of the ‘Note Taker’, who was with the Prime Minister listening in on the telephone conversation, and any other person present or listening (if any) in regards to the leak;

(d) the role and any involvement of any of the persons, present at the location where and when the telephone conversation was made, in regards to the leak;

(e) the role of any ministerial staffer or public servant in regards to the leak;

(f) the role of any member of the media in regards to the leak;

(g) why the Australian Federal Police have not been asked to investigate the leak, especially if it is the view the conversation was leaked by either a ministerial staffer or public servant without the authority of the Prime Minister;

(h) the reported complaint by the United States Ambassador about the leak;

(i) the impact of the leak on undermining Australia’s reputation and trustworthiness of the Prime Minister’s office; and

(j) the ongoing consequences of the leak for relationships between Australia and the United States and any other country.

(2) That the committee consist of 8 members, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of Family First in the Senate and 1 nominated by any other minority party or independent senator.

(a) On the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and any minority party and independent senators, participating members may be appointed to the committee;

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of committee, but may not vote on any questions before the committee; and

(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(3) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(4) That the committee elect a Government member as its chair.

(5) That the chair of the committee may, from time to time, appoint another member of the committee to be the deputy chair of the committee, and that the member so appointed act as chair of the committee at any time when there is no chair or the chair is not present at a meeting of the committee.

(6) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

(7) That the quorum of the committee be 5 members.

(8) That the committee have power to send for and examine persons and documents, but that no journalist shall be asked to reveal their source, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and interim recommendations.
In exercising its power in accordance with paragraph (8), for the avoidance of doubt, the committee is empowered to send for:

(a) ministers and ministerial advisers; and
(b) officers of the security and police services.

That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Question put.

The Senate divided. [9.58 am]

(The President—Senator the Hon. JJ Hogg)

Ayes............ 32
Noes............. 32
Majority........ 0

AYES

Adams, J. Birmingham, S.
Boswell, R.L.D. Boyce, S.
Brandis, G.H. Bushby, D.C.
Cash, M.C. Colbeck, R.
Coonan, H.L. Cormann, M.H.P.
Eggleston, A. Ferguson, A.B.
Fielding, S. Fierravanti-Wells, C.
Fifield, M.P. Fisher, M.J.
Heffernan, W. Humphries, G.
Johnston, D. Joyce, B.
Kroger, H. Macdonald, I.
Mason, B.J. McGauran, J.J.
Nash, F. Parry, S. *
Payne, M.A. Ronaldson, M.
Ryan, S.M. Scullion, N.G.
Troeth, J.M. Trood, R.B.

NOES

Bilyk, C.L. Bishop, T.M.
Brown, B.J. Brown, C.L.
Cameron, D.N. Collins, J.
Conroy, S.M. Crossin, P.M.
Farrell, D.E. Feeney, D.
Forshaw, M.G. Furner, M.L.
Hanson-Young, S.C. Hogg, J.J.
Hurley, A. Hutchins, S.P.
Ludlam, S. Ludwig, J.W.
Lundy, K.A. Marshall, G.
McEwen, A. * McLachlan, J.E.
Milne, C. Moore, C.
Polley, H. Pratt, L.C.
Siewert, R. Stephens, U.
Sterle, G. Wong, P.
Wortley, D. Xenophon, N.

PAIRS

Abetz, E. Faulkner, J.P.
Barnett, G. Sherry, N.J.
Bernardi, C. Carr, K.J.
Ellison, C.M. Evans, C.V.

Minchin, N.H. O'Brien, K.W.K.
Williams, J.R. Arbib, M.V.

* denotes teller

Question negatived.

Senator BRANDIS (Queensland) (10.01 am)—I seek leave to make a statement in relation to the division that has just taken place.

Senator Ludwig—What is it about?

The PRESIDENT—It is about the motion, I understand. He is seeking leave to make a statement about the motion.

Senator BRANDIS—In relation to the division.

Senator Ludwig—If it is confined to the division, not the substance of the matter.

Senator BRANDIS—In relation to the matter on which the Senate has lately divided.

Senator Ludwig interjecting—

Senator BRANDIS—I can seek leave to make a statement on anything.

The PRESIDENT—Senator Brandis is entitled to seek leave. People in the chamber, regardless of where they sit on the floor, are entitled to either give leave or not give leave. That is the choice of others. I have done the right thing and called Senator Brandis. He has done the right thing and sought leave. I am asking the question: is leave granted for Senator Brandis to make a statement?

Leave not granted.

Senator PARRY (Tasmania) (10.02 am)—by leave—Senator Brandis actually jumped to his feet just prior to the notice of motion coming forward. Because of the business of the amendment, Senator Brandis was not recognised. I understand, Mr President, that you did see that. Senator Brandis did not seek the call a second time because we had some issues about the amendment, which was not circulated to us and which was confusing because of the renumbering. I feel that, under this circumstance, Senator Brandis should be heard—because he sought a genuine attempt at the right moment and, in the confusion of the debate with the amendment, restricted that. So I would ask the government to reconsider granting leave.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10.03 am)—by leave—Senator Brandis actually jumped to his feet just prior to the notice of motion coming forward. Because of the business of the amendment, Senator Brandis was not recognised. I understand, Mr President, that you did see that. Senator Brandis did not seek the call a second time because we had some issues about the amendment, which was not circulated to us and which was confusing because of the renumbering. I feel that, under this circumstance, Senator Brandis should be heard—because he sought a genuine attempt at the right moment and, in the confusion of the debate with the amendment, restricted that. So I would ask the government to reconsider granting leave.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10.03 am)—by leave—I also think it would be good if leave could be given—and maybe a two-minute time limit placed on it—so that Senator Brandis can—

The PRESIDENT—Senator Bob Brown, thank you for your comment. That is not for me to determine. I hear what you are saying.

Senator LUDWIG (Queensland—Minister for Human Services) (10.03 am)—by leave—I take the opposition’s point. I was not aware that Senator Brandis had stood up at the time of the motion. If he did so
and the President recognised that—or failed to recognise that—I would ordinarily have granted leave at that point. It is a little unusual to grant it post the point and normally I would not but, under the understanding that it was a matter that was missed because of the chamber hubbub, if we can call it that, I grant leave for a short statement.

The PRESIDENT—Before I call Senator Brandis, I will make it clear for the sake of the record that Senator Brandis was seeking the call during the hubbub—as I think it was described—the confusion, and I was seeking to clarify something with someone who was already on their feet. Senator Brandis did sit down and then the matter proceeded to the vote. That will, I hope, set straight the record of what took place.

Senator BRANDIS (Queensland) (10.04 am)—I seek leave to make a statement in relation to Senator Fielding’s motion.

Leave granted.

Senator BRANDIS—I thank Senator Ludwig for the indulgence. Without reflecting on the vote of the Senate which has just taken place, the issue framed by Senator Fielding’s motion which the Australian Labor Party has just used its numbers to stifle is an extraordinary breach of faith with the commitments that were made to the Australian people by Mr Kevin Rudd and by the Australian Labor Party over recent years. The effect of what has happened—

Senator Ludwig—Mr President, I rise on a point of order. Senator Brandis cannot say that he is not reflecting on the vote and then proceed to reflect on the vote. I gave leave for a short statement to be made in respect of the division. I was then interested to ensure that it was not going to be a rehash of the vote that was just taken. What we are now hearing is a reflection on the vote, quite frankly.

The PRESIDENT—Senator Brandis, I believe that you are now debating the motion. If you want to comment on the procedure that was taking place, I think that that is fair, but—

Senator BRANDIS—Mr President, I sought leave to make a statement in relation to Senator Fielding’s motion and the division that has just taken place. Those were the terms in which I sought leave. Those were the terms in which leave was given. Leave having been given, it cannot now, as I understand it, be rescinded.

The PRESIDENT—Yes, but also, without getting into a debate on this—and I will not—it should not reflect on the vote of the Senate.

Senator BRANDIS—It will not reflect on the vote of the Senate. I expressly stated that I was not reflecting on the vote of the Senate. What I do intend to reflect upon is some prior statements made by certain government—then opposition—politicians. I will not be dealing with the vote in the Senate again.

Senator Ludwig—Mr President, I raise a point of order in respect of this matter. We are now debating the issue. That is what we are doing now, but it is not appropriate to do that. The vote has been taken and we have moved past this point. I would ask Senator Brandis, through you, Mr President, to refrain from debating the motion, to refrain from reflecting on the vote and, quite frankly, to move on.

Senator BRANDIS—I will not be reflecting on the division because under standing orders I am not at liberty to. Leave was granted for me to make this statement for the reasons you explained, on the basis outlined by Senator Parry and acknowledged, in granting leave, by Senator Ludwig. Because of the circumstances in which this issue has arisen, there is nothing, other than reflecting on the vote of the Senate, that I should be restricted from saying now and that I could not have said in advance of a division.

The PRESIDENT—Senator Brandis, proceed with your statement. I will continue to listen closely to what is being said, as well as take the advice of the Clerk.

Senator BRANDIS—Thank you, Mr President. Had Senator Fielding’s motion been carried then a Senate inquiry would have been established to examine a matter which has become notorious, and that is the leak by an unknown, unspecified person of the details of the Prime Minister’s conversation with President Bush on 10 October.

Senator Sterle interjecting—

Senator Abetz interjecting—

The PRESIDENT—Order! Senator Abetz, if Senator Brandis is making the statement, I am quite prepared to listen to Senator Brandis but it is very hard having two people operating at once.

Senator BRANDIS—I want to take the Senate back to a number of statements that were made by or on behalf of—

Senator Ludwig—Mr President, I raise a point of order in respect of this matter, for which there was a formal motion. It was granted formality and the motion was moved. It was moved without debate. Granting leave does not alter that position, but the debate is now ensuing in respect of the motion. This was a motion moved without debate. Leave was granted to provide a short statement in respect of the matter but not to debate the matter. We know what short statements are for: they are to clarify something, to expand on something that happened during the division, or for some other matter that is unrelated, but they are not a debate on the motion. If the Liberals are now going to use this device to debate the motion, they should reflect very carefully on whether leave will be granted by the government in respect of these matters.

Senator BRANDIS—Mr President, I was granted leave to make a statement of the kind I indicated, and

CHAMBER
that is what I am doing. I have been given leave; the leave cannot now be rescinded.

Senator Ludwig—Mr President, on the point of order: I ask that you rule on whether we are now debating the motion.

Senator BRANDIS—But you do not know because I have not said anything yet.

Senator Ludwig—You have already spoken and you have indicated that you are going to go over the debate itself.

Senator BRANDIS—No, I have not. I never said that.

Senator Bob Brown—On the point of order: the matter could best be resolved if we were to have an agreement that Senator Brandis have two or three minutes, which is usual for a statement being made by leave. In other words, if Senator Brandis were to agree to such a time limit, I would be happy to hear him out, whatever he has to say.

Senator Ferguson—On the point of order that Senator Ludwig made: it is my understanding—and I would ask you to rule on this—that when a person seeks leave to make a statement there are no restrictions on what he may say in that statement; there is only a time limit that is sometimes put on it. So, you can give leave for a certain time but, as I understand it, if a senator stands and says, ‘I seek leave to make a short statement,’ you cannot restrict the content of that statement; you can only ever put a time constraint on it.

Senator Cormann—The government is touchy.

Senator Sterle—You lost the vote. That’s it. Move on.

The PRESIDENT—Senator Sterle and Senator Cormann, it does not assist the conduct of this for people to interject. Senator Brandis, did you wish to speak further on the point of order or do you want me to rule?

Senator BRANDIS—On the point of order, Mr President: leave was given; it cannot now be rescinded.

The PRESIDENT—Senator Brandis, I am quite aware that leave was given. Leave was sought and leave was given. To answer Senator Ferguson’s comments on Senator Ludwig’s point of order: it is quite correct that I cannot instruct a person or deny them the right to say anything when they have sought and been granted leave, other than that they cannot reflect on a decision of the Senate. Provided you do not reflect on the decision of the Senate then my position is clear and you will continue to make your statement. It will be up to others, if they disagree with the way in which you proceed, to take points of order.

Senator BRANDIS—I want to begin with the speech of the Governor-General. In this chamber, at the opening of the 42nd Parliament, on 12 February 2008, when His Excellency, in announcing the historic occa-
that time, it would be appropriate for Senator Brandis to bring his statement to a conclusion. I am firming in the view, as I listen to more of what Senator Brandis says, that the issue is now being debated. I do not believe that that is the purpose of seeking leave to make a statement. There are other avenues for statements to be made in this place. Senator Brandis, I ask you to draw your remarks to a conclusion if you possibly can.

Senator BRANDIS—I have been given leave to make a statement.

The PRESIDENT—Yes, I understand.

Senator BRANDIS—There is no limitation of time placed upon me, though I will be brief. That leave was unconditional. So long as I am not in breach of any standing orders—and you have not ruled that I am—the leave cannot be rescinded. I am at liberty to continue, as I propose to, subject to your rulings, of course.

The PRESIDENT—I have indicated that you should continue. I do not think, though, that the path that you are now going down is within the spirit of the discussions that took place—that were raised not by government members but by opposition members—in respect of leave being granted for statements. I just say that, for what it is worth.

Senator BRANDIS—Thank you. I will not be very long. In a speech to which I have referred, which sets out the Rudd government’s purported public position in relation to disclosure, Senator Faulkner went on to say: Some of these symptoms of failing structures can be, and are being, reversed...

A ‘pro-disclosure culture in government’ is one of the five ambitions, or declarations of intent, that Senator Faulkner made for the Rudd government. He went on to say, rhetorically:

…do we really want our democracy to be one in which accountability and good governance ultimately depend on the goodwill, on the whim, of the government of the day?

We have seen how thin those words are. We have also seen how thin the announcement by Mr Rudd was, four days before the federal election last year, when he was the Leader of the Opposition, that ministerial staffers involved in government decision making would lose their ability to avoid giving evidence to inquiries by parliamentary committees under a Labor government. The article in the Australian by the journalist Matthew Franklin went on to report that Mr Rudd also foreshadowed the release of a new code of ministerial conduct. He said:

If we have ministerial staff who themselves are directly engaged in effective decision-making within government, then of course they should be accountable before parliamentary committees.

Those are the very words of the Prime Minister on 20 November last year: of course, ministerial staff should be accountable before parliamentary committees. That was Mr Rudd’s position when he was in opposition. That was the new government’s position, as announced in the speech of the Governor-General in opening the parliament. That was the position of the minister responsible for these matters, Senator Faulkner, in his speech to the 2020 Summit last April. Yet what we are seeing today and what we have seen in the approach of the Rudd government to this entire issue of the leaking of one of the most important—

Senator Crossin—Mr President, on a point of order: Senator Brandis has now been on his feet for at least 2½ minutes. Could you give us some advice as to when a short statement is a short statement—and how long that ought to be—and when a short statement is just a heap of diatribe that goes on forever?

The PRESIDENT—Senator Crossin, leave was granted for a short statement. I think that the Hansard record will show that. Senator Brandis, I would draw your attention to a statement that I made a few moments ago. You said you were wrapping. I think that a little bit of good faith now needs to be shown. I cannot sit you down—you know that. You have leave, as you have rightly pointed out, to continue, but I think it would be in good faith if you could wrap up your statement.

Senator BRANDIS—Mr President, I would have been disposed of the matter well before now had there not been points of order taken by the government, who are obviously very scared of this issue—every one of which has failed; every one of which you have properly overruled.

Senator Sterle—Well, get on with it. You are full of it.

Senator Crossin—Get over it. You had the chance to give us this diatribe before the vote.

The PRESIDENT—Order on my right! Senator Brandis, I have asked in good faith if you can wrap up your statement.

Senator BRANDIS—Mr President, the point the opposition seeks to make is this: by the conduct of the government, by the conduct of the Prime Minister, in refusing to respond to proper questions in the House of Representatives on Monday, Tuesday and Wednesday of this week, by the conduct of spokesmen and senior ministers of the government in addressing this issue and in the conduct of the Australian Labor Party in this chamber this morning, the hypocrisy of the Labor Party’s commitment to a pro-disclosure culture—Senator Faulkner’s words—to a culture of transparency, the words used in the Governor-General’s speech, and to exposing ministerial staff to scrutiny by parliamentary and Senate committees, which would have been the effect of Senator Fielding’s motion, which was squashed by the Labor Party this morning.
has been exposed once and for all. Had Senator Fielding’s motion not been squashed by the Australian Labor Party, which have so much to hide on this issue—as they protect a Prime Minister who has been responsible for one of the most significant national security breaches in recent times—the Senate processes could have worked.

The PRESIDENT—Order! Senator Brandis, I asked if you would finish in good faith. Based on what I have previously experienced at the request of your party in a Procedures Committee, I think it is reasonable. I think you are now clearly debating the issue. I cannot stop you from debating the issue, but I draw your attention to the fact that I think that it would be good if you could draw your comments to a conclusion.

Senator BRANDIS—Thank you, Mr President. The result is that the Australian people, through the most appropriate parliamentary mechanism, a Senate select committee, have, as a result of the behaviour of the government, been denied the opportunity—which the previous government on occasions like the ‘children overboard’ inquiry gave the then opposition—to examine a matter of serious public interest. Nothing could be more serious than a breach of the security of a conversation between the Prime Minister and the President of the United States of America, particularly when there is credible reason to believe that the source of the disclosure was the Prime Minister himself. As a result of the Labor Party’s opportunistic and hypocritical conduct, the opportunity for parliamentary scrutiny has been denied, and the Australian people should draw their own conclusions.

COMMITTEES
Publications Committee
Report

Senator McEwen (South Australia) (10.26 am)—On behalf of Senator Carol Brown, I present the 7th report of the Senate Standing Committee on Publications.

Ordered that the report be adopted.

BUDGET
Consideration by Estimates Committees
Additional Information

Senator McEwen (South Australia) (10.26 am)—I present additional information and the Hansard record of proceedings received by committees relating to estimates as listed at item 5 on today’s Order of Business.

- Community Affairs Committee—3 volumes
- Education, Employment and Workplace Relations Committee—2 volumes
- Environment, Communications and the Arts Committee—2 volumes
- Finance and Public Administration Committee—5 volumes
- Rural and Regional Affairs and Transport Committee—2 volumes

GREAT BARRIER REEF MARINE PARK AND OTHER LEGISLATION AMENDMENT BILL 2008

Returned from the House of Representatives

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

Senator Ian Macdonald (Queensland) (10.27 am)—Mr President, could I seek—with some trepidation, I might say—leave of the Senate to make a statement of less than 60 seconds? I can even indicate the nature of the statement, if that would help.

The PRESIDENT—No, you cannot. Is leave granted?

Government senators interjecting—

The PRESIDENT—Leave is not granted.

Senator Ludwig—What was it about? Ask again.

Senator Ian Macdonald—It was about—

The PRESIDENT—Order! If you people want to work these things out beforehand, that is fine. I have the job of sitting in the chair and determining to keep this place flowing with the business. Senator Macdonald, do you want the call again? You are entitled.

Senator Ian Macdonald—Yes, Mr President. I am not sure that my request was understood by everybody. I seek leave to make a very short statement, of less than 60 seconds, about the message that you have just delivered.

The PRESIDENT—Is leave granted?

Senator Ludwig—Yes.

The PRESIDENT—There being no objection, leave is granted.

Senator Ian Macdonald—Thank you, Mr President. I want to thank the government for allowing me to make this statement. I want to put on record my thanks to the government and the Labor Party for agreeing in the lower house to the amendments moved by the Senate to the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008. I know the Labor Party argued vociferously and vigorously against our amendments. They voted against them but when the amendments went to the other House they agreed. I thank them for that—not on my account, of course, but on behalf of all of those Australians who were affected by the amendments. I want to express their thanks to the government for agreeing to those amendments.
AUSTRALIAN ORGAN AND TISSUE DONATION AND TRANSPLANTATION AUTHORITY BILL 2008

First Reading

Bill received from the House of Representatives.

Senator LUDWIG (Queensland—Minister for Human Services) (10.29 am)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator LUDWIG (Queensland—Minister for Human Services) (10.30 am)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

AUSTRALIAN ORGAN AND TISSUE DONATION AND TRANSPLANTATION AUTHORITY BILL 2008

As we all know, organ and tissue transplantation is a highly effective treatment that saves or significantly improves the quality of life of Australians and their families. Australia is a world leader in clinical outcomes for transplant patients.

But we also know that, despite more than 90% of Australians supporting organ donation, we have a longstanding shortage of organs for transplantation.

The 198 deceased organ donors in 2007 resulted in 657 transplants, meeting just one third of demand.

We need to do better for the 1,800 Australians currently on organ transplant waiting lists, and the families who care for them.

People awaiting a transplant require debilitating, time-consuming and expensive treatment. It is hard, if not impossible, for them to carry on active work, and their capacity to engage with their families and the community is reduced.

The wait for a transplant can extend for many years and comes at a significant cost to the health system. For example, treatments such as dialysis cost our hospitals $83,000 per person per year, compared to the cost of a kidney transplant – $65,000 per recipient for the first year and $11,000 a year thereafter.

Against this background, on 2 July this year the Government announced a best practice national reform package to establish Australia as a world leader in access to life saving and transforming transplants.

The package was endorsed by the Council of Australian Governments the following day.

This integrated and comprehensive reform package will improve the number of life saving and transforming transplants for the 1,800 Australians languishing on waiting lists.

It provides $151.1 million – including new funding of $136.4 million – over four years for a range of national initiatives including a new funding stream for hospitals to cover the costs associated with organ donation, more hospital staff dedicated to organ donation, education and awareness campaigns, and funding to support the families of deceased donors.

We need a national body that will work with States and Territories, clinicians, consumers and the community sector to build this new system for Australia.

The experiences of the world’s top performing countries, including Spain, show us that a central, coordinating agency that is dedicated to leading and driving change is paramount to improving organ donation rates for transplantation.

Today I am delighted to introduce the Australian Organ and Tissue Donation and Transplantation Authority Bill 2008 which is at the core of our commitment to do better for Australians in need of a transplant – the establishment of an independent authority on 1 January 2009 to spearhead the implementation of the wide-ranging national initiatives.

The governance structure for the Authority is broadly modelled on that of the National Health and Medical Research Council, with the CEO exercising the powers of the Authority, advised by a Council of experts from a wide range of fields relevant to organ and tissue donation and transplantation, and from the community, business sector and governments.

In performing a number of functions, the CEO’s responsibilities will include:

• overseeing a new national network of clinical specialists and hospital staff who are dedicated to organ and tissue donation activity;
• facilitating and conducting training for professional staff involved in organ and tissue donation;
• ongoing national community awareness programs about organ and tissue donation and transplantation;
• introducing and managing a national data and reporting system;
• administering funds, including to non-government organisations to provide essential services such as those for national organ matching; and
• formulating and monitoring national policies and protocols, including working closely with peak clinical and professional organisations in the development of consistent clinical practice protocols and standards.

$24.4 million over four years is available to fund the Authority’s establishment, operations and infrastructure, including staffing and governance costs and a new, integrated national data and reporting system.

There are a few additional points that I would like to make about this important Bill and the context in which it has been developed.

First, I can assure members that the rationale for the establishment of the Authority, along with the various elements of the Government’s reform package, is firmly grounded in best international and national practice.

The experience of several comparable countries demonstrates clearly that a coordinated and integrated approach followed by sustained effort will over time see real improvements in organ donation and transplantation rates.

Countries that lead the world in organ donation and transplantation rates all have nationally consistent processes and
systems extending into local hospitals, supported by ongoing community and professional education.

By contrast Australia has languished with a disjointed, insufficiently resourced system.

This bill, along with the related initiatives the Authority will implement, addresses these key issues.

The reform package and the creation of the Authority have the strong support of all Australian governments, the organ and tissue sectors, and community and consumer groups.

The second issue I wish to highlight is that the bill in no way impedes, restricts or replaces the existing State and Territory legislation that governs organ and tissue donation and transplantation in practice, nor the regulatory framework for ensuring the safety of organ or tissue transplants.

Over the years many representations have been made, including to my colleagues and I, about introducing an “opt-out” legal system as a means of increasing the number of organs available for transplantation from deceased donors. For many reasons the Government has not proposed a change to Australia’s current legal framework.

In developing the reform package the Government gave this issue the most serious and careful consideration and examined the best international evidence, local research and inquiries.

There is no clear evidence from anywhere overseas that “opt-out” legislation is the magic bullet solution. While proponents of “opt-out” point to the successful performance of Spain, that country changed its legal consent framework a decade before its donation rate began to improve. Improvement only began with the introduction of dedicated, hospital-level organ donation specialists.

In the top performing countries that have opt out legal frameworks, including Spain, Belgium and France, donation is still discussed with the family and any wishes of the family for donation not to proceed are respected.

We also know that an “opt-out” legal system will not change clinical practice. Australian doctors, quite rightly, will object strongly to the procurement of organs and tissue without family consent.

Instead of changing Australia’s legal consent framework, this new national approach, spearheaded by the Australian Organ and Tissue Donation and Transplantation Authority, will enable all families of potential donors to be asked about donation.

The Authority will work with the States and Territories, the professions and community organisations to educate people about donation, to support families and to make sure that all suitable patients will be considered as potential donors.

It will also coordinate ongoing community awareness efforts to encourage Australians to discuss their wishes with family, and give every family of a potential donor the information, knowledge and support to choose donation.

Australian families deserve the best organ donation and transplantation system in the world.

Through this package of reforms, including the bill I am introducing today, along with the extraordinary gift of individuals and families in tragic circumstances, Australia will become a leader in best practice organ donation for transplantation.

The establishment of a national Authority is the linchpin of this approach and I urge members to support the bill so that the Authority can be set up and get to work on the national reforms that will save Australian lives.

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

SOCIAL SECURITY AND VETERANS’ ENTITLEMENTS LEGISLATION AMENDMENT (SCHOOLING REQUIREMENTS) BILL 2008

Report of Community Affairs Committee

Senator McEWEN (South Australia) (10.30 am)—On behalf of the Chair of the Standing Committee on Community Affairs, Senator Moore, I present the report of the committee on the Social Security and Veterans’ Entitlements Legislation Amendment (Schooling Requirements) Bill 2008, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

COMMITTEES

Finance and Public Administration Committee

Report

Senator POLLEY (Tasmania) (10.31 am)—I present the report of the Standing Committee on Finance and Public Administration on item 16525 in part 3 of schedule 1 to the Health Insurance (General Medical Services Table) Regulations 2007, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator POLLEY—by leave—I move:

That the Senate take note of the report.

The Finance and Public Administration Committee were asked to inquire and report on a motion moved in the Senate by Senator Barnett to disallow item 16525 in part 3 of schedule 1 to the Health Insurance (General Medical Services Table) Regulations 2007. In particular, the committee were asked to report on the terms of the motion, the number of services receiving payments under this item and the costs of the payments, the basis upon which payments of benefits are made and the effects of disallowing this item.

The inquiry was well received and the committee received 484 public and 45 confidential submissions. I thank those people for taking the time to make their submissions. Further, I would like to thank all the people who gave their time, their expertise and their opinions on this very important issue. What appeared on the surface to be a black-and-white conscience vote turned out to be a very detailed interpretation of definitions and data and moral questioning on a number of issues surrounding pregnancy and the health of the mother and unborn baby.
The committee firstly had to gather information about item 16525. The Medicare Benefits Schedule describes item 16525 as the ‘management of second trimester labour, with or without induction, for intrauterine foetal death, gross foetal abnormality or life threatening maternal disease’. Second trimester is generally considered to range between 13 and 26 weeks of pregnancy. The committee were advised that fewer claims are processed under item 16525, second trimester, than under item 35643, first trimester. We were given figures that in 2007-08 there were 794 claims under item 16525 compared with 71,957 claims under item 35643.

The committee heard evidence about what is a life-threatening disease, termination methods, the impact on women’s health and wellbeing, the effects of disallowing item 16525, termination for foetal abnormality, the role of Medicare, the potential financial effect of a disallowance, the adequacy of the rebate and the potential effect on second trimester abortion numbers. What has been very evident during this inquiry is the lack of data on terminations in Australia. It has not been possible for the committee to have a clear understanding in relation to how many services receive payment under item 16525, because it includes spontaneous abortions—miscarriages—and medical or induced abortions, or terminations. There are a number of different data-gathering methods across the country, so we cannot compare apples with apples. There is a lack of consistency among the states and territories in how terminations of pregnancy are identified. An example is stillbirths. Some states can distinguish late terminations from stillbirths, but other states cannot differentiate them. There is also confusion over the use of terms ‘abortion’ and ‘termination’. These words were used in different contexts with different meanings by witnesses throughout the inquiry.

There is a lack of consistent definitions. To give you an example of what I am talking about, let me quote from some of the submissions that the committee received. The term ‘gross foetal abnormality’ is often used as the reason for termination under item 16525. However, many witnesses pointed to the lack of a definition or any guidance for the use of this term. One witness said—and I quote from comments made by the Department of Health and Ageing:

Generally, the term ‘gross’ in medical parlance indicates something that is macroscopically visible; that is, it does not require the aid of a microscope to identify. It is an abnormality that is obvious to the naked eye. While a pregnancy that is continuing, these days it is generally something that can be identified on ultrasound.

Professor David Ellwood stated:

My interpretation of the phrase ‘gross foetal abnormality’ really means a significant or severe foetal abnormality. The idea that it is something that is visible to the naked eye is nonsense. We use technology, ultrasound, genetic testing and metabolic testing these days. In my experience, it is not anything to do with whether or not this is something that you can see with the naked eye.

Witnesses said that it is now left to the practitioner’s clinical decision as to what constitutes a gross foetal abnormality. What has happened is that gross foetal abnormality has come to mean ‘any abnormality or considered defect’. The committee heard from Dr David Knight, who said:

I think it is probably a bad term and I think it is capable of being misunderstood. My understanding of it is that it is a lethal foetal deformity or a deformity of such magnitude that it would prevent a human being from leading a normal life. That would be my understanding of the word ‘gross’. However, I can see how it could be misinterpreted or misunderstood and I would think that perhaps a better term should be found.

The committee has recognised a need for an improvement in data quality and consistency so that a complete national picture can be easily recognised. Uniform data from all jurisdictions is required not only to improve data for the purposes of analysis and comparison but also to enable consistency in relation to definitions.

This could have been a much more emotive issue to deal with. It was not and nor was it ever intended to be a debate on abortion. We have been here; we have had that debate. It was purely relating to financing using taxpayers’ money. There was a lot of witnesses and a lot of evidence from people who would normally not support abortion but who wanted to make it very clear that they in no way would condone any additional stress placed on families who were suffering from miscarriages or stillbirths. I think it is important to put that on the record. I am sure other speakers will comment further on this during the debate.

The committee therefore recommends that the Australian Health Ministers Conference ensures prompt application of the Perinatal Society of Australia and New Zealand Perinatal Mortality Classifications across all states and territories. The committee also recommends that the Australian Health Ministers Conference secures an agreement with all jurisdictions to work towards providing complete and uniform data.

As I said, this was an emotive issue. I wish to place on record my appreciation to all my colleagues, senators, members of my committee, participating senators, those people who gave evidence over the two days for the way in which they cooperated with me as chair and for the dedication that they demonstrated to this very important issue.

I believe it has been a thorough and informed inquiry. Our recommendations will ensure that this very complex issue of second trimester terminations will continue to be discussed and debated once a uniform method of gathering data is established and clear definitions are used throughout the country.
I encourage all senators and the public to read this report, because it very clearly states the case for disallowance and, for those witnesses who believe it should not be disallowed, the case against disallowance. Only two recommendations came out of this report. I commend those recommendations. I would also like to place on record my thanks to the secretariat for the work that they did and the dedication and the timely way they were able to present the report.

The ACTING DEPUTY PRESIDENT (Senator Moore)—I wish to inform the Senate that informal arrangements have been made regarding the time allocation for this discussion.

Senator WILLIAMS (New South Wales) (10.40 am)—I seek leave to incorporate Senator Barnett’s speech.

Leave granted.

Senator BARNETT (Tasmania) (10.40 am)—The incorporated speech read as follows—

Introduction and Background

On 18 June 2008, I moved a motion in the Senate to disallow item 16525 in Part 3 of Schedule 1 to the Health Insurance (General Medical Services Table) Regulations 2007. Item 16525 is described in the Medicare Benefits Schedule as follows:

MANAGEMENT OF SECOND TRIMESTER LABOUR, with or without induction, for intrauterine fetal death, gross fetal abnormality or life threatening maternal disease, not being a service to which item 35643 applies (Anaes.)

Fee: $267.00 Benefit 75% = $200.25 85% = $226.95. 1

On 16 September 2008, the Senate passed the following resolution:

1. That the subject of the motion for disallowance of item 16525 in Part 3 of Schedule 1 to the Health Insurance (General Medical Services Table) Regulations 2007 be referred to the Finance and Public Administration Committee for inquiry and report on and not before 13 November 2008.

2. That the committee in particular report on:
   (a) the terms of item 16525 of part 3 of Schedule 1 to the Health Insurance (General Medical Services Table) Regulations 2007;
   (b) the number of services receiving payments under this item and the cost of these payments;
   (c) the basis upon which payments of benefits are made under this item; and
   (d) the effects of disallowing this item.

Following referral of the inquiry to the committee, I withdrew the motion to disallow item 16525 on 17 September 2008. I did this on the basis that I support full disclosure, putting the facts and figures on the table for all to see and to validate my own research on this matter. I am satisfied the Report has done this. But it has also unearthed disturbing new evidence on this issue which I believe many Australians would be concerned about.

Conduct of the Inquiry

The Committee received 484 public and 45 confidential submissions. Submissions in support of a disallowance generally focused on five key areas: termination for fetal abnormality; the use of psychosocial grounds for termination; the methods of termination used; the ‘unethical’ role of Medicare as a body responsible to preserve life and health; and the ill-effects on the physical and mental health of women who have undergone a termination.

A vast number of such submissions argued that item 16525 was utilised to terminate fetuses that could otherwise survive outside of the uterus and questioned both the validity of the definitions of the services provided under the item as well as the services actually claimed under the item number by medical practitioners.

Regarding the viability of fetuses, the second trimester covers from 14 to 26 weeks of pregnancy. Recent medical advances have led to an improvement in fetal viability so that infants born as early as 21 weeks have survived. Fetal surgery has also been successfully performed on unborn babies as early as 21 weeks of pregnancy. The concerns I raised on this issue in my briefing paper were shared by many who made submissions to the inquiry.

Some submitters to the inquiry in favour of the disallowance of the current item 16525 held that it was important to introduce alternative provisions for cases of lethal fetal abnormality, conditions which pose a significant risk of maternal death or intrauterine fetal death. 2 This is a view I hold and have previously expressed. I, along with all witnesses at the inquiry, support the continued delivery of medical services for intra uterine death. This is not controversial at all in my mind.

Matters of Interpretation and Lack of Guidance

Evidence indicated that there is no shared understanding of the meaning of the phrases used to describe two indicators for claims under item 16525, that is, ‘gross fetal abnormality’ and ‘life-threatening maternal disease’. Dr David van Gend from the World Federation of Doctors Who Respect Human Life, for example, commented that although the item was ‘no doubt drafted in good faith’, because of loose definitions, ‘it is open to subjective interpretation by doctors, and terrible abuse’. 3

Evidence gathered by the inquiry also demonstrated that the term ‘gross fetal abnormality’ is being interpreted by medical practitioners to include quite trivial, correctable disabilities such as a missing finger and cleft palate as well as common disabilities such as Down syndrome, dwarfism and spina bifida. The Report stated,

‘gross fetal abnormality’ was understood in contradictory ways by witnesses and a number of submissions pointed to the lack of a definition or any guidance given in item 16525 for the term. 4

Funding abortions for fetal disability, in my view, contradicts our commitment to the elimination of discrimination on the grounds of disability. This view was strongly expressed and supported by a range of witnesses. Apart from being discriminatory, the evidence suggests that Australia may be in breach of a number of international treaties protecting the rights of the unborn, including the Convention on the Rights of Persons within Disabilities which Australia has recently ratified.

The term ‘management of second trimester labour’ is being interpreted to cover both partial birth abortion as well as prostaglandin induction of labour in which many babies are actually delivered alive and simply left to die, while others
are killed by a lethal injection of potassium chloride to the fetal heart.

The term ‘life threatening maternal disease’ is being interpreted by medical practitioners to cover abortions for purely psychosocial reasons, effectively abortion on request.

These are issues I raised in my briefing paper earlier this year and which have been supported by the evidence put before the inquiry.

Recommendations in the Report —The Need for Better Data

As the Senate Report notes, the evidence before the committee points to a lack of data on terminations performed in Australia. The committee believes that there is an urgent need to improve the collection and recording of perinatal and neonatal data generally. The improvement of perinatal and neonatal data collection will have ramifications for health care policy and practice across Australia as it will provide improved data to inform government and the medical profession.

In order for this to be achieved, uniform data from all jurisdictions is required as well as the use of one classification system across the country. This would not only improve data for the purposes of analysis and comparison, but also enable consistency in relation to definitions.

As a result of these findings, the Committee has made the following recommendation which I fully support;

Recommendation 1

The committee recommends that Australian Health Ministers’ Conference ensure the prompt application of the Perinatal Society of Australia and New Zealand Perinatal Mortality Classifications across all States and Territories.

The committee recognises that improvement in data quality and consistency is essential for a complete national collection. The committee notes that the NMDS is reliant upon national agreement to provide uniform data as part of a national collection. It therefore encourages the Australian Health Ministers’ Conference to work with the National Perinatal Data Development Committee and other key stakeholders to ensure that, across all States and Territories, comprehensive uniform data is provided to the NMDS.

The committee has thus made the following recommendation, which I also support;

Recommendation 2

The committee recommends that Australian Health Ministers’ Conference secure an agreement with all jurisdictions to work towards providing complete and uniform data to the Perinatal National Minimum Data Set.

My Response to the Report

Confirmation of Previous Concerns

This inquiry confirms the concerns I raised in my briefing paper earlier this year, and the validity of the reasons why I put forward this motion in the Senate. I supported the inquiry, as I indicated when I withdrew my motion in September of this year.

The inquiry has confirmed that taxpayers have paid nearly $1.9 million since January 1994 in support of 10,722 procedures under this item. Evidence given to the inquiry suggested that only a small number of these procedures would have been inductions following intrauterine fetal death. The overwhelming majority of these procedures would have been second trimester and late term abortions.

I believe the money expended on these abortions could be more appropriately used for pregnancy support services and I urge the government to seriously consider this initiative. For the full details of the relevant statistics, costs and numbers of Medicare claims processed under item 16525, further detail can be found in the Report.

Disturbing New Evidence

The inquiry has unearthed further disturbing evidence. Some of these disturbing issues include:

- Fetal pain during abortion procedures is not properly understood or humanely managed;
- The brutality of the abortion methods being used in Australia is worse than previously understood;
- Babies are being born alive and simply left to die as part of the abortion process; and
- The evidence strongly suggests a eugenics agenda against the disabled.

More specifically, there is confusion and ambiguity regarding the definition of gross fetal abnormality and life threatening maternal disease. It is interpreted in different ways by different people and is open to abuse.

For these and other reasons, and in response to this report, I will be writing to the Federal Government urging them to address the issues raised by the report, and to note the evidence that has come to light in the course of its investigations.

Pending the Government’s response, I will then consider whether or not to reintroduce my motion to disallow Medicare Funding for second trimester and late term abortions.

Concluding Remarks

The Report prepared by the inquiry into Medicare funding of second trimester and late term abortions has unearthed significant new evidence on the issues raised in my Senate motion. It has also confirmed the need for further discussion of these issues as we seek to develop a balanced response. I urge all people interested in this matter to read this Report which is available on the Senate’s website.

At this point, I would like to thank the Secretariat of the Committee, Christine McDonald and her hard working team, for their studious efforts in reviewing the submissions and preparing this Report.

I also acknowledge the Chair of the Committee, Senator Helen Polley, for her leadership on this issue and the manner in which she has overseen this process.

Public Interest —Petition Response

There has also been considerable interest in the community on this issue.

The inquiry received over 500 submissions for consideration, with a wide range of views being expressed. These views have been fairly and appropriately represented in the final form of the Report.

There has also been overwhelming support from around Australia on this issue and later today I will be providing 15,337 petition signatures to the supporting this motion which will be presented in the Senate on the next sitting day. These are
in addition to the 12,982 signatures that have already been lodged in September and October of this year. That makes a grand total of 28,319 signatures supporting this motion—one of the largest petition responses seen in the Parliament for some time.

**Personal Thanks**

In closing, I would also like to thank the many thousands of people around Australia, and indeed from overseas, who have personally supported and encouraged me in this endeavour. Your thoughts, prayers, letters, emails and action have all made a difference, and I thank you for it.

A special thank you to Gianna Jessen, an abortion survivor from the USA, who visited our country two months ago to support my motion and to tell her story.

Together we have raised an important issue. With the help of the democratic process and the inquiry, we have seen important new information come to light. I will now be writing to the Government calling on them to respond to the issues in the Report.

2. See for example, Catholic Health Australia, Committee Hansard, 29.10.08, pp2-3.
3. Dr David van Gend, World Federation of Doctors Who Respect Human Life, Committee Hansard, 29.10.08, p.45.
4. Finance and Public Administration Inquiry into Motion to Disallow Medicare Item 16525, Chapter 3, p.3.
5. Dr David Knight, Committee Hansard, 30.10.08, p.74

**Senator BOSWELL** (Queensland) (10.40 am)—I wish to make some comments about a couple of the submissions made to the Senate Standing Committee on Finance and Public Administration. Firstly, the submission presented by the Australian Reproductive Health Alliance was the same as the submission from the Parliamentary Group on Population and Development. That in itself is cause for concern. Senator Moore, as chair of the PGPD, presented the submission to the committee. In the covering letter, she writes, ‘Thank you for the opportunity to present the PGPD’s views. Yours sincerely, Senator Claire Moore, Chair.’

However, not only was the submission a straight copy of another submission; it also did not have the support of the PGPD. It was wrong to claim that the submission represented the views of the PGPD. The submission was not put before all members of the parliamentary group to gauge their support or input. It was put forward as the group’s submission without consultation. I understand that several members of the Parliamentary Group on Population and Development have resigned or disassociated themselves from the submission. As a result of this submission going forward in their name, the credibility of the PGPD must now be seriously in question. There is a very good reason for disquiet from members of the PGPD. The submission essentially argues that abortion is a cheaper alternative to looking after children with severe disabilities. The submission includes a section entitled ‘The community impact of increased numbers of children with severe disabilities.’ It states: The financial cost of caring for a severely disabled individual is high not only for the family, but for the greater community. Removing item 16525 would save the Commonwealth, by some estimates, $181,560 per year based on 2007 utilisation of item 1652515. Adequately supporting an individual with high support needs costs the community and families far more than this.

I would like to know whether the government supports the approach that disabled children be aborted rather than put further strain on the disability services sector, because that is what is clearly implied by this offensive submission. Its underlying premise is that some lives are worth less than others because they will cost too much to support. This is the kind of thinking that was typical of the Hitler regime. It set itself up as judge of who deserved to live and who deserved to die. This revisiting of eugenics principles is repugnant to a society that prides itself on the contribution of all, regardless of whether they have disabilities. We are all human and equally deserve to live.

**Senator MOORE** (Queensland) (10.44 am)—I am going to speak shortly on the committee report, but in view of Senator Boswell’s comments I am going to make a personal explanation later in the day. I want to put on record now the intent of our joint submission. It was put in separately, but it was clearly meant to be a joint submission from the Parliamentary Group of Population and Development, whose secretariat is the Australian Reproductive Health Alliance, which produced the submission. It was never intended to impugn or make any statements about the costs or about people in our community. In fact, Senator Boswell, if you had read the earlier paragraph you would have seen the statement we made, but I am not going to use this short time to speak on that. I will possibly speak later in this evening’s adjournment debate on that issue.

At this stage I wish to acknowledge the work of our committee and the extreme effort put in by the chair and the secretariat to ensure that, as the chair said in her contribution, the whole debate was focused on the issue of Medicare funding as opposed to a general debate on the topic of abortion. I admit that at times it did tend to move into the wider context, as you would expect, because of the deep commitment and care that people have across the views on this issue. We saw many people, whom we have met on previous occasions with various committees in this place, who came...
forward with submissions and opinions and who feel intensely strongly about the issue of abortion in our community. However, the topic before us was looking at Medicare funding, and it is important that we understand that Medicare has been a longstanding component of Australian health and that the idea of Medicare is that it provides Australians with affordable, accessible and high-quality health care. It ensures that Medicare benefits are paid to eligible healthcare consumers for services provided by eligible health practitioners. That is what is happening with the item before us.

We had extensive evidence about Medicare from people from the department who talked about how the different provisions of Medicare are governed in this country, how different practices are put onto the Medicare schedule and how there is an intense process used to ensure that this is done in a professional and objective way. The business and administration of Medicare is governed under the Medicare Act 1973. This act does not cover the clinical aspects of Medicare. That is covered through aspects of the Health Insurance Act 1973 and its regulations. Through this debate, we are looking at a regulation. In the regulation, it sets out clinical descriptions of services and fees. They are published openly on the Medicare Benefits Schedule. We have a range of professional, administrative and advisory groups that determine what the medical practice is through that process. It is not something that is determined by people’s particular beliefs; it is a medical issue determined by professional provider and practitioners.

In that way, what should happen when we are looking at medical provision is a going back to the professional areas to ensure that they review what is going on if necessary. We questioned at length a series of doctors and professionals who work in this area to establish whether there had been any complaint at any time about medical practices under this item. They checked their records and found there had not been a complaint. There is a professional provision available in our community that people can refer to if they have complaints about what service is actually provided under these regulations. We questioned a number of the doctors and asked them whether they understood this process and if they knew how it could be activated. They agreed, from the head of the professional organisation down through various practitioners, that they understood this process and accepted that it was practice. Then, under questioning, Medicare advised that there had been no complaint. We heard from people from the obstetricians professional association that various clinics referred to in evidence had probably the most reviewed and consistently observed clinical procedures anywhere in the country and were without professional complaint under the regulation.

I refer people to this report because it puts forward the issues and the evidence, both for the Barnett motion and also for those who oppose it. I commend the people who participated in the debate. I commend the secretariat for their extremely professional work. We have in this country a health system that is available to all people. The issue is between the person—in this case, the woman—and her medical practitioner, using the services provided under our legislation.

Senator FIERRAVANTI-WELLS (New South Wales) (10.49 am)—I rise to comment on the tabling of this report. This has been another difficult question for the Senate. Whilst the object of the inquiry was primarily about the management of second trimester labour, it nevertheless focused on the wider issue of abortion. It is always an issue which raises challenges and views across the spectrum of our community.

Some of the evidence given was not only graphic but also very confronting, and it is evidence which I am sure is not known by many in our community. Some of the evidence that was given referred to how babies were being born alive and left to die, the brutality of methods that are used in second trimester abortions, resulting in foetal pain, and what appears to be a eugenics agenda against the disabled, promoted in identically worded submissions, which have just been referred to, by the Australian Reproductive Health Alliance and the Parliamentary Group on Population and Development. These submissions appear to argue that Medicare funding should be retained for second trimester abortion because allowing disabled babies to be born would be a burden on the Australian taxpayer. The submission from the parliamentary group, from which I understand several members and senators have distanced themselves, is particularly troubling.

During the inquiry it became very clear that there is not only uncertainty about some of the descriptors under item 16525 but also a lack of clear data. The Medicare data contained in the report indicates the total number of services provided under the items; however, the data is only available for all services provided under the item and is not available for each indicator or the circumstances of the labour. In short, there is a lack of data on terminations performed in Australia. Better collection of data will have ramifications for healthcare policy and practice across the spectrum. Not only will better and more informed data ensure that government, the medical profession and the general public can be better informed, but it will also afford greater opportunities for better education in the area of perinatal and neonatal issues.

In conclusion, this is an emotive issue often presenting diametrically opposed views. It is important, as the chair said, that there be better information, because I think this will in turn ensure a greater respect for those different views which may be held for scientific, medi-
cal or ethical reasons. However, the dismissive attitude toward the views of others by some during the hearing was very regrettable.

Senator FIELDING (Victoria—Leader of the Family First Party) (10.52 am)—There is a temptation, when talking about abortion, to skim over the tough emotional reality of the procedure and to try to engage with the issue of the termination of pregnancy on a more technical and removed level. When you do that, the emotional reality is sometimes not considered. We try not to think about abortion because it is such a difficult and troubling issue. But, as senators, we need to really engage with this issue. We need to acknowledge the emotions and the desperation of women who consider abortion and we need to acknowledge the reality of the unborn life that was lost.

The issue of whether the Senate should disallow Medicare item 16525 can seem like a technical issue. But it does have an impact on the lives of women and their unborn children, and that is why Family First has taken the issue so seriously. Family First opposes abortion and believes more should be done to help women facing a difficult pregnancy, which would help reduce the abortion rate. How can we make our community more supportive of mothers and their babies?

The proposal before the Senate is to disallow Medicare item 16525, which provides a direct subsidy of $273 for second trimester abortions. Disallowing item 16525 is unlikely to cut the number of abortions but it would send a clear signal that the parliament is not willing to give financial support for the abortion, at up to 26 weeks of gestation, of an unborn child, some of whom are old enough to be delivered.

But the issue is not that straightforward. Item 16525 covers a range of procedures other than second trimester abortion. Family First is concerned that these other legitimate procedures should continue to be offered. For example, item 16525 includes subsidising medical help for women suffering a spontaneous intra-uterine death—or, in lay terms, miscarriage. That assistance should obviously continue to be offered to women. The Department of Health and Ageing gave evidence that it is possible to relatively quickly redefine Medicare item numbers, so a subsidy for these non-abortion items could still be provided if item 16525 were disallowed. But, in evidence given to the Senate Standing Committee on Finance and Public Administration, it became clear that, whether item 16525 continues to exist or not, all of the procedures will still be offered at public hospitals. There were claims that abolishing item 16525 would impact unfairly on lower-income women. But those claims are not credible given that the $273 fee covers only a small proportion of the full cost of procedures. For a second-trimester abortion, a woman would have to cover the balance of the cost, which ranges from $1,250 to $4,000. Clearly, low-income women would attend a public hospital rather than go to that expense.

Family First do not believe second-trimester abortions should be allowed to occur in private for-profit abortion clinics. Family First believe that public hospitals are the only place where second-trimester abortions should be provided because they offer a greater level of safety for women. Private for-profit abortion clinics can be too easily distracted by financial and commercial interests and are not bound by the same level of public scrutiny and accountability that is required of public hospitals. Family First's preference for public hospitals is relative because we still oppose the abortions offered. But at least the abortions are offered at an improved level of safety for women, and the number of abortions is not at the same risk of being driven by profits.

On a different matter, evidence given to the committee revealed a disturbing view that unborn children with disabilities should be aborted to save the public purse. That is unbelievable. I will say it again: evidence given to the committee revealed a disturbing view that unborn children with disabilities should be aborted to save the public purse. This view was even contained in a submission by the Parliamentary Group on Population and Development. Nobody is perfect. It is exceedingly arrogant for people to both assume that the lives of people with disabilities are not worth living and to advocate that they not be allowed to be born because their care would cost money. It is clear that children with disabilities and their parents deserve much more support than is offered by governments and the community. Family First supports the motion to disallow Medicare item 16525 whilst wanting the other procedures under this item to be covered. Therefore, Family First will support the motion to disallow this particular item.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (10.58 am)—We have heard previously in this debate that there have been no complaints raised about item 16525. I think there is a very good reason for that: the people most likely to complain are all dead! The issue is that the purpose of this process is to kill people aged between 13 and 26 weeks. I agree with Senator Fielding that, at the very least, this process must be done in a public hospital with a public ethics committee to oversee what someone defines as a ‘gross foetal abnormality’. As there is no clear definition of this, it can be open to all sorts of interpretations. I find it completely and utterly abhorrent that people are being killed in private clinics because of some practitioner’s decision about what a gross foetal abnormality is. In fact, I find abortion utterly abhorrent because we are determining the value of someone’s life through our eyes and not through theirs. We do not even give them the opportunity of
seeing life through their eyes at all. That is the crux of this issue.

I am also very disturbed about the Parliamentary Group on Population and Development and the fact that it has become apparent that people feel that they have been verbaled by their inclusion in this process. That is also completely disheartening. In this debate we must ultimately move the pendulum back towards life, towards those who rely on us in this chamber as their only means of protection. We are their only vestige of hope, and we need to move from our completely anarchistic and arrogant stance that we are the determinants of the value of someone’s life.

This debate also reignited what is basically a eugenics type of approach. It is the ultimate in economic rationalism—if you cost too much we will kill you. That should be completely abhorrent in our nation. You cannot have it both ways. You have to be consistent; you either believe in the protection of life. Whether or not the death of an innocent person is paid for by the state is irrelevant; the crux of the issue is that you are killing them. That has to be brought back to mind. I hope and pray that at some stage in this debate people will start to consider exactly what we are doing here. As soon as there is an ultrasound, it should be game, set and match. I look forward to getting a result the next time that we approach this issue.

Senator BERNARDI (South Australia) (11.02 am)—I do not support abortion because I believe it violates the most basic human right, and that is the right to life. I find the notion, advanced by some in the evidence they put forward, of killing unborn children because they have a disability or are in some way less than perfect grotesquely offensive. I think it is offensive and an insult to every Australian with a disability and those that love and care for them. As the coalition spokesman for disabilities, I have spent the last 12 months fighting for those with a disability and their carers, and I am disappointed that this insult has been advanced. (Time expired)

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Rural and Regional Affairs and Transport Committee Report

Senator CROSSIN (Northern Territory) (11.03 am)—On behalf of the Chair of the Rural and Regional Affairs and Transport Committee, Senator Sterle, I present the report of the committee on its examination of annual reports tabled by 30 April 2008.

Ordered that the report be printed.

Economics Committee Report

Senator HURLEY (South Australia) (11.03 am)—I present the report of the Economics Committee, Australia’s mandatory last resort home warranty insurance scheme, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator HURLEY—by leave—I move:

That the Senate take note of the report.

Senator HURLEY—This report is the result of a very long and complex inquiry. I thank Mr Geoff Dawson and the secretariat for their assistance in the inquiry to the committee and the participating members. Home warranty insurance is a very complex issue, and there have been many, many reports done at state and national level on this issue. We looked at a couple of main areas because there have been complaints by both builders and consumers about this form of insurance, and there is much misunderstanding on both sides of it.

I will provide a little bit of background about the insurance first of all. Home warranty insurance is in fact not really a warranty on the home at all; it is last resort insurance if the builder dies, disappears or becomes insolvent. So it is not a warranty against the work of a builder; it is only last resort insurance if that builder for some reason cannot complete the home. This insurance is taken out by the builder on behalf of the consumer. That also creates some misunderstandings. Builders’ complaints about it related to the fact that the insurance companies giving them insurance look first of all at the financial viability of the builder to ensure that, of course, the insurer is not left with a lot of liability and that they are not insuring a builder that is likely to go broke or disappear. Builders often claim that they have to give a high level of guarantee and that that is restrictive and deters builders from operating. From the consumer point of view, it can be very difficult to claim the insurance when they have to prove that the builder has become insolvent or has disappeared. There were many harrowing examples where consumers had spent a lot of time and money and been through various tribunals and courts trying to get this insurance triggered.

The committee was certainly very keen at the beginning, having seen these kinds of examples, to find some way through this dilemma of what we do about home warranty insurance. But, as so often is the case when you begin these inquiries, you discover that there are many layers of complexity in these issues.

I thank the many people who wrote submissions and/or gave evidence to our inquiry. We heard from many consumers and many builders and had very comprehensive evidence from the New South Wales government, who went through their regulation of the industry. In particular, we also heard from the Queensland government, who have a first resort kind of insurance which is run by the government and provides a warranty for building standards. It provides that warranty right through and also provides last resort insurance. That did seem to be a very good form of insur-
ance. I think the committee was very impressed by the level of support given by the Queensland government to that.

The question was: should we recommend that kind of full insurance or some other form? The New South Wales government are putting in place many checks and balances to ensure that building standards are maintained in that state, and that is an ongoing process. In other states, the process is variable. In my own home state of South Australia, and indeed in Western Australia, we found that there were very few problems—that the scheme is in fact managing quite well. The consumer protections seem to be in place, and the last resort scheme is sufficient.

Considering those layers of complexity, we recommended that there be better data gathering, that there be better reporting of what insurers are doing and what kind of profit they make out of this insurance and that recommendations be put in place about a best practice for ensuring that there is consumer protection right through the building process as well as at the end. We recommended changes right through from changing the name of the insurance, which implies that there is some sort of warranty on a house being built by the consumer. It is really only a last resort policy in all states except Queensland.

A lot of the examples that we heard from consumers about problems in fact originated before the HIH Insurance collapse, which caused a great many problems because HIH provided a great deal of this insurance. That illustrates how long ago it was, because that collapse was in 2001, so a lot of those complaints have been carrying on since then.

Since then, the HIA, the MBA and other building associations have worked with state governments to get some form of insurance back up. One insurance company in particular has a large share of the market, and the HIA provides broking services for that insurer and others. There was some question about whether that was any kind of conflict of interest. The committee went into that in great detail and found that there was no conflict of interest there, that the HIA had a broking service at arm’s length and that that dealt independently with builders and with consumers in terms of this form of insurance.

The Tasmanian government has made this insurance voluntary rather than mandatory. The committee discussion was to the effect that we should keep a watching eye on that to see if the Tasmanian experience in a few years time is still positive and if that does not create problems for consumers where the builder does die, disappear or become insolvent.

We have recommended that mandatory last resort insurance be kept in place in order to provide some form of last degree protection for those consumers who are building a house. The committee kept in mind that it was the consumers’ interests that were paramount. For most people building a home, that is the biggest asset they will ever own. They invest not only a lot of financial capital but also a lot of emotional capital into it. We saw that from some of the evidence where things had gone wrong. It is not only a whole house, of course; often people do substantial renovations with the same effect. In the interests of those consumers, the committee decided that it was best to keep some form of last resort warranty in place in case of the builder disappearing. The actual cost of that insurance is not something that was raised in the inquiry, in that it is not a significant impost on the home builder in the scheme of things.

So, while wanting to keep a watching brief on that form of insurance and while being very keen to ensure that consumer protection from the start of the building process and the way in which the consumer is informed right through to the end is improved in all states, I certainly commend New South Wales for a lot of the efforts they have made and of course the other states and the ACT as well. In South Australia and Western Australia, there have not been a great many complaints about this form of insurance, and obviously the consumer protections are working adequately.

Senator MILNE (Tasmania) (11.14 am)—I rise today to note the report from the Senate Standing Committee on Economics entitled Australia’s mandatory last resort home warranty insurance scheme. When I moved for this inquiry, on behalf of the Australian Greens, it was very clear to me that the privatised last resort home warranty scheme as it currently exists does not provide adequate consumer protection or building industry management in Australia. It was very obvious to the Greens that it is not working for consumers or the building industry and it should have been either abolished or fundamentally reformed. Therefore, I know that there will be hundreds of people throughout Australia today who are going to be devastated by what they will see as an extremely weak report that has not addressed the key issues that they wanted addressed. Once again, all of those builder and consumer advocate groups who have been fighting to get justice in this area for so long will see that the Senate has effectively shelved this and left it to yet more inquiries—because it is not going to go away. It will keep on going and it will continue to dog governments until somebody has the courage to deal with it. So I have to say that I am extremely disappointed with the report.

Even the Productivity Commission, in its review, commented on the large number of complaints it received about this particular insurance product. Its report noted the need for better consumer protection in the home building industry and the need for early stage consumer protection measures like improved dispute resolution and better linking of licensing with builder
performance. One of the key aspects of last resort home warranty insurance that has been so unjust, as it has been applied, has been the power of the insurance industry and its brokers. The Housing Industry Association, acting as a broker, and the insurance industry have been able to determine who can and cannot build in Australia. That gives them incredible power over people. If anyone complains or if anyone does anything then there is the option of refusing them a licence.

Quite clearly, what you need to be able to do is to separate those roles and make sure that there is much better linkage of builder registration with the skills of the builder and the performance of that builder. That is what should determine whether people are registered as builders in this country. If a builder has had a poor record of performance or whatever else, that should be able to be seen and there should be a registration that links performance with licensing. Instead of that, builders’ licensing is directly linked to the power of the insurance industry and its broker. For many years, overwhelmingly that was the Housing Industry Association. I will go to that in more detail in a moment.

Choice magazine did an assessment of this insurance product and described it as ‘junk insurance’. I concur with that. I do not see that it provides any benefits to consumers or to the building industry. I completely disagree with the Senate committee majority recommendation in relation to the fact that it provides redress in some cases. In handling the two largest housing collapses in recent times—Beechwood Homes in New South Wales and Gumleaf Developments in Victoria—last resort home warranty insurance was bypassed. If indeed it provided the cover that it said it provided when a builder became insolvent, died or disappeared, then, since it was mandatory, it should have been the mechanism that was used in those cases, and it was bypassed. There was no evidence provided to the committee that this product actually provides any redress. This was the overwhelming view, particularly from the hearing in Sydney, where we heard that large numbers of people who have lost vast amounts of money are trying to take the insurance companies through the courts and so on to get the money that they thought they were entitled to under the terms of the insurance product.

To say that it should stay mandatory is, again, to continue the undue power and influence of the insurance industry and the Housing Industry Association in this particular market. I support what the Tasmanian government has done in making it voluntary. Interestingly, there is so much pressure on around this issue that even the Housing Industry Association came out during the inquiry and said it would support last resort home warranty insurance being made voluntary. It even supports it being made voluntary, but the majority of the committee did not see fit to take that into account, which I found very interesting. I do not believe that the insurance product should remain mandatory. It should have become a voluntary scheme. If insurance is any good, people will take it up. If it is going to be made mandatory then it has to deliver what people believe it is delivering, and that is to give consumers some insurance against claims of collapse and non-completion and so on, which they expect when they are building a home.

There was overwhelming support, as the chair of the committee just reported to the Senate, for the Queensland model. That is a government backed model. We had lots of evidence before the committee from just about right around the country saying that that model worked very effectively and asking why it could not be duplicated around the country. It would not be viable, for example, to adopt a Queensland model as such in some of the smaller states, but you could expand the model so that everybody could access it. It would become viable in terms of the numbers if you did it across the country.

Just flick-passing this to COAG to look at issues of consumer protection is a guarantee that it will go into the ether for an endless period into the future. I am glad that there is a recommendation that issues around dispute resolution and consumer protection should go to COAG, but it is no guarantee that this will actually be dealt with. If anyone is interested to look at the Queensland scheme, it is auspiced under legislation up there. It does provide remedies for defective building works. It does provide efficient resolution of building disputes. It provides support, education and advice for those who undertake the building work and also for the consumers. It also regulates the industry to ensure that there is maintenance of proper standards and achieves a reasonable balance between the interests of building contractors and consumers.

I cannot see why we could not have recommended that the Commonwealth develop a framework to deliver the Queensland-style system across the country. The only assumption I can make is that there was not a view that state governments ought to auspice this and that it ought to stay in the private sector. We have seen how brilliantly the private sector has managed the insurance industry and the banking industry with the prime mortgage collapse. The failure of last resort home warranty insurance is another failure of the private sector.

The Greens recommended that we should adopt a national approach to the issue and rapidly move to a system based on the Queensland model of home warranty insurance. We recommended that the Commonwealth should design the scheme. It should be put through the COAG process and adopted in January 2010. Between now and 2010, the last resort home warranty insurance should not be mandatory and the
Commonwealth should ask the states to deliver that through mirror legislation.

We agree, however, that any form of home warranty insurance should be included in the National Claims and Policies Database so that there is consistency with other insurance products and people can compare, at last, the profit ratio and the premium ratio to see what is going on. Also, if there are any loopholes currently in Commonwealth legislation that in any way exempt home warranty insurance from the proper regulatory oversight of APRA, ACCC and ASIC, legislation or regulation must be changed to close that loophole. This issue is not going to go away, and it is critically important.

We heard through the inquiry that the Housing Industry Association, a private company, is not a representative structure. It is not an industry association as its name suggests. It is a private company making a large amount of money. It is time that builders across Australia had a very good look at the Housing Industry Association because they do not seem to have any power to control what is a private company getting a large amount of money and in part because of this insurance product and its mandatory nature. So I would urge the government to reconsider its position in relation to this product and take a much stronger leadership role to get rid of last resort home warranty insurance as it currently exists in Australia.

Question agreed to.

Procedure Committee
Report

Senator FERGUSON (South Australia) (11.24 am)—I move:

That the report be adopted, and the procedures outlined operate as a temporary order for the two weeks of sittings beginning on 24 November 2008.

If one were to take into account public opinion on the proceedings of parliament, there is no doubt that that portion of the parliamentary proceedings which would receive the most criticism would be question time. How many of you go back to your electorates and have people say to you: ‘Why don’t they ever answer a question? Why don’t people behave themselves better? They behave like school children. If my children behaved like that I would send them to their room.’ For a number of years, we have had constant criticism of question time in both the House of Representatives and the Senate. This is not something new with the change of government; it has been a criticism of governments of every political persuasion.

Madam Acting Deputy President, you would know that a couple of months ago I drew up a draft paper which was circulated to the Senate Standing Committee on Procedure, and then an initial report of the Procedure Committee was presented to this parliament. That draft proposal contained what were considered radical proposals, of which there were four key elements. One was that all questions should be put on the Notice Paper rather than be questions without notice. In fact, they are not questions without notice even now. As we heard yesterday and at other times, the Greens in particular give the minister notice of what they are going to question the minister on. So it is not questions without notice. I sometimes wonder whether those questions from the Greens are in order because, under the current procedures, we are supposed to ask questions without notice. That was one of the issues contained in the draft proposal paper.

The second issue was that of the length of responses to questions that were asked. The proposal was that the answering time for primary questions be reduced from four minutes to two minutes. If a direct question is being asked or indeed if many questions are being asked that cannot be answered in two minutes, then I am of the view that they probably cannot be answered at all. The proposal is that a restriction of two minutes be placed on the time allowed for answering questions.

It was then proposed that a number of supplementary questions could be asked by both sides of the chamber in relation to the primary question. There would be one minute to ask the question and one minute to answer the supplementary question. This was based on experience that I had gained from other parliaments around the world. Of all the parliaments in the world, I think ours is the only one that has questions without notice. In other jurisdictions, all questions are on notice for varying lengths of time—sometimes just for that morning and sometimes for a matter of days. My choice is that questions are on the Notice Paper by 11 am or 11.30 am.

The fourth element of the original proposal was in relation to the answering of questions. It would be a requirement in the standing orders that all answers be directly relevant to the question that is asked. This is the most difficult section because it is still open to the interpretation of the presiding officer as to whether or not an answer is relevant. If there were some clear direction that answers had to be directly relevant to the question asked, then at least it would give guidance to a presiding officer as to a limit on what is broadly relevant in an answer. There have since been several discussions by the Procedure Committee as to how this would operate. The original consensus view has changed somewhat in recent times, and that is why this report has been presented to the parliament today. It contains minimal or, what I would call, incremental changes, because they are certainly not as radical as those proposed in the first place.

The minor parties, in particular the Greens, wished to retain their right to have a question every day—and I can understand why, having had a question every day,
they would want to retain it. We sought to compensate them for the fact that they would not get a question every day by allowing them to have supplementary questions on other people’s questions, but it was the choice of the Greens to retain a question every day. So we had to look at another framework to operate under. Once it was clear that, in order to accommodate that, we could not have more than two supplementary questions for each primary question in order to accommodate the numbers, my own party were not very keen to proceed with questions being placed on the Notice Paper. I was personally disappointed, but it was a decision taken collectively by my party and so I am quite content to go along with their wishes.

So what we have before us is really just an incremental change to what currently exists, in the hope that at some stage in the future, when we have seen how this works, we might be able to refine it and move towards the original proposal. But we will have to see how this works first—how comfortable people are with it, particularly in the area of relevance—to see how it will pan out in the future. The proposal before us today is that we reduce the answers to primary questions to two minutes and that there will be an opportunity for the questioner to ask up to two supplementary questions rather than the one that currently exists, with one minute to respond to those supplementary questions. This would allow, if the maximum time were used, the question to take up to seven minutes. It does not take that long now, in practice, and it will not in the future because quite often questions do not take a minute to ask and quite often the answers do not go to the full time limit. It would at least guarantee that the order of questions that currently exists would be maintained under these proposals.

A lot of time and thought has gone into trying to come up with changes, and I think even some change might change attitude and behaviour. The time that the chamber becomes unruly is when an answer has been going on for a considerable time and many people consider the answer not to be relevant. There are certain ministers whom I consider to be always relevant in their answers, and you find that they rarely get interrupted. The behaviour of the chamber is better when those questions are being dealt with than it is when we have what opposition parties say is an answer that does not deal directly with the question but skirts around the issue and is really a statement by the minister on anything other than the question that has been asked.

I hope that the Senate, in adopting these changes, will see that the supplementary questions are more related and responsive to the answer that has been given by the minister, because I think that too is important. Opposition parties of all persuasions have been guilty of writing the supplementary question before they come in here, and that may bear no relation to the answer that has been given.

I hope that even this small, incremental change will make a noticeable difference. Whether or not it will remains to be seen. As I said, I am personally quite disappointed that we were not able to achieve consensus on more radical change but I think it is a worthwhile idea to trial these proposals for the last two sitting weeks of the session. They will operate as a temporary order. We will have a chance to review them in the new year and maybe even to improve upon them and finetune them. I do not think there is any need for me to say any more; I know other senators wish to speak on this. I commend the report to the Senate and would hope that it is adopted.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (11.34 am)—Let me at the outset congratulate Senator Ferguson for the work he has put into this report. I hear and can understand his disappointment that the recommendations do not go further. However, he can take the kudos for the move to have question time looked at and for having a suggestion come forward that is going to enable more questions to be asked and more relevance to be brought to question time. This is not just because the chair is being empowered a little more directly to require relevance to the question from the minister answering the question but because it creates the opportunity for the questioner to ask two supplementary questions, one of which will occur halfway through the time that the minister has to answer the question under existing circumstances, which is when many points of order are taken in this chamber asking the chair to bring the minister back to the question.

I think this will be a decided improvement. The question is: will the goodwill come with it? That is what I would seek all sides of the chamber to keep well in mind. One difficulty with the bicameral set-up is that we do not have the relevant ministers here in the chamber to receive most of the questions. They are in the House of Representatives. I think the executive finds the Senate a bit of a mystery. The process of having surrogate ministers here means it is a two-stage process. One of the advantages of giving notice, which Senator Ferguson sought, was that the minister in the other place could see the question with three hours notice and furnish an answer. A lot of debate has gone on in the corridors about whether that would deprive opposition senators or crossbenchers of the time-honoured major function in question time, which is to try to catch a minister or the government out. In my view, the primary function is not that; it is to get information. It will take goodwill from the government to ensure that this works—that is, the goodwill to supply information and to make sure that information is available.
We have made no agreement on this, but I for one will be seeking to put questions on notice during the period of trialling here, and I will ask some of my colleagues to do so as well. If we do, I think we will get a better outcome. I agree with Senator Ferguson that change needs to be made, because question time is debased by the political points scoring that is brought into it. It is sometimes embarrassing to hear questions being completely ignored and uproar in the house because of that. To give governments their due, they know that question time is being used as an ambush rather than as a genuine effort to elicit answers. All of us should think on that. I can tell Senator Ferguson and the other committee members, who are also to be congratulated for making this change, that I will be committed to trying to make this work over the coming two weeks. If it does work, we will get better information coming out of question time in the Senate, and that is a good thing for the Australian voters who put us here.

Senator LUDWIG (Queensland—Minister for Human Services) (11.38 am)—In terms of the proposal itself, it may be worth relating where we started from in respect of the original proposal. The original proposal that was put forward by Senator Ferguson to the Procedure Committee, which morphed into what we are now dealing with, is somewhat different. The original proposal was: no notice to be given of questions at present, to a situation where notice is given in respect of the question so that all primary questions would be placed on the Notice Paper by 11 am; up to six supplementary questions following each primary question could be asked—and I understand from the original proposal that that would not be from the primary questioner, but could be from a range of other senators from either side of the chamber; two-minute answers to be given to each primary or supplementary question; and answers that are directly relevant to each question.

What was clear from the submissions that were put forward by Senator Ferguson at the time was that, firstly, supplementary questions were to be a positive feature and that they were to be provided in conjunction with the time limits of questions and allow senators to pose questions to elucidate an answer already given. That was the opportunity of providing up to six questions, to be able to drill down into the question itself, and to take up the position that Senator Brown had enlarged upon in the chamber today, which would then provide an information-giving exercise. Of course, that was also linked to the ability for notice to be given, and notice was one of those matters that were going to be linked—and linked in this way with notice meant that ‘directly relevant’ became more able to be ascertained, because the relevant question would be on notice and the rationale would then be inextricably linked to the notice provision for the answer to the question to be with notice and, therefore, should be expected to be relevant to the question.

Without notice, of course, the mischief that Senator Ferguson was trying to avoid is lost in that. So when Senator Ferguson argues that this is an outcome which is an incremental change, when you compare the two it is not an incremental change. Senator Ferguson’s original conception was a reforming of question time through the Procedure Committee. It is fair to say that the government was lukewarm about that proposal. The position we are now at, with notice not being provided, the answer in respect of the questions is in comparison to the current question time—the full seven minutes is still relatively unchanged, supplementary questions have been expanded from one minute to two, and of course the rider of answers being directly relevant to the questions is now still attached. But of course the argument in the paper, of why that would be relevant to include, has been lost. Therefore, the original reforming ideas are somewhat now muddled.

It is fair to say that the practical application of putting questions on notice each day seems better suited to a unicameral system such as the New Zealand parliament. To be frank the government did have some doubts that the proposal would work in practice and meet Senator Ferguson’s objectives of truly reforming question time, lessening of course unnecessary work in departments, improving the flow of questions in the chamber and also ensuring that the system would be trialled to see how it worked to ensure that the issues raised by Senator Brown would be improved. That would be an opportunity for the opposition to question ministers and to question the government in respect of programs or policies that it is pursuing.

The strength of the argument for reform, of course, is now not there. The strength of the reforming issues that Senator Ferguson put forward was highlighted in the original paper that was proposed where, on page 7, it stated:

A significant amount of time and resources in government departments and agencies are put into preparation for question time in areas that may not be required on that day. Public servants from many departments and agencies expend a significant amount of time preparing briefing material for their ministers on a wide range of subjects within their areas of responsibility.

Of course, ministers in the House do likewise. The rationale is that it is not known which minister will be subject to questions on a particular day or which specific area within their portfolio. The briefs, as a consequence, try to cover every possible area of questioning. That was the mischief that was to be dealt with, but it has not come through in the latest iteration at all. In fact, it is not there. One of the main arguments that were put forward originally in Senator Ferguson’s paper is no longer present.

The second part, which goes to the ability for supplementary questions to range around the chamber, as I understood it, and drill down, is now reduced from six
to two. You could quite easily say that it has been severely truncated. The rationale for being able to drill down is now gone, because the primary questioner will ask the two supplementary questions. I suspect they will also be written out and that there will not be much change in the procedure that we currently operate under, and they will be prepared in advance of the original question. Time might demonstrate that not to be the case but I will be surprised if it is not. Therefore, that leg has now disappeared in my submission.

The requirement for answers to be directly relevant, as I earlier pointed out, was inextricably linked to the notice provision but is still being retained here. The difficulty will always be that, where a question is provided without notice, the rationale for the minister needing to be relevant to the question was given wide latitude for that very reason. That is now a hook in the current provision without the benefit of the question being put on notice.

Ultimately, that brings us to the point that the benefits that were going to flow and the rationale for relevance have now been removed as well. I humbly submit that all of the major points that were put forward in the original submission by Senator Ferguson have now been removed. What is left is not a hybrid, not an incremental improvement, but in fact a change to the procedure, with the added bonus of answers being required to be directly relevant without the foregoing notice being provided. The easiest way to examine that, of course, is that question time will still be of one hour’s duration. The length of the interchange between question, answer and two supplementaries is, as my math tells me, seven minutes. The current system is seven minutes, so there is no change to that. Therefore, the only change is that the question is broken into three parts: a question and two supplementaries. The answer is similarly broken up into an answer and two supplementaries. It is still, in my submission, a four-minute answer; it is simply broken up into parts.

Senator Ferguson—It is a five-minute answer.

Senator LUDWIG—I might stand corrected in respect of that. Ultimately, the period remains unchanged. Therefore, the ability to demonstrate a significant improvement to this is somewhat watered down, if not lost.

The reforming paper goes to what happened in other parliaments. I think it is fair to say that, although we had a range of reservations, we were prepared to trial Senator Ferguson’s original proposal to see how it would work in practice. Of course, with many of these things, you have to look at how they will operate both objectively and subjectively. You would undertake a trial—make it a sessional order—to see how it would work in practice. If everyone believed it to be a reform then the trial process would demonstrate that.

I believe we have moved substantially away from the original reform agenda. The numbers in this place will show that it will pass in the format that has been provided for. The government is not warming to the proposal. It obviously understands the numbers in this place and will undertake all of these things. It will turn its mind to ensuring that it is available to answer questions at question time. In Senator Brown’s words, the government will endeavour to provide information to the opposition.

Ultimately, question time is the time for the opposition and the minor parties to question the government in respect of its policies and programs. The government always stands ready to meet that challenge. However, the criticisms I make of this process go to the point that Senator Ferguson’s original idea of reform has been watered down—that is the phrase I would use, but perhaps ‘lost’ is a better way of putting it—by his own Liberals to the point that Senator Ferguson is trying to substantiate what is essentially tinkering with the program. That will then be a sessional order or some such for the remaining two weeks. It is not the original idea that was put forward.

The Senate Standing Committee on Procedure did its first report in September 2008 and finalised the third report in November 2008. The final position was arrived at very late in the piece, if I can say that politely. I think we should reflect very carefully on the way this has changed from the original proposal without the careful consideration that the opposition should have given it, other than their trying to find a way of accommodating an outcome.

It is important in this place to recognise that it does require careful analysis to ensure not only that the changes we make in here continue to allow the opposition, minor parties and Independents to question ministers during question time in an appropriate way but also that the changes we make do not detract from that. Where I am unclear about the way that the process has gone is that we have not arrived at that point. Nevertheless, we will trial this and we will meet it in good faith, as the government is expected to do. As to whether it proves to be a significant reform or simply a gloss around the edges is a matter that I will let others judge.

Senator FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (11.53 am)—I
too would like to speak on this third report of the Procedure Committee of 2008—a report that is dedicated to the issue of the restructuring of question time. I have to say that I consider this to be a very disappointing report—a very disappointing outcome from a very disappointing process. This was an opportunity for the Senate to look carefully at its procedures, particularly the way question time is conducted in the Senate, to see if changes could lead to a better question time with more accountability and more transparency—to make it, to quote the report, ‘a more effective mechanism for seeking the accountability of the executive government to parliament’. This may be thought unusual—particularly given the record of the Howard government over 11½ years—but the government actually support that aim. We support accountability. We support transparency. And we have an excellent record as a new government in relation to parliamentary transparency and responsiveness.

If you look at the 2007-08 financial year, you will see that the average time to answer a House of Representatives question on notice was 207 days before the change of government but only 26 days after the change of government. Similarly in the Senate, the average response time in the 2007-08 financial years was 115 days before the change of government. That reduced to 55 days after the change of government. Senators would particularly be aware of the very significant change in relation to answers provided by government to Senate estimates questions on notice, which have been provided within the appropriate time frames—a very different approach than was the standard operating procedure that applied during the life of the Howard government. So just on issues of responses to questions—in this case questions on notice—there is a very stark difference between the approach that the Rudd government has taken and that of the Howard government. So I think I can mount a strong case for the government’s support for transparency and accountability.

There is no doubt in my mind—there never has been—that the best accountability mechanism that this parliament has is in fact the Senate estimates system. That is my view, but I think it would be a view shared by many on both sides of the chamber. Equally, there is no doubt that question time should be a critically important accountability mechanism—a critically important accountability forum in this parliament. That is why the Procedure Committee’s consideration of approaches to Senate question time should have been, in my view, a very important contribution to the accountability debate in this parliament. But I have to say that this Procedure Committee report is a real let down—a real let down.

I know that Senator Ferguson has been driving these reforms, and I have to say that I feel for Senator Ferguson—who must be, as I am, very disappointed in what the Procedure Committee has reported to the Senate today. I accept that Senator Ferguson had very high ambitions. He was able to produce a lengthy paper with comparisons from a range of other jurisdictions. I think, in broad terms, he settled on the New Zealand model as being a preferred model. I do not think that was entirely the best example to use, or the most appropriate example to use. The point that Senator Brown has made about representational responsibilities in the chamber is relevant here because, as we know, the New Zealand parliament is a unicameral parliament, and there are issues here in relation to the representational responsibilities of ministers. It is particularly relevant in the Senate, given the comparatively small number of ministers who sit in the Senate compared to the number who sit in the House of Representatives.

But Senator Ferguson, supported by his colleagues, originally offered and proposed bold reform to Senate question time: notice was to be given by 11 am on a sitting day and there could be up to six supplementaries from around the chamber—the words ‘around the chamber’ are critically important—so not just from a person representing the party that proposed the primary question. And then it started to get watered down. The opposition, which appeared to be gung-ho in its approach, started to get cold feet. It ran into strife. It got scaled back, as I understand it, to a proposal where notice of a primary question would be given and then a proposal for four supplementaries. I thought that that was a more sensible approach than the six supplementaries and I want to be absolutely frank with the Senate about that. I personally thought four supplementaries was a better approach because I think it gave more opportunity for a broader range of primary questions from senators representing different perspectives, be they opposition, minor parties, independents or government. So I thought that amendment was better. But with four supplementaries, critically, notice of a primary question would still be given. And of course it got scaled back again to two supplementary questions, still with notice but some exchange across the chamber.

What do we have now in the third report of 2008 of the Procedure Committee? This is where we find ourselves: no notice is to be given of questions, which is the same situation as we have now, and then there is the only real change, which is a proposal to change the time limits. That is what is being considered here now. Reform has been reduced to a proposal to change the time limits for question time from the current situation where there is one minute for a questioner to ask a primary question, a four-minute limitation on a minister’s answer to that question, a capacity for a Senator to ask a one-minute supplementary question of a minister and a minister to give a one-minute response to that supplementary question. The astute amongst you who are good at arithmetic can add up that one minute, plus
four minutes, plus one minute, plus one minute gives a maximum capacity of seven minutes on any particular matter.

The current proposal for the recommendation for the two weeks of sittings beginning on 24 November this year is to retain that maximum period of seven minutes but with a different make up: one minute for a primary question, and I stress that no notice is given of that, as is the current situation in the Senate; a capacity for a two-minute answer by a minister; then, a one-minute supplementary asked by the original questioner, with a one-minute answer from a minister; and then the original questioner and only the original questioner may ask an additional one-minute supplementary question, with one minute for an answer. As the mathematicians will again tell you, a one-minute question, plus a two-minute answer, plus a one-minute supplementary, plus a one-minute answer, plus a one-minute supplementary, plus a one-minute answer still gives you seven minutes.

But there is a change within this. Previously we had a situation—the current situation that will apply in question time in precisely one hour and 55 minutes and has applied since this proposal was first mooted, when yours truly was Manager of Government Business in the Senate during the life of another government—where a minister had a total capacity to spend five minutes on his or her feet and a questioner had a capacity for a total of two minutes. Of the seven minutes, there were five minutes for the minister and two minutes for the questioner. What changes here is that there will be four minutes for the minister and three minutes for the questioner. That is the real change and the only change, although it is said that answers will be required to be directly relevant, as in the original proposal.

But this comes down to the elements of the original proposal and, as senators vote on this matter, they should give consideration to this. Fundamentally, there were three interrelated elements that the Procedure Committee considered appropriate to address when we examined the way ahead for question time in the Senate. The first element was that notice of a primary question would be given at 11 am in the morning or, for a particularly urgent matter, at 1 pm—but notice would be given. Senator Ferguson, I think rightly, made the point about notice that this would mean that there would be a significant reduction in departments' time. Agency time would be dramatically reduced in the preparation—that we all know goes on—of what are called 'possible parliamentary question briefs', PPQs, or, as some people call them, 'question time briefs', QTBs. Call them what they will, a lot of effort goes into these things and the vast majority of them, as everyone knows around the chamber, are never ever used. Senator Ferguson, I think rightly, suggested that this was a massive waste of time in agencies and we could do better by focusing on questions where some notice—it could be broad parameters, but some notice—had been given of the broad topic of the question. That was element 1 in the proposal.

Element 2 was a capacity for genuine follow-through via supplementary questions of an answer given to a primary question by a minister. What were the elements of genuine follow-through, Madam Acting Deputy President? They were basically twofold. The first thing was that more than one supplementary question could be asked, so more than one particular issue could be progressed with a minister. There would be more of the sort of interface—I think this is what was intended—that you see at a Senate estimates committee, of question and answer and follow-through and answer, than we have in question time, which is very formulaic, as we know, in this chamber. That was the first part of the capacity for follow-through, the number of supplementary questions.

But there was another element of it: that these supplementary questions were not just asked by the one questioner themself. In other words, the person who asked the primary question was not the only person who would have an opportunity to ask a supplementary question. So, in the case of what seems to appal everyone around the chamber, probably except me because I just accept this as part and parcel of the way question time works in our democracy, if a dorothy dix question is asked of a minister, the questioner follows through with what has been described as a prepared supplementary. We have all seen people ask these supplementary questions. We have seen them typed out for people to ask, regardless of an answer given by a minister. There is no purity about this, and anybody who suggests that there is any purity—in other words, that Labor or non-Labor government ministers have operated any differently—is kidding themselves generally. There might be one or two ministers who do not use this mechanism very much but I will not name them.

Senator Ferguson—that is very kind of you.

Senator Faulkner—Modesty prevents me. The second element of this capacity for follow-through would mean that a supplementary question could be asked from a person who is coming from a different perspective, whether they be government or opposition or on the cross-benches, be they independent or representing the Australian Greens. That was an important element of following through. The suggestion was that it might have a bit of an impact on both dorothy dix questions and also questions asked by non-government senators.

Then there was the third element of it, which was relevance. The plan was that we would hold ministers accountable on the issue of relevance, that if notice was given there would be an increased expectation, which the President presiding in the chamber would be
responsible for enforcing, of more and enhanced relevance in terms of ministerial answers to questions and supplementaries. I think it is fair to say they were the three broad elements of this.

Where are we placed with the three broad elements of it? Notice: gone. It is gone. Capacity to follow-through: there is an additional supplementary question but asked by the original questioner, so no capacity for those questions to come from around the chamber. The third element, relevance: I do not think anyone could be serious about suggesting that such a minimal change, such a minimal reform, should lead to any pressure on the President. It is the point I made at the Procedure Committee in relation to relevance.

I come back to where I started. I think this is a disappointing report. I think it is a disappointing outcome to a disappointing process. However, we will all be able to make some assessment of whether it makes any difference at all after the next two weeks of sittings.

Senator FERGUSON (South Australia) (12.13 pm)—I kept my remarks constrained in the initial stages because I thought we were under some time pressure. Having had half an hour from the government, there are a couple of points I feel I must respond to.

Senator Faulkner—I thought you would agree with most of what we said.

Senator FERGUSON—I agree with many things that you said, Senator Faulkner, as I always do. The one thing we need to realise in this chamber is that proposals can only pass this chamber if there is some consensus or some general agreement. It is not like the other place, where the government of the day can do exactly what it wants. Under the current configuration we have to have some consensus. So while the ideas that were put forward in the original proposal were ones I still hold to, there has to be an agreement by at least two of the parties in this place before we can get anything through at all. I think what we have finished up with is something that people are prepared to give a try. It does not mean that it is the end of the road; it means there may be a chance at some future stage to revisit some of the issues that we have raised and, provided we can get to the stage where the parties concerned do not feel that any of them will be disadvantaged in their questioning, then in fact we might be able to go further.

Senator Faulkner, in his remarks, talked about estimates and how that is the process in which the most answers are given to questions that are asked of ministers and departmental officials. Can I say to Senator Faulkner that, if the answers that are given in this chamber were in any way similar to the answers that are given at estimates, we probably would not even be looking at this change.

Senator Faulkner—I don’t consider my answers to be any different to the ones I give at estimates.

Senator FERGUSON—Senator Faulkner, you are not the only minister in this chamber. As I look at some of your colleagues can I say that, if they gave the answers in this chamber that they give in estimates, in fact we would find that the process would probably not need changing.

The other point I want to make is in relation to relevance. I think the best test of how ministers answer in this place in relation to relevance is to consider that, if a journalist were to put a question to the Prime Minister or to a minister in a press conference in the courtyard, and a member of the opposition were to ask a minister exactly the same question in this place, the two answers would be unrecognisable. If an answer given in this place to questions was given to a journalist, they would walk off in a minute; they would not stay, because the answers bear no relation to many of the questions that are asked. That is the real test. That is the test that government ministers ought to apply to themselves: ‘If I were being asked this question by a journalist on behalf of the Australian public, in the same way that a senator asks a question on behalf of the Australian public, what sort of answer would I give the journalist compared with the answer I give all my colleagues in this chamber—who I think have a first right to get the information they are seeking?’ It would simply not be the same. I think even government ministers would agree that, to some of the direct questions that are asked in this parliament, an answer is never given. The questions are deliberately avoided and they can get away with it in this place while the Presiding Officer can say, ‘There is no point of order; the minister is relevant’, when in fact nobody in the outside world thinks the answer is relevant and half of this chamber does not think it is relevant—and probably the other half know it is not relevant but know that the minister can get away with it. So in real terms we need to use this process much more effectively than we have in the past. I agree, Senator Faulkner, that it is only an incremental change—you know how disappointed I was that we could not go further—but I think that if we make some start it might be a way to a change for the better in the future.

Can I just question your statement in relation to the timing. It is a fact that questioners rarely ever take the minute to ask their questions in this place. That is why we get 12 questions in the hour—because in total we rarely ever spend more than five minutes on questions; sometimes only two or three if the answer is short, although these days that seems to be getting rarer, as most answers seem to take the full four minutes. But I anticipate under this process that questions will be shorter. Most questions only take 15 or 20 seconds. The answers will probably still take four minutes. In

CHAMBER
fact, we will probably get through more questions in a day—maybe one or two more—than we currently do, because, as I said, it is a rare occasion for any questioner to take a minute to ask their question.

So, while I take note of what the government ministers have said in relation to these proposals, they are proposals that were thrashed out over a long period of time. They are not as comprehensive as I would have preferred, but they are proposals that at least a majority in this chamber are prepared to give a try. All I can say in pleading with the chamber is: give the process a chance, see if it makes any difference—if it does not make any difference, you can revert to what we currently have in place. But I hope that, in making these small changes, it will in fact lead to further changes in the future, once senators and ministers in this chamber get used to it. I commend the report to the chamber.

Question agreed to.

INDEPENDENT REVIEWER OF TERRORISM LAWS BILL 2008 [No. 2]

Second Reading

Debate resumed from 23 June, on motion by Senator Troeth and Senator Humphries:

That this bill be now read a second time.

Senator TROETH (Victoria) (12.19 pm)—I introduced the Independent Reviewer of Terrorism Laws Bill 2008 [No. 2] on 23 June and I am delighted to be able to further the process. The one-off Security Legislation Review Committee, the Sheller committee, was established in 2002 and reported in 2006 with its first recommendation being to establish a mechanism for an independent reviewer. This was examined in detail and endorsed unanimously by the Parliamentary Joint Committee on Intelligence and Security in September 2007. Now it is time for this bill, the outline of which was given in my earlier speech.

The bill was examined in detail by the Senate Standing Committee on Legal and Constitutional Affairs and several recommendations were made in their report. I am pleased to re-introduce the bill with amendments, which I will detail in the committee stage. Broadly speaking, these amendments undoubtedly enhance the capacity of the independent reviewer as an instrument to ensure that our laws relating to terrorism are effective, are consistent with fundamental legal principles and human rights obligations, and do not have undesirable impacts. I appreciate the great contribution made by those who responded so promptly to the committee’s request for evidence about the bill, and the strong community support for the measure is striking. I appreciate the committee’s thorough examination of the measure. It is noteworthy that the committee’s support for the establishment of this position was strong and unanimous. So members of all parties believe that it is a necessary position. The committee members expressly endorsed the opinion of Associate Professor Andrew Lynch as providing the concise and compelling justification for this position to be introduced, and I believe that is worth quoting. He wrote:

First, continuing an integrated examination of how the complex body of anti-terrorism law works enables early identification of inherent problems. Second, it helps to depoliticise the very contentious debates about these laws and their importance overall to national security. Third, it reassures the community that a kind of watchdog exists to report publicly on laws that they fear might be used against them.

He goes on to say that the unanimous support of the committee for the bill in principle and the recommendations to strengthen it echoes the bipartisan support for an independent reviewer and he goes on to quote the two committees that I have mentioned. He said that perhaps at the time that the Joint Standing Committee on Intelligence and Security proposed the independent reviewer position be established there was a sense that it was premature and that it was too soon to assess the actual operation and impact of the laws. Given that some 30 packages of terrorism laws have been passed by the parliament in the last eight years, that is no longer the case and this is a timely and important measure. I hope all senators will support it and I commend the bill to the Senate.

Senator LUDLAM (Western Australia) (12.23 pm)—The Greens welcome the Independent Reviewer of Terrorism Laws Bill 2008 [No. 2]. It is a necessary and long-overdue mechanism and should have been introduced when the antiterrorism legislation was enacted, starting in 2001. There are longstanding democratic and legal principles, including the right of judicial oversight, which are undermined by the antiterrorism laws as they stand. This bill proposes to provide a significant safeguard mechanism to laws that currently lack rigorous review and balance.

Some of the laws that we have create substantive offences out of conduct, which in other circumstances would not qualify as conspiracy. People can be found guilty of substantive offences because they are talked about. Careless talk and bad ideas have become crimes, which is worrying in an open democracy. As Senator Troeth has indicated, such a reviewer function has been recommended a number of times by the Sheller review and also by the Parliamentary Joint Committee on Intelligence and Security. I do not think there is any controversy—or I hope there is not—that such a reviewer is urgently called for.

Whilst the office of such a reviewer is necessary and will represent an important safeguard, it should not result in the permanency or legitimising of the antiterrorism laws because some of them are extraordinary powers. Many should have an expiry date and be subject to repeal. With the absence of a charter of rights for Australia or a bill of rights these laws are vulnerable to misuse and abuse, as has been seen in the Mo-
hammed Haneef case, which calls into question how the antiterrorism laws have made Australia a safer place. It was, I think, a pretty serious call for a review of the laws.

The Greens commend the efforts of particular Liberal Party members and senators on the issue, including through the introduction of the bill. It is unfortunate that when a suite of antiterrorism laws were introduced by the former government such a reviewer function was not included. I will foreshadow a number of amendments which the Senate Standing Committee on Legal and Constitutional Affairs inquiry into the bill have provoked. The inquiry yielded very high quality advice from some of the most respected legal minds in the country. In particular I draw your attention to the role of the independent reviewer and its effectiveness, which would be more effective if it is required to consider whether the antiterrorism laws comply with Australia’s human rights obligations. This was the subject of initial amendments, which were moved by Senator Bob Brown, and I will draw your attention to those amendments proposed on sheet 5531. The Greens will not be proceeding with those amendments, but I will speak more about it in the committee stage.

The Greens certainly support the role of the reviewer examining whether the antiterrorism laws are consistent with Australia’s human rights and other international obligations. We also foreshadow a second reading debate amendment which I will move shortly. We highly support the recommendation made by the committee that, to ensure the independence of the review process, we believe it should be a panel of three rather than a single reviewer. That diversity of experience on the panel would probably allow for a more rigorous process in what would be presumably a rather arduous workload.

Finally, I would just like to reiterate that we hold that it is not enough to simply scrutinise the laws. We also measure the continuing need for the laws themselves. Quite a number of them have proved unwise, undemocratic and inconsistent with Australian values and it is time to begin this work. I move Australian Greens amendment (2) on sheet 5638:

At the end of the motion, add:

“but the Senate is of the opinion that it would be more appropriate for the role of independent review of terrorism laws to be carried out by a panel of 3 members rather than a single Independent Reviewer of Terrorism”.

Senator HUMPHRIES (Australian Capital Territory) (12.27 pm)—I want to endorse today the comments of Senator Troeth in introducing the Independent Reviewer of Terrorism Laws Bill 2008 [No. 2]. Those of us who serve in this place well understand that the Senate, as a house of review, is a role that is valued by many people in this community. At this particular point in the sitting year the mesh we use to consider legislation becomes a little more coarse, perhaps, than it normally is but, nonetheless, we continue to scrutinise the bills the other place has sent us for inconsistencies, unworkable provisions, unjust terms and generally matters that are at odds with Australian values. In particular, we have a tradition of searching out provisions that diminish or degrade the rights of our fellow citizens. We have done this for a very long time.

Terrorism, of course, has been a fact of life in the world for some time. In Australia, arguably, it arrived in 1978 with the bombing of the Hilton Hotel. Following the terrorist attacks in New York and Washington in September 2001 a number of laws were enacted by the federal parliament to deal with what was seen as an emerging, more serious, terrorist situation. Over 30 pieces of legislation were passed to extend the criminal law and expand the power of intelligence and law enforcement agencies. It has to be acknowledged that appropriate, effective legislation should continue to be a part of any counterterrorism strategy aimed at protecting our citizens and our country. I believe, however, that sometimes during those debates about the armoury against terrorism the mesh in our sieve was too wide. Sometimes, in response to a clear and present danger, we embraced policies more suited to wartime than peacetime.

Australians cherish the fair go. In the case of the criminal law, what that translates to is very clear. It means that there is a rule that you have to be proved guilty, not presumed guilty. It means that you have the right to know what you are accused of and by whom. It means that you have the ability to know where the law stands and how you can use its terms to protect yourself. It requires calling on those who prosecute to account for themselves. In summary, it means the laws protecting all of us are as much shields as they are swords. Some of those 30-odd counterterrorist laws of the last decade may not have met these tests of a fair go. The impulse on which parliaments legislate to head off dangers to its citizens, whatever their source, is an honourable one. But the realisation that parliaments need, from time to time, to erect checks and balances to constrain, however slightly, the enthusiastic exercise of the power to pass laws is also an honourable one.

This bill does not confer the power on anyone to stop parliament from legislating as it sees fit, but it does allow someone, in this case the independent reviewer, to hold up a mirror to parliament so that we can see with greater sharpness than our usual sifting allows just what we have done and whether we might, with the passage of time, reflect that we have done some harm amongst the good. Senator Troeth has outlined the relevant terms of this legislation, and I commend this bill as providing the appropriate mechanism to ensure the necessary level of oversight and review of
this important but sensitive tranche of legislation. It will complement the work of parliament, not derogate from it. The appointment of an independent reviewer should provide the community with a high level of confidence that the delicate balance between responding to terrorism and retaining the liberties of which we are proud can and will be maintained.

Senator BRANDIS (Queensland) (12.32 pm)—I note that Senator Wong was next on the speaker’s list, but with the lack of interest in this issue which has been characteristic of the government, she is not in the chamber.

Although the Independent Reviewer of Terrorism Laws Bill 2008 [No. 2] is a private senator’s bill introduced by Senator Troeth and Senator Humphries, I want to indicate on behalf of the opposition that it has the opposition’s support. The principle behind the bill is a protective principle. It is to add to the armoury of parliamentary surveillance another mechanism designed to ensure that counterterrorism laws, which were amended so as to expand the executive and policing power of the state in extraordinary times by introducing into our laws extraordinary measures, are not allowed to become ordinary measures merely by the effluxion of time. Whenever the national security of the state is threatened as, in particular, it was after the events of September 2001 and October 2002, those of us in the Western democracies, and in Australia most particularly, felt that there had been a change in the nature of the threat to our democracy that required a legislative response that extended the policing powers of the state in ways that, in certain respects, had been unfamiliar to the legal tradition of this country.

The government and the parliament were of the view that some traditional protections should be reviewed and the policing function of the state should be extended through devices such as preventative detention and control orders, which were very controversial at the time, in service of the fundamental obligation of governments and parliaments—that is, to protect the public interest. But those of us who remember those debates also remember that the government which introduced them—the Howard government—made it clear that these were extraordinary measures. One of the most disappointing but familiar phenomena we see in parliaments is that laws are passed to deal with unusual circumstances and lie unrepealed on the statute books. Many of the provisions of which I speak were never sunsetted. There was a device of parliamentary review established and there were various other safeguard mechanisms put in place; nevertheless, they were not sunsetted. The mechanism proposed by Senator Troeth’s bill would create an office of independent reviewer of terrorism laws who could bring an objective and detached mind to the question both of the functionality of those laws and the necessity for their continuance. It is very difficult for me to see that that is other than a good initiative, particularly given the extraordinary nature of some of the powers which the laws have conferred. It is, as Senator Humphries has pointed out, a mechanism that has proved beneficial in other jurisdictions.

I was recently in the United Kingdom for the purpose of meeting the national security agencies in that country and looking at the operation of their counterterrorism laws. I met with Lord Carlisle, the independent reviewer of terrorism laws in the United Kingdom, and we had a very long discussion about how he discharged his statutory functions. I also had meeting with various national security agencies, including MI6, the Home Office, the Metropolitan Police Service and others. One of the issues that we canvassed was the utility within the United Kingdom of Lord Carlisle’s function. All of the national security agencies to whom I spoke in the United Kingdom, without breaching the confidentiality of those conversations, I think I am at liberty to say, strongly supported the apparatus of an independent reviewer of terrorism laws, in addition to the parliamentary oversight mechanisms.

Having sat through debates in this chamber and having heard what I thought were evidently at the time sincere protests by members of the now government about the impact these laws would have on the liberty of the subject and on traditional rights and immunities, it is more than passing strange to me to learn today that the government will vote against this bill. The bill in its original form was introduced into the House of Representatives by the member for Kooyong, Mr Petro Georgiou, whose presence in the gallery I acknowledge this afternoon. I am a little biased on this subject because Mr Georgiou is a friend of mine but I think I can say, without fear of contradiction by anyone in this chamber, that there is nobody in Australian public life who has taken a more principled and respected position in relation to the oversight of terrorism laws and the protection of the rights, liberty and immunities of the subject in consequence of the expansion of national security laws than the member for Kooyong. When Mr Georgiou introduced this bill into the House of Representatives last March, the debate was shut down by the government. If you look at the House of Representatives Hansard of 19 March 2008, you see that as soon as Mr Georgiou moved the suspension of standing orders that would enable his bill to be debated he was only able to get out the words ‘on a bipartisan basis’—

Senator Payne—So rich with irony.

Senator BRANDIS—Yes, it is so rich with irony, Senator Payne, that it is beyond the wit of the scriptwriters of The Hollowmen. No sooner had he uttered the words ‘on a bipartisan basis’ than the Leader of the House, the member for Grayndler, Mr Albanese, moved that the member no longer be heard. That is
how sincere the Australian Labor Party are about their professed concerns for the liberty of the subject! Mr Albanese’s motion, that Mr Georgiou be no longer heard, was then passed on party lines.

That is why it is of concern to those of us who actually do care about civil liberty. I acknowledge you, Mr Acting Deputy President Humphries, as one of the key participants in these discussions in the days when we were both on the government backbench and we were both participants in the backbench law and justice committee of the Howard government. I note that you and I and Senator Payne and Senator Troeth and others whom I see here strove hard to introduce safeguards into the antiterrorism laws. But there are those of us who mean what we say about this and there are those who only pretend to mean what they say.

I regret the refusal of the Rudd government to contemplate a measure which has worked very satisfactorily in the United Kingdom and would add to the Australian parliamentary apparatus of scrutiny to ensure that there is no overreach of the antiterrorism laws. This is consistent with the attitude of a government which refuses to debate this measure in the House of Representatives and is now determined to vote this bill down in the Senate. It will pass in the Senate, I believe, with the support of the Greens. But as the shadow Attorney-General, I call on the government to revise their position and to show, on this important issue of the liberty, rights and immunities of the individual in relation to this difficult issue of national security, that their actions match their rhetoric.

Senator Wong (South Australia—Minister for Climate Change and Water) (12.41 pm)—Mr Acting Deputy President, I apologise for arriving in the chamber after my allotted speaking time but I trust that the chamber will allow me to make a contribution. In relation to the Independent Reviewer of Terrorism Laws Bill 2008 [No. 2], can I raise as to a matter of procedure, and this may have been already raised, some concern that the government has been asked to vote on this bill, depending on what negotiations now occur in relation to procedure, when we did make it clear to both the Greens and the opposition that this bill had not yet gone to caucus. As a matter of courtesy, we had requested that it not be brought to a vote until that had been enabled.

Senator Brandis—It was introduced into the House of Representatives on 17 March.

Senator Wong—Yes, but this is a private member’s bill being debated in the Senate, Senator Brandis.

Senator Brandis—Don’t say that the caucus was not seized of the issue until now.

Senator Wong—Actually if I could finish, Senator Brandis. I know that you seem to be wanting to demonstrate to everybody your incredible speaking skills today but I am actually on my feet. I have been in this chamber for six years and there have been many occasions on which parties have requested, in terms of a matter being brought to a vote, the ability to go back to their party rooms before that occurred and that courtesy has been extended. We in the government do regret that that courtesy was not extended on this occasion.

I also make the point, Senator Brandis, that, whilst I appreciate the importance that some members accord to this bill, despite your speech about civil liberties your government did not. I note the inclusion of this bill at this time obviously has had consequences for the same-sex reforms, and I have raised those with the crossbenches and the opposition.

It is a case that Labor has a longstanding interest in ensuring Australia’s counterterrorism laws contain appropriate safeguards and review mechanisms. I indicate that one of our government’s high priorities is the maintenance of strong and effective counterterrorism laws. That is one of our highest priorities because of course nothing is more important than ensuring that all Australians are safe and secure. The government is committed to ensuring that strong counterterrorism laws are accompanied by strong safeguards that ensure the laws operate in an accountable manner.

I know that the member for Kooyong and Senators Troeth and Humphries have a well-documented sincere and ongoing interest in this important issue of balance and accountable counterterrorism laws. I note also that this is a position that they held even when they were on this side of the chamber and contrary to the position of some of the members of the then government. I would like to commend them on their contributions to the public debate on these issues, which are central to the proper functioning of our democracy.

It should be recorded that when the coalition were in government they did not respond to the recommendation for an independent reviewer nor to other recommendations made by the Sheller committee or the Parliamentary Joint Committee on Intelligence and Security. I make the point that the coalition government did have ample opportunity to address these issues. The Sheller committee reported in April 2006 and the parliamentary joint committee reported in December 2006. The previous Howard government had these recommendations before it for some 18 months and chose to take no action. I do say that I am sure this is not due in any way to any lack of effort from the member for Kooyong or Senators Troeth and Humphries.

I am also interested that Senator Brandis made the comments that he made today, because I do notice that he was reported earlier this year in a way that suggested he was distancing the Liberal Party from this bill. He was quoted in the Age newspaper as saying...
that Mr Georgiou had moved this bill ‘in his own capacity, not on behalf of the opposition’.

Senator Brandis—Mr Acting Deputy President, I rise on a point of order. I am only sensitive about being misrepresented or lied about, Senator Wong. The remarks attributed were merely a description of the procedural manner in which this bill came before the House of Representatives. My support for this bill, as Mr Georgiou, Senator Troeth and Senator Humphries well know, has been consistent since it was first raised with me by Mr Georgiou at the beginning of this year.

The ACTING DEPUTY PRESIDENT (Senator Humphries)—Senator Brandis, I think that this is not a point of order. This is a debating point.

Senator Wong—Senator Brandis—through you, Mr Acting Deputy President: did you suggest that I lied? If you did you should withdraw it.

The ACTING DEPUTY PRESIDENT—There is no capacity to ask Senator Brandis a question. Are you raising a point of order that you consider that remark to be unparliamentary?

Senator Wong—Yes.

The ACTING DEPUTY PRESIDENT—Senator Brandis, did you make any remark which was intended to imply that the minister had been lying?

Senator Brandis—No.

The ACTING DEPUTY PRESIDENT—I think in the circumstances, Minister, that was not the intention.

Senator Wong—I am fine with that. I just wanted that on the record. As I said, Senator Brandis was quoted in the Age newspaper as saying that Mr Georgiou had moved this bill ‘in his own capacity, not on behalf of the opposition.’ People can have their own views as to what Senator Brandis was intending to infer by that. I indicate that the government is committed to ensuring that counterterrorism laws are effective and accountable. We have concerns as to whether this bill is the best way of achieving this. While the aims of this bill are commendable, there are flaws in its approach. For example, the independent reviewer is given a general and non-specific mandate and is free to determine priorities as he or she thinks fit. In our view, this provides little certainty in terms of the reviewer’s responsibilities or purview. There are a number of questions that remain unanswered with the bill. For example, will the reviewer examine all new legislative proposals relating to terrorism and national security, and will he or she examine laws which have been used in each year?

A number of flaws in the bill were recognised by the Senate Legal and Constitutional Affairs Committee, which recommended extensive amendments. The government does believe that the issue of how our counterterrorism laws are to be monitored and reviewed needs careful and comprehensive consideration. Importantly, the establishment of an independent reviewer should be addressed in the context of other recommendations made by the reviews of the counterterrorism laws. It should be remembered that there are a number of outstanding reports which need to be considered: firstly, the one I referred to—the Sheller committee report; secondly, the report of the Parliamentary Joint Committee on Intelligence and Security; and, thirdly, the report of the Australian Law Reform Commission. All of these reports contain numerous recommendations on various aspects of the counterterrorism legislation. As I have previously indicated, the action in response to those reports from the previous government was wanting.

As senators would be aware, the Rudd government has established an independent inquiry, to be headed by the Hon. John Clarke QC, into the case of Dr Mohamed Haneef. Mr Clarke’s terms of reference also include consideration of the counterterrorism legislation involved in that case. Mr Clarke is due to report in the near future, and the government will certainly be considering closely any recommendations he makes. The government has given and continues to give detailed consideration to the recommendations of the reviews of the counterterrorism legislation conducted by Sheller, the PJC and the Australian Law Reform Commission. The government does take these issues seriously. It is important that lessons learnt from the implementation of the laws, cases and investigations, as well as issues identified by reviews into the operation of the legislation, are acted upon to ensure Australia has an effective yet accountable counterterrorism regime.

Many of the aspects of the legislation which were identified by reviews as increasing the accountability of the operation of counterterrorism legislation were included in the legislation only due to efforts by Labor. Our approach, including in opposition, has always been to ensure that Australia has strong counterterrorism legislation that protects the values and freedoms that are part of Australia’s way of life. The government recognises that it is only through effective safeguards and review mechanisms that we are able to ensure this continues to be the case. In opposition we argued for the inclusion of important protections and appropriate safeguards within the counterterrorism legislation and moved amendments to improve safeguards such as greater judicial oversight of the operation of the laws, promoted shorter periods of time for sunset clauses and regular reviews of the operation of counterterrorism legislation. Labor also advocated greater oversight of the use of the counterterrorism laws by law enforcement and security agencies.

The Rudd government understand that is not sufficient to maintain a robust set of counterterrorism laws. We are also determined to ensure that our national security agencies work together as effectively as possible
in enforcing those laws. As the Attorney-General has indicated, the AFP, ASIO and the Commonwealth Director of Public Prosecutions are implementing practical recommendations made by the review of interoperability between the AFP and its national security partners, conducted by Sir Laurence Street. The recommendation covers four broad areas: operational decision making, joint task force arrangements, information sharing, and training and education. Significant progress has been made on implementation.

A regular forum has been established to provide the heads of ASIO, the AFP and the Commonwealth Director of Public Prosecutions with an opportunity to regularly review strategic priorities and interoperability issues in national security operations. ASIO and the AFP have put in place a counterterrorism protocol to provide for regular and accountable exchange of national security information and ongoing high-level consultation and operations. ASIO, the AFP and the Commonwealth DPP have developed guidelines for counterterrorism prosecution to improve consultation and communication in the investigation and prosecution of terrorist offences. Other key measures include interagency training and secondment arrangements between the AFP and ASIO. The implementation of the Street review recommendations, as well as the report of the Clarke inquiry into Dr Haneef’s case, will ensure that the lessons learnt from counterterrorism investigations are identified and addressed.

In conclusion, Labor has a longstanding and demonstrated commitment to ensuring Australia’s counterterrorism laws contain adequate safeguards and fulsome review mechanisms. The government will continue this commitment by bringing forward a comprehensive response to the proposal for an independent review of counterterrorism laws and other review recommendations in the near future. We will ensure that there is ample opportunity to debate this issue at that time.

Question negatived.

Original question put:
That this bill be now read a second time.

A division having been called and the bells being rung—

Senator Bob Brown—Mr Acting Deputy President, no. I make the point, though, that government members should be in their seats if they are going to call a division.

The ACTING DEPUTY PRESIDENT—It is a good point.

The Senate divided. [12.58 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes............ 40

Noes............. 29

Majority........ 11

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.  Colbeck, R.

Cooman, H.L.  Cormann, M.H.P.

Eggleston, A.  Ellison, C.M.

Fielding, S.  Fierravanti-Wells, C.

Fifield, M.P.  Fisher, M.J.

Hanson-Young, S.C.  Heffernan, W.

Humphries, G.  Kroger, H.

Ludlam, S.  Macdonald, I.

Mason, B.J.  McGauran, J.J.J.

Milne, C.  Minchin, N.H.

Nash, F.  Parry, S.

Payne, M.A.  Ryan, S.M.

Scullion, N.G.  Siewert, R.

Troeth, J.M.  Trood, R.B.

Williams, J.R.  Xenophon, N.

NOES

Arbib, M.V.  Bilyk, C.L.

Bishop, T.M.  Brown, C.L.

Cameron, D.N.  Collins, J.

Conroy, S.M.  Crossin, P.M.

Evans, C.V.  Farrell, D.E.

Faulkner, J.P.  Feeney, D.

Forshaw, M.G.  Furner, M.L.

Hogg, J.J.  Harley, A.

Hutchins, S.P.  Ludwig, J.W.

Lundy, K.A.  Marshall, G.

McEwen, A. *  McLucas, J.E.

Moore, C.  Polley, H.

Pratt, L.C.  Pence, B.

Stephens, U.  Sherry, N.J.

Wortley, D.  Sterle, G.

PAIRS

Ferguson, A.B.  O’Brien, K.W.K.

Johnston, D.  Carr, K.J.

Ronaldson, M.  Wong, P.

* denotes teller

Question agreed to.

Ordered that consideration of this bill in Committee of the Whole be made an order of the day for a later hour.
That government business order of the day no. 7 (Customs Amendment (Australia-Chile Free Trade Agreement Implementation) Bill 2008 and a related bill) be considered from 12.45 pm till not later than 2 pm today, after consideration of the government business order of the day relating to the Australian Organ and Tissue Donation and Transplantation Authority Bill 2008.

Question agreed to.

AUSTRALIAN ORGAN AND TISSUE DONATION AND TRANSPLANTATION AUTHORITY BILL 2008

Second Reading

Debate resumed.

Senator CORMANN (Western Australia) (1.03 pm)—The opposition supports the Australian Organ and Tissue Donation and Transplantation Authority Bill 2008. We look forward to the Australian Organ and Tissue Donation and Transplantation Authority making a significant contribution in helping to lift donation rates across Australia. We are confident that the new authority and the advisory council will build on the significant work that was done by the previous government in lifting organ donation rates across Australia.

In Australia we are very good at performing the surgical procedures transplanting organs or tissue. We are not so good when it comes to our rates of organ donation. Demand for organ and tissue donations across Australia significantly exceeds supply and, in the context of our ageing population and an increasing prevalence of chronic disease, demand for organ and tissue donations is expected to increase further. This is a very sensitive issue. It is sensitive for the families of those who become organ donors, families who are dealing with the personal distress of having lost a loved one, and for those waiting for the promise of a better life that comes from a successful organ transplant.

As the Prime Minister mentioned in the House when introducing this bill, at any one point in time there are about 1,800 Australians on a waiting list for an organ donation. About 120 to 130 of those are from my home state of Western Australia. That includes about 100 Western Australians waiting for a kidney transplant. About five years ago, John Gleeson, a very special bloke from Carlisle in Western Australia, was among the lucky ones. After seven to eight years of dialysis three times a week for six hours at a time, he received a kidney transplant. It changed his life. As he says, it was like winning the lottery. Towards the end of his seven to eight years of dialysis, he could hardly walk two steps because he was exhausted and in pain. The effects were immediate. His quality of life improved almost instantly and today, five years later, at 70 years of age, he walks, he goes swimming and he goes out and has fun. He enjoys life again. It has truly changed his life.

All those Australians who are waiting for an organ or tissue donation are waiting for something that could save or transform their life the way it has for John. Unmet demand means the suffering continues for the many who have to wait. There is a desperate need to continue to lift organ and tissue donation rates. We are very hopeful that this bill will help address this challenge so that we can ensure that those Australians who desperately need access to this help are able to get it.

Senator WILLIAMS (New South Wales) (1.06 pm)—I seek leave to incorporate a speech by Senator Humphries.

Leave granted.

Senator HUMPHRIES (Australian Capital Territory) (1.06 pm)—The incorporated speech reads as follows—

I welcome any move to increase the rate of organ donation in Australia. This bill goes some way to help drive Australia’s donation rates up, but it is a missed opportunity for this body to consider important alternatives to the current donation regime in Australia.

There were just under 200 deceased donors in Australia last year and conversely there were 1,757 people on organ waiting lists. Australia’s organ donation rate, at around 9 per million people, compares quite unfavourably with many other countries. For example, Spain has the highest donation rate in the world, namely 34.3 donors per million people. Belgium has a rate of 28 donors per million people and Austria has 23.6 donors per million people. Australia’s rate of 9 per million people falls far behind these countries. The question is what do they do differently? The answer is they have an opt-out donations system.

An opt-out system, whereby consent to donate one’s organs is presumed unless the person opts out or their family objects to the donation, would improve donation rates and save lives. A person who did not wish to donate their organs would have to opt out, for example, through a register, and families of a deceased person would still be able to object to the donation.

A report by Abadie and Gay in the Journal of Health Economics in 2006 shows that countries with an opt-out system have on average organ donation rates 25 to 30 per cent higher than of countries with opt-in systems.

At the 2020 Summit, a recommendation was made that Australia move to an ‘opt out’ system for organ donation. However, debate on this subject has been shut down and the Government does not seem interested in even putting the subject on the table.

We have seen many initiatives over the years to encourage people to sign up as organ donors while they are healthy. This bill alone will not lift Australia off the bottom of the league table of organ-donating countries. Creating an oversight body will help promote best practice and national cooperation but it is not the whole answer to the bridging the
incredible shortfall between donors and those on waiting lists.
If we could improve our donation rate by twenty five percent by implementing an opt-out system as has been suggested by Abadie and Gay, that’s an extra fifty donors each year who will give the gift of life to Australians currently in limbo. But with our donation rates already so low, there’s no suggestion that we have room to improve beyond that.
With over 1,600 Australians in a life-or-death limbo wondering whether they will be among the lucky few to receive an organ, mere advertising and promotion is not good enough. Best practices and a national body to set standards and cooperation goes some way but it does not go all the way.
While I support this legislation, I also point out that we have missed an important opportunity to consider the benefits of an opt-out scheme of presumed consent for organ donations.

Senator STERLE (Western Australia) (1.06 pm)—I seek leave to incorporate remarks by Senator Carol Brown and Senator Glenn Sterle.

Leave granted.

Senator CAROL BROWN (Tasmania) (1.06 pm)—The incorporated speech read as follows—
It gives me great pleasure to contribute briefly to the second reading debate for this bill, the Australian Organ and Tissue Donation and Transplantation Authority Bill 2008.
It is fantastic to see that the bill has cross party support.
The debate over how to address the issue of organ donation in this country has been in fact a long running one, and one which I have been actively involved in since the commencement of my time in this place.
Indeed, for any of you who have had the absolute pleasure of meeting anyone of the 30,000 healthy Australians who are transplant recipients you would understand why.
The simple truth that is immediately apparent when meeting such people that—Organ transplants save lives.
In Australia we currently have around 1,800 people who are in the unfortunate position of still waiting for a suitable organ to be donated.
Luckily, we Australians live in a country that possesses a proper functioning and universal health and hospital system.
A country that has long been a world leader when it comes to clinical outcomes.
Indeed our country boasts one of the highest success rates for organ transplants in the world.
Thanks to the skillful and hard working medical teams all around the country, 90% of organ transplant patients live the see the first anniversary of their life saving surgery.
This is even higher for kidney transplant recipients, the most common form of organ transplant, with staggering 96.5% of kidney transplant recipients healthy and well a year after their surgery.
Indeed when it comes to outcomes, in terms of organ transplants in Australia, we have a lot to be proud of.
In a perfect world, each patient requiring an organ transplant would be granted a new lease on life and enjoy this 90 plus per cent success rate.
However, there is another side to successful organ transplants—and that is the unavoidable need for organ donation.
Indeed organ donation and transplantation go hand in hand, and the harsh reality is that for successful transplants to occur there must first and foremost be an organ donor.
And sadly, it is in this crucial area of organ donation that Australia, up until this point has fallen drastically short.
It is estimated that up to 32 lives can be saved from just one organ donor.
However while 90% of Australians support organ donation; sadly we have one of the lowest rates of organ donation in the world.
Remember that 1,800 Australians I mentioned earlier that are waiting desperately in hospitals and if they are lucky enough, their homes all around the country for an organ transplant—100 of these people will die before they are given the chance to receive one.
Indeed last year there were only 198 deceased organ donors in Australia, resulting in 657 transplants – meeting just one third of the demand for transplants.
The practical reality of this is that many hundreds of Australians are left waiting another year for a transplant and, as you can imagine, for a terminally sick patient waiting for a transplant—this is simply time that they do not have.
Further despite the almost perfect success rates for transplants and the high quality of clinical care available in hospitals around the country, we lag embarrassingly behind many other developed nations when it comes to donations.
The International Registry of Organ Donation reports that Australia’s donor rate in 2006 was only 9.8 donors per million people, which is significantly lower than other developed countries, such as Spain, whose donor rate in contrast was 33.8 donors per million—which is more than three times higher than Australia’s, and the United States, whose donor rate was 26.9 donors per million, more than 2 and a 1/2 times higher than that in Australia.
In fact Australia’s constantly low donor rate has lead to a situation at present where despite the fact that 90% of Australians support organ donation and we live in a country that has one of the highest success rates for organ transplants in the world—hundreds of Australians in need of a transplant are still dying before they receive one.
In July this year, with the endorsement of the Council of Australian Governments (COAG) the Rudd Government announced a major new national reform package to establish Australia as a world leader in organ donation for transplantation, with funding totalling $151.1 million.
The national plan consists of five key steps:
(1) $46 million to introduce a coordinated, consistent approach and systems under the leadership of a new, independent national authority—the Australian Organ Donation and Transplantation Authority—that is established under the bill that is before us today.
(2) $67 million to employ trained medical specialists and other staff dedicated to organ donation who will work closely with emergency department and intensive care unit teams in selected public and private hospitals across Australia.
$13.4 million towards raising community awareness and building public confidence in Australia’s donation for a transplantation system.

$1.9 million for counsellors to support donor families.

This is a comprehensive plan, based on international best practice that aims in the long term to establish Australia as a world leader in organ donation for transplantation.

The practical operation of the reforms will mean that
- potential donors are properly identified at hospitals across the country;
- every family of a potential donor will be asked about organ donation;
- a dedicated specialist will work with the potential donor and their family to provide support through what is often a very, very difficult process;
- hospital staff will be able to focus on donor care knowing that the hospital has a separate budget to cover organ and tissue donation;
- families receive the support they need at the time of organ donation and afterwards; and
- there is an equitable and safe process for managing transplant waiting lists and allocating organs once they become available.

The Authority will:
- coordinate clinicians and other hospital staff dedicated to organ and tissue donation in hospitals across the country;
- train professional staff to do that;
- oversee a new national network of state and territory organ and tissue donation agencies;
- introduce and manage a national data and reporting system;
- lead ongoing community awareness programs about organ and tissue donation and transplantation; and
- work with clinical and professional organizations in developing clinical practice protocols and standards.

Therefore the Authority will work with states, territories, to build a world leading organ donation and transplantation system in Australia.

It will also work with clinicians, hospitals and the community sector to educate people about donation, offer families support through this often difficult decision, and make sure that all suitable patients are identified as potential donors.

Expert advice will also be provided to the CEO of the Authority through a new Australian Organ and Tissue Donation and Transplantation Advisory Council that will comprise of a Chair and up to 15 members from a variety of different backgrounds including organ and tissue donation and transplantation, health consumer affairs, management and public administration.

The Authority is due to commence operation on 1 January 2009.

It's establishment represents a most welcome and definite step forward toward improving the rates of organ donation and transplantation in Australia.

For far too long, organ donation rates in this country have lagged behind other developed nations despite the fact that we have one of the best transplant success rates in the world.

And for far too long too many Australians have endured the painful wait for that telephone call to inform them that a donor has been found—and in too many cases that call was simply never received.

With a willing community that figures proved actively supported the concept of Organ Donation, national leadership to develop a comprehensive and co-ordinated approach to lift donor rates was needed.

The establishment of the National Organ and Tissue Donation and Transplantation Authority represents acts on this need.

Indeed as the Prime Minister pointed out during his second reading contribution, the measures contained in this bill provide the national leadership Australia needs to lift organ donation rates and to make it possible for our expert, and highly skilled transplant doctors and healthcare professionals to save the lives of more Australians and return them back to good health.

Further collectively the measures contained in the bill reflect international best practice and are aimed squarely at establishing Australia as a world leader when it comes to organ donation for transplantation.

As a long running advocate of the importance of organ donation I very much welcome the introduction of this bill.

I look forward to the Authorities prompt commencement on January 1 next year, and very much look forward to witnessing the gradual but noticeable increase in the rates of donation over the next couple of years as a product of its work.

The decision to become an organ donor is not always an easy one, but the simple reality is that in Australia, with our high success rate for transplants—organ donation saves lives.

While the Authority will facilitate greater co-ordination to hopefully generate higher rates of donation in the long term, the real power inevitably still rests with individual Australians making the selfless commitment to donate.

I would encourage all Australians to consider registering their consent to be an organ donor with the Organ Donation Registry. Information relating to this can be obtained from your local Medicare Australia office.

I would also encourage all Australians to consider discussing this important issue with their families and friends, which will hopefully generate greater advocacy for donation.

In the interim, it is with much pleasure that I declare my support for this bill and commend it to the Senate.
Senator STERLE (Western Australia) (1.06 pm)—The incorporated speech read as follows—

I rise to speak on the Australian Organ & Tissue Donation and Transplantation Authority Bill 2008.

The bill establishes the Australian Organ and Tissue Donation and Transplantation Authority to provide national leadership to the organ and tissue sector and also to drive, implement and monitor national reform initiatives and programs aimed at increasing Australians’ access to life-saving and transforming transplants.

Around 100 people die each year in Australia while waiting for an organ transplant and over the past ten years the organ donor rate has remained static – approximately 10 donors per million population.

Western Australia had 19 organ donors in 2007, which helped make up the total of 198 organ donations across the nation.

Whilst these 198 donations each year are important and commendable, Australia has one of the lowest organ donor rates amongst developed countries and only half of families consent to the donation of their deceased family member’s organs.

Organ and transplant donation is a profoundly generous act on the part of an individual or family, which can transform the lives of people on the transplant waiting list.

It is the Government’s intent that this bill will contribute to a much higher rate of organ and tissue donation in Australia.

More than 30,000 Australians have received transplants in the last 60 years and with a co-ordinated central body we can substantially increase this number into the future.

The measures enabled by the bill have a total cost of $151.1 million over four years, including new funding of $136.4 million over four years, to introduce a new nationally-consistent, coordinated system of organ and tissue donation for transplantation.

$24.4 million over the course of four years has been allocated to establish and operate the Authority to drive, coordinate and fund national initiatives to improve the donation rate.

The Australian Organ and Tissue Donation and Transplantation Authority, will be managed by a Chief Executive Officer with direct accountability to the Federal Minister for Health and Ageing.

This CEO will be advised by the Australian Organ and Tissue Donation and Transplantation Advisory Council that will comprise of a Chair plus up to 15 members who will have relevant expertise in managing organ and tissue donation and related issues.

The Authority will spearhead the Government’s initiative to achieve a significant and lasting increase in the number of transplants for Australians.

I have been a registered organ donor for a number of years and I sincerely hope that many of my colleagues in this place, and the other place are as well.

If not, I strongly encourage you to contact the Australian Organ Donor Register on 1800 777 203 or through the Medicare Australia website to become one of the 1.1 million Australians who have already registered their legally valid consent or objection to organ and tissue donation.

By registering their details and consent, Australians can make a difference.

This is something that should be on the radar of every Australian.

No one is forced into it, but everyone should be aware of it.

Unfortunately, public awareness of the importance of organ and tissue donation is not the best.

This bill will establish an authority whose role it will be to educate and promote organ and tissue donation throughout Australia.

For people with life-threatening or serious illnesses, organ or tissue transplantation may mean a second chance at life, or an improved quality of life.

One organ or tissue donor may save or enhance the lives of up to 30 people.

In my home state, there are almost 650,000 Western Australians registered for organ and tissue donation, but there is always more to be done.

This figure represents 41% of the WA population over the age of 16 years having registered to donate their organs, but again there is more to be done.

The Australian Organ and Tissue Donation and Transplantation Authority will improve on these figures and ensure the message about organ and tissue donation reaches a much wider audience.

There is evidence available from WA to prove that a centralised administration and increased marketing can improve awareness of and registrations for organ and tissue donation.

A recent marketing campaign by DonateWest, a Health Department initiative of the previous Labor state government, entitled “Don’t Waste Your Wish”, aimed at increasing registrations, was launched in February 2008 and ran for 3 weeks, including during the Australian Organ Donor Awareness Week.

The campaign comprised a TV commercial in conjunction with advertising in the state newspaper throughout the 3 week period.

Registrations jumped from an average 880 per month to 1,641 in February, Inquiry calls increased from an average of 294 per month to 691 calls in February alone.

Website hits to www.dontwasteyourwish.org and the DonateWest website increased from an average 471 visitors a month to 1,839 visitors.

Australia’s organ donation rate lags behind those of many other developed nations.

Leading nations have well resourced national systems to coordinate organ donation.

To do this well will take money, and the Rudd Labor Government is determined to invest this money and improve our organ and tissue donation rates.

Subject to passage of the legislation, the Authority is proposed to commence on 1 January 2009.

The budget for the Authority and other reform initiatives has been allocated to align with this commencement date.

As the Authority will be responsible for implementing the other measures of the reform package, it is essential that the Authority is established by this date.
The organ donation rate could be dramatically improved if more people discussed their wishes with their family and registered their decision on the Australian Organ Donor Registry.

A 2006 Australians Donate survey showed that although 94 percent of Australians support organ and tissue donation for transplantation, one-in-four Australians have not made their wishes known about organ and tissue donation to anyone. While Australians have overwhelming indicated that they are in favour of organ and tissue transplantation, for many years this has not been translated into an increased donor rate.

Clearly the current system of organ donor advocacy and registration is not as effective as it needs to be. At the current time, only approx one quarter of Australians over the age of 16, have registered their intent to be an organ donor.

For Australia’s rate of organ donations to increase to a level that occurs in a number of other developed countries Australia should be aiming for a majority of people being registered as organ donors.

With the current system, only 20% of those who have registered on the organ donor registry have provided a legally valid consent for organ donation.

It’s important that people who are registered as organ donors make that fact known to their close family.

Current experience is that too often families are not aware that the person concerned has not registered as an organ donor.

Too often families are not are that the person concerned has registered as an organ donor.

In approximately of instances families decline to agree to organ donation despite the wishes of the person concerned.

Since January 2005, the Australian Organ Donor Registry has been a register of legal consent and is the only official national register for organ and tissue donation.

There are currently approximately 2,000 people on transplant waiting lists around Australia and as I have mentioned around one hundreds Australians die each year while waiting for an organ transplant.

Waiting periods on the wait list for transplants for some people can last for more than 15 years and drastically reduces those peoples’ quality of life.

Statistics show that you are more likely to need a transplant than to ever become an organ donor, and whilst organ donation is the choice of individuals, you can’t take your organs with you.

Surely, if we help improve one extra life through sight improvement or kidney transplant, it is worth it.

I commend the bill to the Senate and urge fellow senators to support it.

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (1.06 pm)—I am extremely pleased to be able to conclude the debate on the Australian Organ and Tissue Donation and Transplantation Authority Bill 2008. I thank senators who have contributed today. Support for the concept of organ and tissue donation in Australia runs at more than 90 per cent. From the contributions of senators and members, it seems that support in the parliament is running at 100 per cent. I thank senators and members for that support. Much of that support is generated by the stories of lives transformed as a result of successful transplants—like the delightful Cordelia Whatman, whom the Prime Minister spoke of when he introduced this bill in the other place; or John Coggan, a wheat farmer and heart transplant recipient from Meandarra, who recently raised $75,000 for organ transplant research; or Sam Chisholm, the former CEO of the Nine Network, a double lung transplant recipient and powerful advocate for organ and tissue donation.

But today I want to focus on the other side of the equation: the donor family. The inspiration we gain from hearing about organ and tissue recipients is replicated in the story shared by their families. I would like to relate the story of Tom Overstone. Tom’s mum, Helen, has given her permission, through Transplant Australia, for me to speak about Tom and their family today. Tom Overstone was in the gap year between high school and further studies when he was in a tragic accident in mid-2007. He was 17. He never regained consciousness, and he was pronounced brain dead after five days on life support. Tom’s organs were donated and saved the lives of four people. Reflecting after their experience last year, Tom’s mum, Helen, said:

All four of us were registered as organ donors. We did it when Tom was 13 and Megan was 15. We had discussions about organ donation around the dinner table. When Tom was on life support, one of his best mate’s said he and Tom had had a discussion about brain death and what would happen if they were each in that situation. Tom told him that he would never want to be in a “vege state”. This was really good confirmation for us of everything we already knew. I think I’ll never get over losing my son but I know Tom has done something really good for somebody else. I have received two lots of letters from recipients—those letters are de-identified letters organised through the transplant agency DonateWest—

The letters expressed just how grateful the people were. It brought me tears of joy.

Tom’s sister, Megan, said of her brother:

We saw Tom after his organs had been removed, and he looked beautiful. I was worried that he wouldn’t look like my brother, but he looked gorgeous. It was just like he had had an operation: it was all neat and beautiful.

Through their brave and generous decision, the Overstone family radically change the lives of many others—those of the recipients of Tom’s organs, and their friends and families. Their decision to discuss organ donation around the dinner table some years earlier is an example to us all. Sadly, though, we know that, despite the fact that over six million Australians have registered to donate, last year there were just 198 deceased organ donors in Australia. While this resulted in 657 transplants, it met just one-third of the demand.
There is a very real human cost in these statistics. For too long, Australians have been left waiting for transplants that could mean the difference between life and death or between a normal healthy life and a life of debilitating disease. We urgently need to turn this situation around and lift organ donation rates not just in the short term but also over the long term. We need enduring systemic changes so that there can be a sustained increase in donation rates to meet the likely increased demand for organ and tissue transplants in the future.

The government’s reform package, of which this bill is one part, is our best possible chance of doing this. It is a significant $151.1 million package that will ensure a coordinated national approach to organ and tissue donation. The package of reforms addresses the two main issues which are at the core of our current difficulties in lifting donation rates: lack of education and support for families making the difficult decision to donate; and lack of national leadership and coordination.

On the first of these two points, the reform package includes initiatives to encourage and support Australians to talk about organ and tissue donation and to not only become registered donors on the Australian Organ Donor Register but, even more importantly, make sure that their families understand and respect their wishes, just as the Overstone family did. The most common reason cited by families when they decline to donate a deceased relative’s organs or tissues is that they simply never discussed with their relative whether they wanted to donate. There is no doubt that this is a very difficult topic. It is one that most of us find challenging to discuss, particularly when we are confronted with the possibility of losing a loved one.

We also know that there are many myths surrounding organ donation, and these myths can impact on our own decision to donate or our decision to agree to allow a relative’s organs to be donated. We also need to have those working in our hospitals trained to identify potential donors and, in that situation, to always ask a family whether they would agree to donation.

The new Australian Organ and Tissue Donation and Transplantation Authority will lead this change. The government’s reform package also includes $1.9 million for a national donor families support program managed by the new authority. The program will provide a nationally consistent set of services and information resources for trained staff to offer to families. These services and information resources will be available throughout Australia.

While a sustained nationally consistent effort is important, we must not forget that each family will have differing needs and will be at different stages of the donation process. The program will therefore be firmly underpinned by the principle that each family must be provided with respectful support which is responsive to the needs of that family. The support will be available at the time when the donation is being considered, at the time when the donation proceeds and afterwards. All families whose next of kin are identified as possible donors will be offered bereavement counselling and support, and ongoing contact and support, whether or not the donation proceeds.

In addition to increased education and family support, the second very significant characteristic of this reform package is that, for the very first time in Australia, a truly national approach will be adopted. As this government has said from day one, we cannot continue the blame game between the Commonwealth, the states and the territories, especially when thousands of Australians are unnecessarily suffering on transplant waiting lists around Australia. National leadership must be taken in order to address the current barriers to organ and tissue donation and transplantation, many of which stem from our current poorly coordinated system.

This bill and the broader package of reforms of which it is part deliver on our promise to cut through historical delineations and to provide national leadership by establishing a new national authority to drive the implementation of this reform package. The authority will oversee the implementation of nationally consistent processes and systems, beginning in the local hospitals, with greater support for families, enhanced professional education, and sufficient resources to maximise and measure the conversion of potential donors to actual transplants. This new national approach gives us the best possible chance of increasing donations and the number of life-changing and life-saving transplants.

We should not, however, underestimate the magnitude of the task ahead of us. Successful outcomes will require a concerted and sustained effort from all levels of government, from health professionals and from community organisations. On this note, I am very pleased and encouraged by the strong support of all governments in Australia and the sector. They recognise the significance of these reforms and have committed to work closely together to achieve possible changes.

But, ultimately, the success of these reforms will depend on each and every one of us thinking about organ donation and, like the Overstones, discussing it with our families, making our own very personal decision and doing all that we can to ensure that our families know our wishes. I would therefore like to add my voice to the appeal made by the Prime Minister at the introduction of the bill in the other place and appeal to all Australians: please discuss organ and tissue donation with your family, because it is your family who will make the critical choices if ever the day arrives when your organs may save the lives of others. If you have not registered on the Australian Organ Donor
Register, I encourage you to do so and then, most importantly, talk about that decision with your family.

In closing, I would like to thank members of both houses for their contributions to the debate and their support for the bill. I would also like to acknowledge all those who have been instrumental in the development of the reform package—from those who raised issues and ideas at the 2020 Summit and those who shared their personal stories with me and my colleagues through to those in government and those in community and professional organisations. I acknowledge Anne Cahill-Lambert, who is in the chamber with us today. I want to also thank the National Clinical Taskforce on Organ and Tissue Donation and the cognate committee, who have all worked so hard to ensure that the reform package is practical, forward looking and firmly based on world best practice.

Finally, I look forward to the establishment of the new authority on 1 January next year and the first reports of the authority regarding its very important work—work which we are confident will see many, many more Australians experiencing the enormous benefits of organ and tissue donation.

I commend the bill to the chamber.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.18 pm)—I would just like to have recorded the Greens’ strong support for the Australian Organ and Tissue Donation and Transplantation Authority Bill 2008.

Question agreed to.

Bill read a second time.

Third Reading

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (1.18 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

CUSTOMS AMENDMENT (AUSTRALIA-CHILE FREE TRADE AGREEMENT IMPLEMENTATION) BILL 2008

CUSTOMS TARIFF AMENDMENT (AUSTRALIA-CHILE FREE TRADE AGREEMENT IMPLEMENTATION) BILL 2008

Second Reading

Debate resumed from 12 November, on motion by Senator McLucas.

That these bills be now read a second time.

Senator BRANDIS (Queensland) (1.18 pm)—I merely indicate on behalf of the opposition that the Customs Amendment (Australia-Chile Free Trade Agreement Implementation) Bill 2008 and the Customs Tariff Amendment (Australia-Chile Free Trade Agreement Implementation) Bill 2008 have our support. This is part of a suite of free trade agreements which were initially developed under the previous government. I am pleased to say that the present government, or at least a majority of its members, have at last long accepted the wisdom of free trade agreements. The volume of trade between Australia and Chile is not inconsiderable, particularly in relation to commodities. Chile, as honourable senators will be aware, is the site of one of the world’s largest copper mines, for example, operated by an Australian company, and we look forward to the enhancement of that relationship as a result of these measures.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.19 pm)—Although I have not circulated it, I seek leave to have my speech on the second reading incorporated.

Leave granted.

The speech read as follows—

The Customs Amendment (Australia-Chile Free Trade Agreement Implementation) Bill 2008 and the Customs Tariff Amendment (Australia-Chile Free Trade Agreement Implementation) Bill 2008 implement Australia’s obligations under the free trade agreement with Chile (‘the ACFTA’) by providing for preferential or free rates of customs duty for Chilean goods. According to the National Interest Analysis prepared by DFAT, ‘Chile will eliminate tariffs on 91.9 per cent of tariff lines covering 96.9 per cent of trade and Australia will eliminate tariffs on 90.8 per cent of lines covering 97.1 per cent of trade. All remaining tariffs on both sides will be eliminated by year six of the agreement (2015) except for one component of Chile’s sugar tariff’ 1. Chile’s tariffs on Australian goods are presently set at a flat 6%. DFAT advises that the remaining tariff on sugar will not affect Australia, as the tariff only operates when the international price for sugar is low and Australia does not export sugar under these circumstances.

Other (non-tariff) obligations arising under the ACFTA do not require legislation, and consequently offer little opportunity for Parliamentary input. This includes the ACFTA’s dispute resolution mechanisms, which may lead to unanticipated interpretations of Australia’s obligations. Given the restrictions treaties place on the permissible range of Government action, the Greens would like to see far greater opportunity for Parliament to determine whom we negotiate treaties with, to what purpose, and whether we wish to ratify the product of those negotiations.

A key concern with this bill for the Greens relates to the export of coal. Coal is one of Australia’s primary exports to Chile, and reduced Chilean tariffs (from 6% to 0%) on Australian coal may mean that exports increase, resulting in more Australian coal contributing to climate change.

Several significant concerns raised in the evidence to JSCOT addressed general criticisms of aspects of the ACFTA and the process for negotiating trade treaties generally, including:

- The Australian Free Trade and Investment Network (AFTI) (and a number of contributors endorsed this view) would like to see ‘comprehensive studies…about the economic, regional, social, cultural, regulatory and
environmental impacts that are expected to arise’ before treaty action is taken. JSCOT supported this view and recommended that this information be tabled in Parliament prior to any future trade negotiations. The Government has yet to respond to this report, although I am hopeful that it will agree to this recommendation given that it reflects ALP policy².

- AFTI would like the Parliament to have the power to decide whether trade treaty negotiations are to proceed, under what circumstances, and whether to ratify the treaties that result (in general, not only with respect to the Australia-Chile FTA).
- Both AFTI and the Queensland Premier raised concerns with different aspects of the ACFTA that they consider will limit Australia’s ability to conserve its natural resources.
- The Queensland Government considers that the ACFTA’s provisions regarding expropriation (nationalisation), and compensation for expropriation, ‘provide too much scope for Chilean companies to challenge the Queensland Government’s decisions relating to measures taken to ensure sustainable water and land use and environmental protection.’
- AFTI considers that the restrictions on Governments’ ability to regulate Chilean/Australian investment could prevent them from taking steps to ameliorate their environmental impact. While the ACFTA provides an exception for measures ‘related to the conservation of living or non-living exhaustible natural resources’, provided that they are not unjustifiable or arbitrary, AFTI argues:
  - The term unjustifiable is yet to be defined and leaves itself open to broad interpretation. As has been mentioned above, there has also been a long history within the North American Free Trade Agreement (NAFTA) of exception clauses similar to the above being overruled by trade tribunals. Of the ten times that the exception clause has been used within the NAFTA it has been upheld only twice.
  - A number of submissions objected to the way FTAs limit the ability of governments to govern in the domestic public interest by, for example, imposing tariffs to protect domestic industries.
- A number of contributors would like to see public services clearly exempted from FTAs. AFTI argues that the wording of the public service exemption in the FTA does not adequately describe all public services (by, for example, describing them as services that are not in competition with other service providers – Medicare is one example that clearly falls outside this definition). However, DFAT advised that a general exemption from the agreement has been carved out in the Annexes for public services regardless of whether they are in competition with the private sector. This covers education, healthcare and other areas.
- Some submissions called for FTAs to include terms providing for regular reviews of their impact. JSCOT recommended that a review of the FTA be conducted by DFAT after two years to assess the accuracy of the various specific criticisms that were made of it. Given the complexity of FTAs and the level of public concern with FTAs, I hope that the Government agrees to this recommendation. More hard data on the concrete effects of such agreements can only be of benefit to the public debate.
- The capacity for investors to initiate dispute resolution processes where they feel that Australia or Chile are not complying with the terms of the agreement is seen to grant the private sector the capacity to overturn the decisions of our elected representatives.
- An academic made a lengthy submission highly critical of the FTA’s approach to intellectual property. However, in considering all of the above, it must be borne in mind that the bills before the Senate only address Australian tariffs on Chilean goods. The broader issues just outlined remain to be resolved in future debate and discussion with the Government and my other Parliamentary colleagues.

¹ Annex 1.
² Chapter 3, paragraph 26.

Senator McLucas (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (1.20 pm)—I thank senators for their contributions to the debate on these bills and commend the bills to the chamber.

Question agreed to.

Bill read a second time.

Third Reading

Senator McLucas (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (1.20 pm)—I move:

That these bills be now read a third time.

Question agreed to.

Bill read a third time.

FINANCIAL TRANSACTION REPORTS AMENDMENT (TRANSITIONAL ARRANGEMENTS) BILL 2008

Second Reading

Debate resumed from 14 October, on motion by Senator Carr:

That this bill be now read a second time.

Senator Brandis (Queensland) (1.21 pm)—The opposition supports the Financial Transaction Reports Amendment (Transitional Arrangements) Bill 2008. The bill arises in this way. Under the Financial Transaction Reports Act 1988, certain regulated businesses are required to report information about transactions to AUSTRAC, the Australian Transaction Reports and Analysis Centre. Those obligations will cease on 12 December this year, when updated measures begin under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006—one of the great achievements of the former Attorney-General, Mr Ruddock. There is, however, a 15-month grace period under the Anti-Money Laundering and Counter-Terrorism Financing Act to allow businesses to take reasonable steps to im-
prove their systems in order to comply with the new obligations. New systems must be in place by 11 March 2010.

The Financial Transaction Reports Amendment (Transitional Arrangements) Bill fixes an unintended loophole that, during the period of grace, companies would not be required to report transactions after 12 December 2008 until their new systems were in place. The bill requires that reporting bodies continue reporting transactions under their old systems until their new systems are in place, thereby ensuring that AUSTRAC maintains full records during the transition period and that there is continuity of treatment during the transition period. The bill, of course, is therefore a corrective measure. It has the opposition’s support. May I commend the industry and the alertness of the public servant—who is perhaps sitting in the government advisor’s box at the moment—who spotted this loophole and has enabled the Senate now to repair it.

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (1.23 pm)—I thank senators for their contributions to the debate on this bill. The Financial Transaction Reports Amendment (Transitional Arrangements) Bill 2008 contains several amendments to ensure that businesses can continue to report to the Australian Transaction Reports and Analysis Centre, otherwise known as AUSTRAC, as they work toward compliance with the new reporting obligations under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006.

It is important to understand that the amendments will not create any duplication in reporting obligations, as Australia’s specialist financial intelligence unit, AUSTRAC, collects and analyses financial transaction reports and currently receives around 69,000 reports in relation to suspicious transactions and other transactions per day. AUSTRAC provides assistance to law enforcement and national security agencies in identifying and investigating criminal and terrorist enterprises.

In summary, the bill contains several amendments to the Financial Transaction Reports Act 1988 which will assist businesses to make the transition from regulation under that act to regulation under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006. By passing this bill, the Australian government will ensure that AUSTRAC’s intelligence-gathering role is not hindered during the transitional period. The bill preserves the integrity of the reporting regime and supports the work of AUSTRAC. This government is committed to combating money-laundering and terrorism financing. I commend the bill to the chamber.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

DAIRY ADJUSTMENT LEVY TERMINATION BILL 2008

Second Reading

Debate resumed from 16 October, on motion by Senator Ludwig:

That this bill be now read a second time.

Senator COLBECK (Tasmania) (1.25 pm)—I rise to make a contribution for the opposition on the Dairy Adjustment Levy Termination Bill 2008 and note that the opposition will be supporting the legislation. This is a bill which indicates a real milestone in the life of the dairy industry and the structural adjustment program. When the industry came forward to the government in the late nineties to provide a road map for how it saw the industry moving forward, given the real need and the push for the industry itself to deregulate, the industry brought a program to the government which the government subsequently supported, and the Dairy Structural Adjustment Program was announced in September 1999. It has in fact transformed the industry. In the early seventies, when my parents moved to a dairy farm in the foothills of Cradle Mountain, in Tasmania, the herds were averaging about 70 cows, and now we see herds in the hundreds. It really has made a significant change to the industry. I note the very mature way that the industry now looks to plan for its future. The plans of the industry, particularly in my home state of Tasmania, are very mature. It has a very sound process for taking the industry forward, and I am sure that that is a result of the process of the adjustment that occurred from 2000.

The intention of the bill is to terminate both the Dairy Adjustment Authority and the dairy adjustment levy and to wind up the structural adjustment fund. It is interesting to note that through a levy of 11c per litre of milk the government has met the responsible and fiscal goal set to fully recoup the cost of an estimated $1.74 billion in adjustment funds to the industry.

Today, the gross value of our industry is about $3.2 billion, $2.4 billion of that in exports. About 50 per cent of our milk production goes overseas in the form of cheese, butter and milk powders. We are the third largest exporter in the world after the EU and New Zealand. While the industry continues to face the pressures of Australia’s primary producers at present—the credit crunch we hear so much of, the depreciation of the dollar and higher fuel and feed costs—there is no doubt that deregulation has had a significant impact on the industry. With the passing of the bill, the dairy adjustment levy will cease. I share the expectation of my colleagues and the industry that the government will ensure that we see a reduction in the price of milk of
11c per litre. Again, in the current circumstances, I think that is an important thing. I reiterate the coalition’s support for the bill.

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (1.28 pm)—The Dairy Adjustment Levy Termination Bill 2008 amends the Dairy Produce Act 1986 to close the $1.92 billion dairy industry adjustment program. Specifically, the Dairy Adjustment Levy Termination Bill 2008 provides for the termination of the dairy adjustment levy, the wind-up of the Dairy Adjustment Authority, closure of the Dairy Structural Adjustment Fund, surplus levy funds to be returned to the Consolidated Revenue Fund and costs of terminating the adjustment program to be paid for by the levy. The bill also provides for consequential amendments to remove references to the adjustment program in other acts and repeal of the acts that established the dairy adjustment levy.

The Dairy Produce Act 1986 has some major shortcomings, none larger than the $50 million in surplus dairy adjustment levy funds that will be collected under the act unless it is amended. Asking Australian families, as consumers of milk, to pay significant levies over and above the needs of the adjustment program is something that this government will not do.

The government has proposed amendments to the act that will terminate the levy in a way that minimises levy collection surplus to the needs of the adjustment program. This will be achieved by cutting the levy termination notice period by 28 to seven days and by allowing the government to consider levies paid by consumers but not yet receipted into the Dairy Structural Adjustment Fund when declaring a levy termination date.

The government expects to remove the dairy adjustment levy in the first quarter of 2009. Any surplus funds will be credited to the Commonwealth. The government expects the removal of the levy to be passed by the ACCC. The government has also proposed to wind up the Dairy Adjustment Authority by declaration, and this is expected to happen in December 2008 or January 2009. Amendments will also allow the government to close the Dairy Structural Adjustment Fund, after which the adjustment program will be taken to be closed. I commend the bill to the chamber.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

INDEPENDENT REVIEWER OF TERRORISM LAWS BILL 2008 [No. 2]

Consideration resumed from 23 June.

In Committee

Bill—by leave—taken as a whole.

Senator TROETH (Victoria) (1.32 pm)—I move opposition amendment (1) on sheet 5632:

(1) Clause 4, page 2 (lines 13 and 14), omit the definition of terrorism laws, substitute:

terrorism laws means any proposed or current law or part of a law directed to the prevention, detection or prosecution of a terrorist act and includes, but is not limited to, provisions of the:

(a) Criminal Code Act 1995;
(b) Crimes Act 1914;
(c) National Security Information (Criminal and Civil Proceedings) Act 2004;
(d) Australian Federal Police Act 1979;
(e) Australian Security Intelligence Organisation Act 1979;
(f) Financial Transaction Reports Act 1988;
(g) Telecommunications (Interception and Access) Act 1979.

These amendments have been drafted in reaction to the recommendations in the very generous report of the Senate Standing Committee on Legal and Constitutional Affairs on this bill. I believe that, as a whole, those recommendations make the bill more flexible. Clause 4 provides a definition of the laws and gives some idea of key legislation—previous acts of parliament—which should be within the independent reviewer’s purview. The list is not exhaustive so that necessary flexibility is preserved. For that reason, I am prepared to accept the Greens amendment which comes under that same heading.

Senator LUDLAM (Western Australia) (1.33 pm)—I move Greens amendment (1) on sheet 5636:

(1) [Amendment to Senator Troeth’s amendment (1) on sheet 5632] At the end of paragraph (g) of the definition of terrorism laws, add:

; (h) any other law or part of a law of the Commonwealth under which a power is conferred or a liability is established in connection with, either directly or indirectly, a terrorist act (whether or not a terrorist act has occurred or will occur).

I would like to thank Senator Troeth for supporting this amendment. We wanted, essentially, to provide more guidance to the reviewer than we thought was written up in the original wording of ‘is not limited to’.

The TEMPORARY CHAIRMAN (Senator Mark Bishop)—The question is that Greens amendment (1) moved to opposition amendment (1) be agreed to.

Question agreed to.
The TEMPORARY CHAIRMAN—The question now is that opposition amendment (1), as amended, be agreed to.

Question agreed to.

Senator TROETH (Victoria) (1.35 pm)—I move opposition amendment (2) on sheet 5632:

(2) Clause 8, page 3 (line 26) to page 4 (line2), omit the clause, substitute:

8 Functions of the Independent Reviewer

The functions of the Independent Reviewer are:

(a) at the request of the responsible Minister; or
(b) at the request of the Parliamentary Joint Committee on Intelligence and Security; or
(c) on the Independent Reviewer’s own motion; to review terrorism laws in order to assess whether the laws and their operation:
(d) are an effective and efficient means of preventing, detecting or prosecuting terrorist acts; and
(e) alter fundamental legal principles, such as habeas corpus; and
(f) are consistent with Australia’s human rights obligations; and
(g) have any adverse social consequences.

This amendment details the functions of the independent reviewer. We agreed that it was necessary to comprehensively describe the role, function and criteria of the review. Amended clause 8 provides more detailed descriptions of the function—that is, it must assess laws to ensure consistency with human rights obligations. We also agree with Senator Ludlam’s amendment on that same clause.

Senator LUDLAM (Western Australia) (1.35 pm)—by leave—I move Greens amendments (2) to (5) on sheet 5636:

(2) [Amendment to Senator Troeth’s amendment (2) on sheet 5632]

At the end of paragraph 8(c), add “, at least every 2 years”.

(3) [Amendment to Senator Troeth’s amendment (2) on sheet 5632]

Paragraph 8(f), after “human rights”, insert “, privacy and other international”.

(4) [Amendment to Senator Troeth’s amendment (2) on sheet 5632]

After paragraph 8(f), insert:

(fa) continue to be necessary; and
(fb) are proportional to the extent threat of terrorism; and

(5) [Amendment to Senator Troeth’s amendment (2) on sheet 5632]

At the end of clause 8, add:

(2) The Independent Reviewer also has the following additional functions:

(a) investigation of the manner in which relevant law enforcement agencies interpret and implement terrorism laws; and
(b) investigation of the use of their powers by relevant law enforcement agencies in interpreting and implementing terrorism law.

(3) The Independent Reviewer may, of his or her own motion:

(a) make submissions to parliamentary or other committees examining bills making, amending or otherwise affecting terrorism laws; and
(b) participate in reviews of terrorism laws, such as reviews by the Council of Australian Governments.

I will speak briefly to each one. Hopefully, they are fairly clear. Amendment (2) goes to the fact that it is not sufficient for the independent reviewer to examine each law only once. We think that they should be revisited. We have suggested provision for a two-year review of each of the pieces of legislation listed in Senator Troeth’s first amendment. Our amendment (3) essentially goes to what I mentioned in earlier debate on this bill—that is, how the amendments proposed by Senator Bob Brown benchmark the operation of the terror laws against Australia’s human rights standards. We have suggested a broader framing of the way that those human rights obligations are drafted.

Amendment (4) goes to the risk that the work of the independent reviewer may simply entrench the terrorism laws as a legitimate part of Australia’s legal landscape. In our view, there are some aspects of these laws which should simply be repealed.

The final amendment to speak to at this point, amendment (5), is that the antiterror laws are not simply words on paper; they are also procedures and practices of authorised agencies and institutions whose powers have been expanded, in some cases, significantly. We have moved to give the independent reviewer explicit permission to participate at his or her discretion in any of these other processes.

Question agreed to.

Amendment, as amended, agreed to.

Senator LUDLAM (Western Australia) (1.38 pm)—I move Australian Greens amendment (6) on sheet 5636:

(6) Clause 9, page 4 (line 12), omit “must”, substitute “may”.

Very briefly, amendment (6) goes to a point that was made several times during the committee inquiry—that the independent reviewer should be truly independent and not be unduly tied too closely to existing organisations. For example, we believe that the reviewer should have regard to investigations conducted by agencies such as ASIO, the AFP, the Ombudsman and so on, without being compelled to suspend activities on the basis of supposed duplication. There may be some
benefit to the reviewer’s ability to provide an independent voice or verification of an investigation which may already be underway.

Question agreed to.

Senator TROETH (Victoria) (1.38 pm)—by leave—I move opposition amendments (3) and (7) on sheet 5632:

(3) Clause 9, page 4 (line 14), before “Australian Security”, insert “the”.

(7) Clause 11, page 6 (line 16), after “Reviewer”, insert “under this section”.

These amendments, which refer to clause 9 and clause 11, make a drafting correction and a technical amendment.

Question agreed to.

Senator TROETH (Victoria) (1.40 pm)—by leave—I move opposition amendments (4) and (5) on sheet 5632:

(4) Clause 10, page 5 (lines 5 to 8), omit subclause (4), substitute:

(4) Where the Independent Reviewer takes possession of, makes copies of, or takes extracts from documents, the documents, copies or extracts, as the case may be, will be held securely by the Independent Reviewer and within 6 months of the completion of the review:

(a) original documents or extracts from documents received from agencies must be returned to those agencies; and

(b) copies of documents or copies of extracts from documents held by the Independent Reviewer must be destroyed.

(5) Page 5 (after line 21), after clause 10, insert:

10A Offences

A person who after being given a notice under subsection 10(1) or 10(5) fails to comply with the notice when required to do so or fails to answer a question that the Independent Reviewer requires the person to answer is guilty of an offence punishable on conviction:

(a) in the case of a natural person—by a fine not exceeding $1,000 or imprisonment for a period not exceeding 6 months or both; or

(b) in the case of a body corporate—by a fine not exceeding $5,000.

These amendments detail the documents, extracts and copies that are to be made and also the offences which are to be detailed in the law.

Question agreed to.

Senator LUDLAM (Western Australia) (1.40 pm)—I move Australian Greens amendment (7) on sheet 5636:

(7) Clause 10, page 5 (after line 13), after subclause (5), insert:

(5A) If a person is required to attend before the Independent Reviewer under subsection (5), the Independent Reviewer may:

(a) require the person, before answering questions, either to take an oath or to make an affirmation in a form approved by the Independent Reviewer; and

(b) administer an oath or affirmation to the person.

We are seeking here to amend the original bill to empower the independent reviewer to require people to take an oath or an affirmation before providing information relevant to the reviews.

Senator TROETH (Victoria) (1.41 pm)—I indicate agreement for this amendment. We believe that some of the questions that the independent reviewer may be asking a person are not normally the sorts of questions which may be asked under oath or by affirmation. I am prepared to agree with the Greens amendment.

Question agreed to.

Senator TROETH (Victoria) (1.41 pm)—by leave—I move opposition amendments (6) and (9) on sheet 5632:

(6) Clause 11, page 6 (lines 6 to 15), omit subclause (3).

(9) Page 6 (after line 19), after clause 11, insert:

11B Annual report

(1) The Independent Reviewer must, as soon as practicable after each 30 June, prepare and provide to the Prime Minister a report of the operations of the Independent Reviewer during the year that ended on that 30 June.

(2) The Prime Minister must cause a copy of a report provided under subsection (1) to be presented to each House of the Parliament as soon as practicable after the report is presented to the Prime Minister, subject to the Independent Reviewer’s certification that the report should be so presented and to the deletion of any part the publication of which the Independent Reviewer certifies may adversely affect national security or which the Independent Reviewer certifies should not be published on other compelling grounds.

These amendments deal with the annual report and the way in which it is presented to parliament. We believe that it is necessary for the annual report to be made, and that is detailed in these clauses.

Question agreed to.

Senator TROETH (Victoria) (1.42 pm)—I move opposition amendment (8) on sheet 5632:

(8) Page 6 (after line 19), after clause 11, insert:

11A Protection from civil action

(1) Neither the Independent Reviewer, nor a person acting on behalf of the Independent Reviewer, is liable to an action or other proceeding for damages for or in relation to any act done or omitted to be done in good faith in performance or purported performance of any function or in exercise or pur-
portrayed exercise of any power conferred on the Independent Reviewer.

(2) Where:

(a) a complaint has been made to the Independent Reviewer; or

(b) a document has been produced, or information or evidence has been given to the Independent Reviewer;

a person is not liable to an action, suit or proceeding in respect of loss, damage or injury of any kind suffered by another person by reason only that the complaint was made, the document was produced or the evidence was given.

This amendment makes certain that the independent reviewer and a person acting on behalf of the independent reviewer will not be liable to an action or other proceeding for damages. It simply protects the person and ensures the complete independence that we wish for.

Question agreed to.

Senator LUDLAM (Western Australia) (1.42 pm)—I move Australian Greens amendment (8) on sheet 5636:

(8) Clause 12, page 7 (line 5), omit “5 years”, substitute “3 years”.

In the Senate Standing Committee on Legal and Constitutional Affairs inquiry into this bill, we received a variety of advice going to the tenure or the term of the reviewer. We feel that it is important, particularly if there is only to be one reviewer rather than our preferred option of three, that the tenure should be limited. We have proposed three years rather than five years.

Senator TROETH (Victoria) (1.43 pm)—I regret that the opposition cannot agree to this amendment. I believe for security of tenure and a proper review such as that that we are instituting that this should be five years.

Question negatived.

Senator TROETH (Victoria) (1.44 pm)—by leave—I move opposition amendments (10) and (11) on sheet 5632:

(10) Page 7 (after line 10), after clause 12, insert:

12A Remuneration

(1) Subject to this section, the Independent Reviewer must be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination of that remuneration is in operation, the Independent Reviewer must be paid such remuneration as is prescribed.

(2) The Independent Reviewer must be paid such allowances as are prescribed.

(3) Subsections (1) and (2) have effect subject to the Remuneration Tribunal Act 1973.

(11) Page 7 (after line 14), after clause 13, insert:

13A Staff

(1) The staff necessary to assist the Independent Reviewer must be persons engaged under the Public Service Act 1999.

(2) For the purposes of the Public Service Act 1999:

(a) the Independent Reviewer and the APS employees assisting the Independent Reviewer together constitute a Statutory Agency; and

(b) the Independent Reviewer is the Head of that Statutory Agency.

These amendments simply make specifications regarding suitable remuneration and suitable staff for the independent reviewer.

While I am on my feet, I would like to make a very brief remark about Senator Wong’s unfortunate comments at the end of her speech during the second reading debate. To start with, up till this point the now government have gone along with or agreed that this position is a very necessary position. For them not to be agreeing with this private member’s bill I find an astounding backtrack on their supposed beliefs.

As well, as Senator Wong knows and as Senator Brandis so comprehensively pointed out, this bill has been in the parliament since March this year, firstly under Mr Georgiou’s stewardship and secondly under my direction since 23 June. So the government must know that it has been around.

That an office person from Attorney-General McClelland’s office rang me this morning and asked me to defer or withdraw the bill I found astounding. I also found it a complete lack of courtesy on Attorney-General McClelland’s part to have his office ring me rather than speak with me himself.

Senator WONG (South Australia—Minister for Climate Change and Water) (1.46 pm)—I generally have a lot of regard for Senator Troeth, but really! The first point is that there are a great many private members’ bills moved in this place. As the senator well knows, many of them sit on the Notice Paper and are not brought on for debate and vote. I am sure that, when Senator Troeth was in government, the government did not take a range of the private members’ bills that the Greens moved on a whole range of issues—social issues and environment issues—

Senator Brandis—You always knew this was going to be debated in the chamber.

Senator WONG—Just settle down, Senator Brandis. You can get on your feet—

Senator Brandis—You always knew this was going to be debated in the chamber.

The TEMPORARY CHAIRMAN (Senator Mark Bishop)—Senator Brandis, Senator Wong has the floor.

Senator WONG—As I said, there are many private members’ bills brought on—for example, one is being debated in general business today. When Senator Tro-
ether was in government, I am sure that not every single private member’s bill moved by a senator was taken to the coalition party room. The point is that on, I think, 11 December it was determined by the Senate that this matter be given precedence.

I again remind senators that the opposition and the Greens have ensured we are unable to finish with the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Bill 2008 as a result of giving this precedence. That is fair enough and you are entitled to do that, but it has delayed the passage through the Senate of that legislation.

A private member’s bill being brought on for debate and vote is a very different situation, Senator Troeth—and I am sure you would concede that—to a private member’s bill being moved, as many are as a matter of course in this place.

In relation to the other issue, of the Attorney-General not calling you, I am sure he was extremely busy in the period prior to the House—

Senator Brandis—It’s a professional discourtesy. You know that.

Senator WONG—Senator Brandis, sometimes, really! There is a certain amount of pomposity people can deal with and then there is a limit, and to be honest with you—

Senator Brandis—It’s a professional discourtesy. Don’t excuse it.

The TEMPORARY CHAIRMAN—Senator Brandis, will you stop interrupting.

Senator WONG—I would say that I can recall a number of occasions when I was called by officers rather than ministers from the government when I was in opposition, but I am sure the Attorney-General will have regard to Senator Troeth’s remarks.

Question agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator TROETH (Victoria) (1.49 pm)—I move:

That this bill be now read a third time.

Senator WONG (South Australia—Minister for Climate Change and Water) (1.49 pm)—I just reiterate what I indicated in my second reading speech: we on this side do have a longstanding and demonstrated commitment by bringing forward a comprehensive response to the proposal for an independent review of counterterrorism laws and other review recommendations in the near future. We are not supportive of this bill, for the reasons that I outlined in the second reading speech.

Question agreed to.

Bill read a third time.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop)—Pursuant to standing order 38, I present the report of the Senate Standing Committee on Community Affairs on the provisions of the National Rental Affordability Scheme Bill 2008 and a related bill, together with the Hansard record of proceedings and documents presented to the committee, which were presented to the President after the Senate adjourned yesterday. In accordance with the terms of the standing order, the publication of the report was authorised.

Ordered that the report be printed.

BUSINESS

Rearrangement

Senator WONG (South Australia—Minister for Climate Change and Water) (1.51 pm)—by leave—I move:

That the government business order of the day for 20 November 2008 for the consideration of the National Rental Affordability Scheme Bill 2008 and a related bill, be called on immediately.

Question agreed to.

NATIONAL RENTAL AFFORDABILITY SCHEME BILL 2008

NATIONAL RENTAL AFFORDABILITY SCHEME (CONSEQUENTIAL AMENDMENTS) BILL 2008

Second Reading

Debate resumed from 10 November, on motion by Senator Sherry:

That these bills be now read a second time.

Senator PAYNE (New South Wales) (1.52 pm)—The opposition has noted previously in this place and in the other place that we support the government’s endeavours to address the very serious and sharp decline in housing supply in Australia and those associated endeavours to lower the cost of housing for Australian families. It is important to note, though, that both here and elsewhere we have expressed continuing concerns about the adequacy of that response. In the National Rental Affordability Scheme, the government is endeavouring to create a new asset class for institutional investors in the hope that the incentives, as they are referred to, offered will increase the supply of af-
fordable housing. At a time when vacancy rates and building approvals are at an all time low, there is a very serious need for government to act to ensure that a chronic undersupply of housing does not see rents rising to even more extreme levels and, potentially, lock a generation of homebuyers out of the market. As I indicated and as has been stated in the other place, the opposition does not oppose these bills. However, we do have a number of reservations with regard to the design of the scheme, and to these we will be moving amendments.

There are two matters to which it is worth making reference and which are further threatening capacity for homeownership in Australia. With my colleagues, I have noted several times since the 2007 election that the previous coalition government handed this government an economy in good shape with close to full employment. Noting the impact, though, of the world financial situation on Australia, I want to make some passing reference to the capacity for the threat of rising unemployment to represent a very significant threat to renters, to homeowners and to potential homebuyers. If we do one thing to see our economy through the current global economic instability, it must be to keep as many Australians as possible employed. A regular pay packet is the one thing that will keep mortgage payments up to date, rental payments up to date and, most importantly, families in their homes—the foundation of so many people’s family lives.

Another factor that has a major impact on house prices and rental affordability in particular is the prolonged constriction in the supply of new housing. According to the Housing Industry Association the demand for housing in Australia will increase from approximately 170,000 new homes and units in 2007-08 to more than 195,000 by 2009-10. So, while demand for housing is trending up, forecast housing completions are on a downward spiral to less than 140,000 over the same period. The bottom line is that the cumulative forecast for the undersupply of homes by the next election is 200,000. If this forecast proves correct and market forces do come into play, we can expect a further deterioration in housing affordability nationwide. I note that in the work of the Senate Select Committee on Housing Affordability in Australia, which I had the privilege of chairing earlier this year, this was an issue which attracted a great deal of attention in submissions and in evidence provided to the committee during that process.

The coalition has identified five areas which we believe are key in addressing the prolonged undersupply of housing in Australia. I want to acknowledge the shadow minister, Scott Morrison, the member for Cook, and his work in this area since he took on the portfolio. Firstly and importantly, as has been acknowledged elsewhere, we have to protect the liquidity of our financial sector. It is capital that is ultimately the lifeblood of the economy and without it all our other efforts will be significantly undermined. The second area that must be addressed if we are to adequately confront the undersupply of housing is the supply of land for new housing from our city centres through to the metropolitan fringe. Again, I acknowledge evidence provided to the Senate Select Committee on Housing Affordability in Australia which was very compelling with regard to that issue. The third area identified in confronting the prolonged undersupply of housing is the way in which all layers of government, from local to state and federal, interact, particularly with the private sector, to make investment in new housing viable. It is our strong view that government needs to be supporting private sector investment by ensuring that infrastructure is brought online to new and existing communities. As a senator for New South Wales I can certainly make observations about the inadequacy of the state government’s efforts in that regard in my own state. Fourthly, the coalition acknowledges that both building and site development costs are rising, so we should be avoiding any effect of unnecessarily or unfairly burdening the housing sector with new costs. The final point that the coalition has identified and that really does deserve closer attention is the impact of demographics on the demand for housing. That would include a consideration of immigration, fertility rates and our ageing population, which will all have a significant impact on that matter. Immigration was a matter raised with the minister during the course of immigration estimates in the last round, a matter which he and Mr Metcalfe, the secretary of the department, indicated was one which will be in further consideration, armed with some newly appointed experts in the Department of Immigration and Citizenship, to address some of those particular aspects in that portfolio area.

With those aspects of the discussion in mind, I would like to turn to the bills which are currently before the Senate. It is gratifying to have such a large audience of interest in the National Rental Affordability Scheme, which is an entirely appropriate acknowledgement of the housing crisis which we currently face in Australia. I thank those senators for their interest. As I said before, these are the bills which establish the NRAS and which will provide over $600 million for investment in incentives for affordable housing over four years, for complying applicants for the construction of 50,000 affordable housing units for rent to low-income earners at 20 per cent below the market rate for that area. What the government is attempting to establish through this scheme is a new affordable housing asset class for institutional investors. As an incentive, the scheme will offer a $6,000 per year indexed flat rental incentive in the form of a refundable tax offset for 10 years to taxpaying entities,
tapped up by a $2,000 incentive from state or territory governments and direct financial assistance for each successful project. Registered charitable organisations and non-taxpaying entities will receive an annual cash grant from the Commonwealth as an incentive.

The primary bill deals with the establishment of the National Rental Affordability Scheme itself. The secondary bill deals with the refundable tax offset and other taxation measures, and we now have a consequential amendments bill which deals with aspects of an announcement by the Treasurer last evening in relation to charitable institutions.

**The PRESIDENT**—Order! It being 2 pm, the debate is interrupted in accordance with standing order 97.

**QUESTIONS WITHOUT NOTICE**

**Climate Change**

**Senator PARRY** (2.00 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Does Nyrstar’s extraordinary step in issuing a statement which says its operations are ‘threatened’ by the proposed emissions trading scheme confirm that the government is simply putting up a facade of consultation and is not taking the legitimate concerns of companies like Nyrstar seriously?

**Senator WONG**—The answer to that is no. I say to Senator Parry that we put out a green paper in July. Since that time, my department and I, as well as other ministers, have been engaged in a very constructive consultation with very many Australian businesses about the detailed propositions in the green paper. We have had an ongoing and constructive engagement with Nyrstar. We have made it very clear that the detailed propositions put out in the green paper were put out precisely to enable the sort of constructive consultation and is not taking the legitimate concerns of companies like Nyrstar seriously?

**Senator WONG**—The answer to that is no. I say to Senator Parry that we put out a green paper in July. Since that time, my department and I, as well as other ministers, have been engaged in a very constructive consultation with very many Australian businesses about the detailed propositions in the green paper. We have had an ongoing and constructive engagement with Nyrstar. We have made it very clear that the detailed propositions put out in the green paper were put out precisely to enable the sort of constructive consultation we have had. I was aware of this press release from yesterday, and I make the point that this particular company is urging the government to make changes to the design of the ETS—in particular, to the design of the transitional systems that it is proposed be provided to the emissions-intensive trade-exposed sector. That is what the company has put to the government.

There have been a range of views put to the government, frankly, from both sides of the fence about how to handle the emissions-intensive trade-exposed industries. The government is committed to closely consulting with industry because we understand very much the importance of ensuring that we get the most appropriate design for the emissions trading scheme, the Carbon Pollution Reduction Scheme, that we are able. That is why the government is undertaking these consultations. That is why the government put out such a detailed set of propositions in the green paper. We will continue to have a constructive engagement with business on these issues. I still await, of course, the opposition’s clarification about what their position is—

**Senator Abetz**—Our position is to save jobs.

**Senator WONG**—and whether those such as Senator Abetz and Senator Minchin, who do not believe climate change is happening, who are climate change sceptics, will win out—

**Opposition senators interjecting—**

**Senator WONG**—or whether Mr Turnbull, who is their leader, will actually be able to deliver on his commitment to the Australian people when he said that he would introduce the most comprehensive emissions trading scheme in the world.

**Honourable senators interjecting—**

**The PRESIDENT**—Order! I am waiting for order on both sides before we proceed with question time.

**Senator WONG**—As I said, we await with interest the opposition’s position on this. We in the government understand a number of things which appear to have escaped the opposition’s attention. The first is that climate change is something that we do need to act on as a nation. We need to transition our economy over time to a lower carbon economy. We on this side understand that the costs of delaying and the costs of inaction are greater than the costs of responsible action now. Secondly, we on this side of the chamber understand absolutely that we need to strike the right balance between the interests of the emissions-intensive trade-exposed industries and the interests of Australian households in both ensuring that there is adequate assistance for the introduction of a carbon price and recognising that failure to act on climate change, as was the hallmark of the Howard government, simply increases the costs.

**Senator PARRY**—Mr President, I ask a supplementary question. Does the minister then disagree with the statement made today by the Tasmanian Labor Premier, David Bartlett, in relation to the proposed ETS, that ‘Penny Wong and Kevin Rudd have got it wrong’? Can the minister confirm that Mr Bartlett has also written to the Prime Minister not once but twice expressing these concerns about the effects of the proposed emissions trading scheme on Tasmanian industry and Tasmanian jobs? I can table the Hansard and the transcript if necessary. Does this make the Labor Premier, Mr Bartlett, a climate change sceptic too?

**Senator WONG**—The government has considered and will continue to consider the views put to us by industry and by state governments. State governments, from recollection, made submissions also to the green paper. It is the case that people have different views about the best way to construct the assistance for emissions-intensive trade-exposed industries. I tell you one thing, Mr President: those on this side understand that the Australian people want action taken on climate change—
Honourable senators interjecting—

The PRESIDENT—Order! I remind senators on both sides that this is question time and there should be silence. Senator Wong, you have 18 seconds left.

Senator WONG—The Australian people understand that we on this side are prepared to take action on climate change. What they remember is that those on the other side—who, in the words of one of their own, said, ‘We had to pretend that we cared because the electorate cared’—were the people who took no action for 12 years. (Time expired)

Honourable senators interjecting—

The PRESIDENT—I understand that it is Thursday and I understand that some senators are a little bit excited, but we need silence on both sides.

Economy

Senator FURNER (2.08 pm)—My question is to the Minister for Superannuation and Corporate Law, Senator Sherry. Can the minister update the Senate on any major new steps to be implemented by the government to further bolster our national financial markets at this time of international turmoil?

Senator SHERRY—As senators and, I am sure, those listening are aware, I have commented extensively on the global financial crisis, which had its origins in the United States as a consequence of what is known as the US subprime, which has consequently, in a range of areas, infected the financial systems of most countries around the world. Whilst the Australian economy is sound, we are not immune from the global slowdown and the recessions that are possibly emerging in some countries around the world. There are no easy solutions or quick fixes to this global financial crisis, but today the Rudd Labor government has announced two important steps—critical steps—to make a safe regulatory system safer in this current environment.

Today I have announced two major reforms that relate to the regulation of short selling and that activity in the Australian markets, and strict new controls on the behaviour of credit rating agencies. Short selling is defined, most simply, as selling shares that usually an individual or entity does not own on the assumption that you buy them back with a fall in value and make a profit. A naked short sale is the same but, in this case, the short seller does not own the shares, has not borrowed and usually does not have a pathway to obtain the shares they are selling. The market and the community across Australia and the world have taken action to better regulate short selling, usually with temporary bans, which have been put in place in Australia, the US, the UK and across Europe. After coming to government, we identified a gap in the Corporations Act in respect of the regulation and supervision of short selling in Australia. That gap was left open—

Senator Abetz—So you are not going to ban it?

Senator SHERRY—If Senator Abetz will be patient, I will get to the banning. He, obviously, is very unfamiliar with the issue. That gap was left open since 2001. As a result of that gap, there is currently no legislatively backed and system-wide disclosure of covered short selling. This has created uncertainty and is damaging to market confidence, which has been magnified by the current volatility and uncertainty that we have seen. So today I have announced that we are actually going to close this gap.

The Corporations Amendment (Short Selling) Bill 2008 includes a number of key measures: firstly, a legislative ban—and Senator Abetz is not listening—on naked short selling and a comprehensive disclosure regime for permitted covered short selling, including placing a positive obligation on brokers to inquire of their client whether a sale is a covered short sale when the client places an order. Further, we will be expanding the powers of ASIC, the regulator, to enable to it to impose regulations on transactions that are substantially similar in effect to short selling.

The government has taken the decision to place a blanket ban on naked short selling. We are taking this action to make a stronger system even stronger. Naked short selling is currently banned under temporary actions taken by ASIC and the ASX—both of which strongly support this legislative ban.

Senator Abetz interjecting—

Senator SHERRY—Senator Abetz again fails to understand the distinction between covered short selling and naked short selling. You should listen and learn. Through you, Mr President: he should listen and learn. I call on those opposite to support this package.

Further, in the context of the global financial crisis, today I have announced new regulatory and supervisory provisions in respect of the conduct of credit rating agencies. Credit rating agencies were identified as a critical failure to supervise adequately the financial markets in the United States and the assessment of exotic investment options. (Time expired)

Emissions Trading Scheme

Senator FISHER (2.12 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Will the minister confirm that the only direct consultation she has had with the general manager of Nyrstar at Port Pirie about the proposed emissions trading scheme was a chance meeting on an aeroplane following refusal for a formal meeting between him and the minister?

Senator Abetz—That is right. Just say yes.

The PRESIDENT—Senator Abetz, the constant interjections from you and the answering of your own questions does not help question time at all. You are
answering your own questions, Senator Abetz, so I advise you to cease your interjections.

Senator WONG—Thank you, Mr President. The senator is correct that I did have a chance meeting—it must have been for an hour and a half then—as a result of sitting next to, I think it was, the Port Pirie general manager, and we had a very useful discussion. But I would indicate—and the senator may not be aware—that the Department of Climate Change has engaged on a number of occasions with a great many companies, including in the zinc and lead smelting industries. I also have engaged with a great many Australian companies at CEO level in relation to this issue. We are committed as a government to ongoing and constructive engagement. We are committed to doing that because we understand the importance of striking the right balance.

I would remind the chamber that what we are doing is seeking to put in place precisely what we committed to prior to the election. More importantly to those opposite, we are actually doing what you said you would do. We are putting in place an emissions trading scheme, the Carbon Pollution Reduction Scheme, which is precisely what your leader, Malcolm Turnbull, when he was environment minister, indicated he would do. As best as I can understand your policy, given the differences of views on the front bench, you are also committed to putting in place a trading scheme.

The reality is that we have had very close consultation with a great many sectors of Australian industry, and we are acutely aware of the issues that a range of industries have raised with us. There are different views amongst the business community, and we in government accept that. Of course, it is unfortunate that those on the other side do not seem to believe that constructive engagement between government and business is a good idea.

Senator Faulkner—It is unfortunate.

Senator WONG—It is unfortunate, and I note that Senator Boswell felt it necessary to write to members of the Business Council of Australia complaining—if that is the right verb—about the position they have taken, including the indicated position of the BCA that their preference was certainty over delay. We do not take the same view as Senator Boswell and those on the other side. We do take the view that constructive engagement is a good thing, and we will continue to do that until we make a final determination on our white paper. But we on this side remember that the Australian people made it clear at the last election that they wanted action on climate change. We on this side recognise what Lord Stern told us and what Professor Garnaut said: that the cost of inaction on climate change will outweigh the cost of responsible action now, and that is the way in which we will be approaching this policy. We will be striking the right balance between the various policy objectives in approaching the design of the Carbon Pollution Reduction Scheme. I have said it before and I will say it again: we will undertake this reform in an economically responsible way. We have made that absolutely clear. We on this side know that the cost of failing to act would be greater than the cost of responsible action now.

Senator FISHER—Mr President, I ask a supplementary question. If the minister really is committed to constructive engagement and listening, as she claims, then will the minister commit to changing the proposed assistance formula for emissions intensive and trade-exposed industries so that companies like Nyrstar are not forced to move jobs and operations offshore?

Senator WONG—Those decisions will be made by the government in the context of the white paper—that is, whether or not the proposals in the green paper will be retained or be altered. We made it clear that the proposals in the green paper were put out for consultation. That is why they were put out in the level of detail that they were. But, Senator, unlike you, we understand that we have to balance the impact on Australian households; we have to balance the environmental objective as well as the interests of the emissions intensive and the trade exposed. This is a complex reform, which is why we are taking a careful and considered approach to making policy on this issue.

Whaling

Senator SIEWERT (2.18 pm)—In June this year, two Greenpeace campaigners, now known as the Tokyo Two—

Senator Chris Evans—Mr President, I raise a point of order. The senator has not indicated to whom the question is directed. In order to make sure that the minister is tuned in, I suspect it would be useful.

The PRESIDENT—That is a valid point of order. Senator Siewert, start again and include to whom the question is directed.

Senator SIEWERT—My question is directed to the Minister representing the Minister for Foreign Affairs. In June this year, two Greenpeace campaigners, now known as the Tokyo Two—Junichio Sato and Toru Suzuki—were arrested by Japanese authorities for their efforts in exposing a widespread whale meat scandal in Japan. They have been in jail and under house arrest for 145 days. Amnesty has protested the arrest as politically motivated, and the UN Human Rights Committee has severely reprimanded the Japanese government for ‘unreasonable restrictions placed on freedom of expression in Japan’. What efforts, if any, have been undertaken by Australia in negotiating for fair treatment and proper justice for the Tokyo Two? Has the Prime Minister raised this issue with Japan and has the Australian government investigated whether the actions of the Japanese authorities are a breach of inter-
national law under the International Covenant on Civil and Political Rights?

Senator FAULKNER—I have some information in response to Senator Siewert’s question, but I do not have any specific knowledge of the last two elements. I can confirm that on 15 May this year, as Senator Siewert said in the preamble to her question, a report was released by Greenpeace on the alleged theft and sale on the black market of whale meat by crew members of Japan’s factory ship, the *Nisshin Maru*. The report called on Japanese prosecutors to investigate what was alleged corruption. There was a public report on 20 June that two Greenpeace activists—both Japanese citizens who were named by Senator Siewert in her question—had been arrested.

I am certainly aware that the two Japanese Greenpeace employees have been charged by Japanese authorities with respect to the alleged theft of whale meat. My understanding is that the two activists who were charged were in fact released on bail on 11 July. I would stress that this is a domestic law enforcement matter for the Japanese government, as I am sure senators are aware, to be dealt with under Japanese domestic law and in accordance with what are longstanding protocols, about which, as I think it would be known to senators, it would not be appropriate for the Australian government to comment further.

I am asked by Senator Siewert specifically whether the Prime Minister has raised this matter with his counterparts. I am not aware of that. If I can provide any information on that, I will. I am also asked by Senator Siewert if Australia has investigated whether there has been any breach of international law or UN convention. I think this is very unlikely, given the protocols currently undertaken in respect of import assessment is transparent, it is scientific, it is independent of government and it is also reviewed through public comment and scrutiny of the Eminent Scientists Group. That was a process established by the Liberal-National Party when in government.

The final report, which has been released, is open to a 30-day appeal period. Under Australia’s low level of risk tolerance to pests, the IRA proposes that bananas could enter Australia only under strict quarantine measures relating to seven groups of pests of quarantine concern, including moko, black sigatoka and freckle. These measures include sourcing of bananas from demonstrated low-pest areas, field inspections, auditing by AQIS, disinfection treatments and mandatory preclearance of fruit by AQIS inspectors in the Philippines. In addition, there will need to be a combination of laboratory and field experiments prior to any exports occurring. Under the IRA process, stakeholders will have until 12 December this year to lodge an appeal—that is, they will have 30 days. An appeal can only be on the basis of one or both of the following grounds:

- there was a significant deviation from the process set out in the IRA Handbook—
- that adversely affected the interests of a stakeholder and/or a significant body of scientific information relevant to the outcome of the IRA was not considered.

In completing the report Biosecurity Australia has given careful consideration to a substantial number of scientific and technical issues raised by domestic and international stakeholders in some 21 submissions, as well as comments from the independent Eminent Sci-
entists Group. After the appeal process, the final report and recommendations will be provided to Australia’s Director of Animal and Plant Quarantine to make a quarantine policy determination on bananas from the Philippines. I am assured that the IRA is a comprehensive and science-based assessment of the quarantine risks associated with the importation of Philippine bananas.

The recommended risk management measures accord with Australia’s longstanding, conservative approach to quarantine. I can confirm, through you, Mr President, to Senator Boswell that AQIS officers will be involved in inspecting, verifying, auditing systems and processes in the Philippines both before and during the exporting of bananas. There will be mandatory pre-clearance arrangements with the presence and involvement of AQIS inspectors in the Philippines in applying quarantine conditions in the field, including in the packing houses. There will also be auditing and verification by AQIS of systems and processes used by the Philippines to certify any exports.

In respect of the second point that Senator Boswell today raises, the answer is yes. However, the BA incorporated additional text in the final report on the auditing and compliance checking that would be performed by AQIS on recommendation from the Eminent Scientists Group. The ESG conducts an independent evaluation of the IRA in relation to how BA considers stakeholders’ comments.

Senator BOSWELL—Mr President, I ask a supplementary question. Will the Philippine exporters reimburse in full all costs incurred by AQIS in the implementation and oversight of the quarantine protocols, or will this financial burden be shared by Australian taxpayers?

Senator SHERRY—The Philippine exporters will be responsible for reimbursing the full cost of AQIS inspections.

**Murray-Darling River System**

Senator JACINTA COLLINS (2.30 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Will the minister update the Senate on progress on water reform in the Murray-Darling Basin, and is she aware of any impediments to further progress?

Senator WONG—I thank Senator Collins for her question. Senator Collins and others in this chamber may be aware that the challenge in the Murray-Darling Basin remains significant. A few days ago we were advised that monthly inflows into the Murray system have been below average for some 37 consecutive months, and we received a further reminder of what we are up against last week with the Bureau of Meteorology projecting a hotter than average summer in the Murray-Darling Basin. We on this side recognise the need to act for the future of the Murray-Darling Basin. Senator Collins would also be aware that, as part of that Rudd government’s long-term, $12.9 billion plan, Water for the Future, the Rudd government is investing $3.1 billion into purchasing water entitlements to improve river health, something those opposite never did. We are also investing $5.8 billion to make irrigation infrastructure more efficient.

As well as these major investments, we have secured a landmark agreement for long-term reform of the Murray-Darling which involves the referral of powers from the different states of the Commonwealth and which is currently underway through legislation in each state jurisdiction and also at the Commonwealth level. So far, I am happy to report that this legislation has passed through the parliaments of New South Wales, South Australia and Queensland. But while we have senators in this place who are crying, frankly, crocodile tears for the Murray and calling for more urgent action—I am, of course, referring to those opposite—their colleagues are doing everything they can to hold up this crucial reform. The Liberal and National parties, not content with their record of presiding over a decade of decay in the Murray-Darling Basin, are now attempting to delay these reforms in the Victorian parliament. We know what the coalition is good at: inaction and delay.

They have orchestrated for the bill to be referred to an inquiry in the Victorian parliament, which may result in the bill not being able to pass through this Senate year—which, of course, will delay yet again the basin’s reform program. This is consistent with the CV of the opposition when it comes to the Murray-Darling Basin: delay, division and inaction. I am concerned, I have to say, that the Greens in Victoria have also—

_Opposition senators interjecting_

The PRESIDENT—Senator Wong, resume your seat. There is too much private conversation and people calling across the chamber. It is disorderly. Senator Wong is entitled to be heard in silence.

Senator WONG—I note that the Greens in Victoria have also been part of this referral. I simply remind them that the government in this chamber has agreed to a Senate inquiry to enable scrutiny, and we hope that they can expedite these processes in the Victorian parliament.

Frankly, this is precisely what we should expect from those opposite when it comes to the Murray River. What we know is that they go down to South Australia, and they demand urgent national reform. Then they cross the border into Victoria and they pull the rug out from under the reform process. What we know about those opposite is that, when it comes to water, as with so many other things, you cannot listen to what they say; you have to look at what they do.
After 11 years of doing nothing, their leader, Mr Turnbull, tried and failed to secure a national water reform plan. Now, despite all their protestations, they are still trying to stop the Rudd government from delivering the reforms that are needed for the long-term future of the Murray-Darling.

Infrastructure

Senator NASH (2.35 pm)—My question is to Senator Conroy, the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government. Is it true that the New South Wales Labor government has just ripped $245 million from the Pacific Highway road program and deferred upgrades at Banora Point and between Tintenbar and Ewingsdale in the electorate of Richmond? Isn’t it the case that Banora Point has been described by the NRMA as the worst black spot between Sydney and Brisbane, where 121 accidents have claimed two lives and injured 67 people between 2003 and 2006?

Senator CONROY—I thank Senator Nash for her question. The New South Wales mini-budget discloses a deterioration in the state’s net operating balance. New South Wales now expects to run a deficit of $917 million in the years 2008-09. The mini-budget indicates that New South Wales is facing significant reductions in stamp duty revenues and reduced GST receipts. Reduced GST receipts will also have an impact on New South Wales’ operating balance of more than $400 million in 2008-09. New South Wales indicates that it is doing everything it can to retain its AAA credit rating, and this mini-budget takes the necessary steps towards preserving that rating. In the context of a global financial crisis, a reduced fiscal position is not unexpected.

The introduction of time-of-day tolling and related congestion charges by the New South Wales government is a welcome step to address urban congestion in one of Australia’s major cities. The Rudd government is committed to the duplication of the Pacific Highway. We have committed $2.45 billion for the highway over the next five years. This commitment is rock solid and will be delivered in full. In fact, we will spend more on the Pacific Highway than on any other road in the country and three times more than the coalition spent over the last five years.

I am aware that New South Wales announced yesterday that it will provide only $500 million for the Pacific Highway over the next five years. This is a cut of $300 million and it means less work will get done and it will take longer to complete the duplication. The Rudd government has told New South Wales quite clearly that this is not enough and that they should be providing much more. However, we will not be punishing the motorists of New South Wales by reducing our commitment to this critical road.

I also note the member for Cowper’s bipartisan support for us continuing to deliver a record investment irrespective of what New South Wales does. I will continue to urge the New South Wales government to increase their contribution. But, as the New South Wales Treasurer has indicated, all revenue raised will be spent on public transport initiatives—

**Opposition senators interjecting—**

Senator CONROY—But the money they are raising is going to be spent. What we are seeing in New South Wales is the full impact of the global financial crisis. As Senator Sherry and I and many others on this side have said, Australia is not immune from the global financial crisis. But we are better placed than most to stand up to it—in spite of the irresponsible economic vandalism from some of those on the other side of the chamber in blocking budget measures and voting against them, in spite of those on the other side saying they were going to support the economic security package and then criticising it and undermining it. We all understand the dog-whistle politics from those on the other side: you say one thing but you do another. You are getting very good at it and Australians are becoming very, very clever—(Time expired)

Senator NASH—Mr President, I ask a supplementary question. Given that the minister has just placed on record the government’s commitment to the duplication of the Pacific Highway, how does the government propose to make up the $245 million Pacific Highway shortfall, created by its Labor mates in Sydney, in order for these critical upgrades to proceed in the time line promised by the government?

Senator CONROY—I think I answered that question previously, but let me repeat what I said earlier. This is a cut, and it means less work will get done and it will take longer to complete the duplication. I do not think we can be clearer than that. As I said, the Rudd government has told New South Wales that, quite clearly, this is not enough and they should be providing more. We have been absolutely up-front. We are saying it will now take longer because of the New South Wales government’s decision, and that is not good enough. But we will not be reducing our commitment and we will not be punishing New South Wales motorists for this decision. We will not be taking away any funds whatsoever.

Water

Senator FIELDING (2.41 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Last month at a Senate estimates committee, Minister Wong reconfirmed that the government’s $57 million Small Block Irrigators Exit Grant Package would provide to farmers who are struggling with the drought an exit grant of up to $150,000. But the minister did not reveal that these grants would be made available to Victorian farmers only if the Brumby La-
bor government agreed to abolish some water-trading rules. Minister, is it not cruel to string along desperate farmers for months allowing them to believe they would finally get an exit package but then ripping the money from them because the Rudd Labor government cannot sort out a dispute with the Brumby Labor government?

Senator WONG—I thank the Senator for his question. This is an exit grant that the Australian government announced for small block irrigators of 15 hectares or less. It was announced as a result of representations made by the South Australian government to the South Australian Premier and also as a result of discussions that I and others have had with irrigation communities. It is the case that we made the decision to offer the grant also in Victoria. But I should be clear on what measures are being sought from the Victorian government on this issue. They are, in large part, measures which we believe are necessary to enable delivery of this assistance—and can I indicate that reform requests have been made of the South Australian government as well.

The PRESIDENT—Senator Conroy, it is disorderly to carry on a conversation across the chamber. I am trying to listen to Senator Wong.

Honourable senators interjecting—

Senator WONG—He is all right.

Honourable senators interjecting—

The PRESIDENT—Senator Wong, ignore the interjections. Just address your comments to the chair.

Senator WONG—As I was saying, we did seek a range of water market reform commitments from the states. I am pleased to indicate that we have reached an agreement with South Australia. In relation to the issues with Victoria, we are happy to have a discussion with our Victorian colleagues on this issue. I make a number of points. The first is that these reforms are consistent with the National Water Initiative commitments previously made. The second point, and this relates to what I was saying, Senator Fielding, is that we do regard the majority of what is being sought as necessary reform in order to enable delivery of the package. For example, Victoria has a 10 per cent ceiling on the amount of water entitlements that can be held separately from land. Clearly, if one of the requirements, and it is one of the requirements, for access to this package is to be able to sell to the Commonwealth government, and if these limits are reached by irrigators who would otherwise want to exit the industry—who would want to sell to the Commonwealth government but are prevented from doing so because of these market restrictions that remain in place in Victoria—then obviously that would not enable delivery of the package to those irrigators. So we will continue to have a discussion with Victoria.

As I said, we regard these reforms as beneficial—first, because they will enable delivery of the package more effectively to Victorian and other irrigators and, second, because we on this side do believe that an efficient and functioning water market is something that is good for irrigators. That has been demonstrated in terms of the low rainfall and drought we have had to date—the water market has enabled irrigators to purchase water and also to trade water if they wish to exit the industry.

I make the point, Senator, through you, Mr President, that this is a package that was never previously available; it was certainly never available under the previous government. It is a package that does enable small-block irrigators to exit the industry but remain in their communities. We are happy to work with the Victorian government, just as we have with the South Australian government, on those reforms, which we regard as necessary in order to enable its delivery.

Senator FIELDING—You can dress it up all you like, but this shameful action by the Rudd government accounts for no less than holding—

The PRESIDENT—Your question, Senator Fielding?

Senator FIELDING—It accounts for no less than holding—

The PRESIDENT—No, your question, Senator Fielding.

Senator FIELDING—this is part of the question—those desperate farmers to ransom.

The PRESIDENT—No, your question, please!

Senator FIELDING—My question relates to the answer. The government claimed in its media release the exit package will help small-block irrigators remain in their communities, but how can farmers stay in their communities while the Rudd government refuses to give desperate farmers up to $150,000 because the federal and Victorian Labor governments continue to squabble?

Senator WONG—Senator Fielding, perhaps I did not make myself clear in the answer to the primary question. I explained to you three things: firstly, this is a package that has never before been made available and it is a package which enables small-block irrigators to remain in their communities whilst exiting the industry; secondly, the reforms that we will seek to put in place through agreement are reforms that we regard as necessary to enable effective delivery of this package for the reasons I outlined; and, finally, we do take the view that it is important, particularly after 12 years of failure to reform in this area, that we continue to reform the water market—

Senator Nash interjecting—

CHAMBER
Senator WONG—because I think even you, Senator Nash, would know that your constituents do want an efficient and effective functioning water market as part of the reform of the Murray-Darling Basin. (Time expired)

Immigration

Senator BOYCE (2.48 pm)—My question is for the Minister for Immigration and Citizenship, Senator Evans. I refer the minister to the case of the Perth midwife whose family includes a child with Down syndrome and whose family’s application to become permanent residents has been refused by the Migration Review Tribunal. Given Australia’s desperate need for trained and experienced midwives, will the minister now exercise his powers to give the midwife and her family permanent residency?

Opposition senators interjecting—

The PRESIDENT—Senator Evans, resume your seat. This is completely disorderly. I am trying to call the minister so that he can answer the question that has just been asked by your side, and immediately there is interruption. There has to be an opportunity for me at least to call the minister.

Senator CHRIS EVANS—I thank Senator Boyce for her question and I acknowledge her—

Senator Faulkner interjecting—

Senator CHRIS EVANS—When Senator Faulkner keeps quiet I will actually have a go at the question. He has very dramatic projection!

The PRESIDENT—Senator Evans, ignore those around you.

Senator CHRIS EVANS—I do acknowledge the senator’s long interest in disability issues, and I appreciated her coverage of those issues in her first speech. I thought it was a very good contribution. What the question goes to is a particular case, and I will come to that in a second. As the senator would know, and as I hope Senator Bernardi now knows, the current migration law and regulations provide that persons seeking migration to Australia under a permanent visa have to get a health assessment. If that health assessment indicates that there would be substantial cost to the Australian community as a result of health costs incurred by that person or the person’s family, there is a set of procedures that have been in place for a very long time that go to an assessment of those circumstances and which require decisions.

In the terms of the decision in Dr Moeller’s case, as I answered a question on the other day, there was no discretion available to the department. He has now appealed to the Migration Review Tribunal. If he fails there, it is competent for him to then appeal to the minister, and I would consider the case in exercising my powers, just as all the previous Liberal ministers did. It is the case that there are a number of current cases which involve applications from families who have a child with a disability, and a number of them involving children with Down syndrome have been made public.

I want to stress, though, that these rules have been in place for many years. They do not particularly relate to disability; they relate to health costs and include people with cancer, people with acquired brain injury, people with potential HIV or other medical costs. The same system applies. My personal view is that it is a bit inflexible. I do not think it gives the department enough discretion. I have actually argued for more discretion for the department and less ministerial intervention more generally. So I will have something to say on the broader issue of the treatment of these matters at some time in the near future.

In terms of the particular case raised by the senator, the application of the Perth midwife—and I assume we are talking about the same person, because her name has not been made public—her second-round approval was approved by me yesterday and she has been granted a visa. I made the initial decision back in August to recommend a visa, subject to the security and health checks of her. The file came up to me this week, and I approved her visa yesterday.

Senator BOYCE—Mr President, I ask a supplementary question. I am pleased to hear that response from the minister, as I understand that has actually taken five months to process. But can I go on to ask the minister: having done that, given that there are dozens of families who are seeking to become Australians and affected by the government’s processes.

Government senators interjecting—

The PRESIDENT—Senator Boyce, resume your seat. Order on my right! Senator Boyce is entitled to be heard in silence.

Government senators interjecting—

The PRESIDENT—Senator Sterle and others, Senator Boyce is entitled to be heard in silence.

Senator BOYCE—Thank you, Mr President. It appears that a lot of people are not aware that there are in fact dozens of families who are affected by these issues. Given the government’s views that all disability is to be viewed as illness and burden, when will the current guidelines on migrating families to Australia, who have much to offer this community, be reviewed?

Honourable senators interjecting—

The PRESIDENT—Shouting across the chamber is disorderly, and it should cease immediately.

Senator CHRIS EVANS—I am disappointed that the senator has followed Senator Bernardi down the low road. I thought I gave her the answer she sought. What I would say, Senator, is that it did not take five or six months; it took them five or six years, because your
government rejected her two previous applications. So, if you want to argue about this, come in any time!

The PRESIDENT—Order! Senator Evans, resume your seat! Just resume your seat, Senator Macdonald; I will give you the call.

Government senators interjecting—

The PRESIDENT—Those on my right: silence. Order! I understand that people get excited from time to time. Order, though.

Senator Ian Macdonald—Mr President, I raise a point of order. I wonder if you could ask the Leader of the Government in the Senate to control his temper and address his answers through the chair as he is required to do under standing orders.

The PRESIDENT—Order! There is no point of order. Senator Evans, you have 32 seconds to complete your answer.

Senator CHRIS EVANS—As I indicated, this family have been seeking permanent residency for some time. There have been a number of previous applications and court hearings; On this occasion, on the first time I saw the file, back in August, I recommended that they get a visa. Since that time, they have had the requisite checks, and yesterday I approved the visa. I urge the opposition to stop going down the low road and to actually recognise the sensitivities of this case. In this case, I refer you to the press release put out by this woman’s lawyers only a couple of days ago. (Time expired)

Senator Abetz interjecting—

Senator Chris Evans interjecting—

The PRESIDENT—Senator Abetz, your interjections have been disorderly throughout the afternoon. I am just drawing them to your attention. Senator Evans and others, order.

Mobile Phone Services

Senator CROSSIN (2.57 pm)—My question is to Senator Conroy, the Minister for Broadband, Communications and the Digital Economy. Can the minister inform the Senate about recent initiatives in the telecommunications industry to better protect consumers of mobile premium services? What is the government’s view of these initiatives? Is the government considering further action in this area?

Senator CONROY—I thank Senator Crossin for that very good question. Mobile premium services may offer ring tone downloads, competitions and news updates at prices often far greater than a standard SMS or phone call. They are an increasing source of consumer complaint. I am sure all of us in this chamber have received complaints on this issue.

Currently, these services are regulated through an industry scheme which came into force in October 2006. Under this scheme, any person who receives an unwanted mobile premium rate message should immediately reply by texting the word ‘stop’ to the sender to prevent the receipt of any further messages. Consumers wanting to complain about any mobile premium charges that have appeared on their bill should contact their service provider in the first instance. If they are not happy with the provider’s response, consumers can escalate their complaint to the Telecommunications Industry Ombudsman, and consumers should report any suspect or unsolicited messages they receive to the ACCC. In fact, the ACCC recently decided to institute proceedings against a mobile premium service provider for allegedly misleading and deceptive conduct.

It is increasingly evident that the existing scheme is not dealing effectively with the growing problem of mobile premium services. The Telecommunications Industry Ombudsman received nearly 14,000 complaints about mobile premium services during 2007-08. This is clearly an unacceptable volume of complaints. To this end, I sent a strong message to industry in March that it needed to lift its game and take greater responsibility for dealing promptly with consumer issues. This included the development and implementation of industry codes of practice.

On Tuesday, a new draft industry code governing mobile premium services was released for public consultation by ACMA. I welcome the efforts of the industry body, Communications Alliance, to attempt to deal with the current unacceptably high level of consumer complaints, through this draft code. I encourage consumers and industry bodies to have their say on this draft code and to contribute to the development of an effective mobile premium services regulatory framework. The draft industry code and information on how to lodge a submission can be found on the Communications Alliance website.

I would like to take this opportunity to congratulate the telecommunications industry on the launch of the new 19 SMS initiative. The website www.19sms.com.au aims to help consumers make informed choices about mobile premium services by providing transparent and complete information about the billing structure of these services. Nevertheless, the government is extremely concerned about the rising TIQ complaints, including relating to mobile services. To this end, I have asked my department to commence exploring measures to work in parallel with the new Mobile Premium Services Industry Code to ensure consumers are protected.

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

Emissions Trading Scheme
Traveston Crossing Dam

Senator WONG (South Australia—Minister for Climate Change and Water) (3.02 pm)—I have additional information in answer to two questions, one from today and one from yesterday. In relation to the question asked of me by Senator Fisher today, I can indicate that the Department of Climate Change has met with Nyrstar at least four times and that my chief of staff, an adviser and other members of my office have met with them on at least one occasion.

I think Senator Bob Brown left the chamber prior to the end of question time, but I have some additional information in relation to a question he asked yesterday on Traveston Dam. Senator Ian Macdonald may have some interest in this. This is in relation to the geological investigations to which there was a reference. Minister Garrett is aware of the concerns about the extent of investigative geotechnical works being undertaken by Queensland Water Infrastructure and has asked the department to urgently investigate the nature of the works proposed to determine whether they can proceed without contravening the EPBC Act.

National Broadband Network

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (3.03 pm)—I wish to add to an answer I provided on Tuesday in response to a question from Senator Ludlam. Specifically, the senator asked:

Will the minister be providing a retraction to the Senate Standing Committee on Environment, Communications and the Arts, as the answer he gave was substantially different to the answer that was provided to that committee? Will the minister provide us with a definition of what he meant by ‘unwanted content’ and inform us as to where we might find a definition of ‘unwanted’? Will the minister acknowledge the legitimate concerns that have been raised by commentators and many members of the public that such a system will degrade internet performance, prove costly and inefficient and do very little to achieve the government’s policy objectives?

Given that there was only one minute to answer those questions, I undertook to provide the senator with further answers to the questions at a later time. Regarding the first answer, I draw the senator’s attention to the Hansard of the hearing by the Senate Standing Committee on Environment, Communications and the Arts on 20 October. At that hearing I indicated that we are implementing ISP filtering, taking into account arrangements in countries such as Sweden, the United Kingdom, Canada and New Zealand. The point I made was that these countries have introduced technologies that demonstrate that filtering is technically possible. I did not claim that arrangements in those countries are mandatory. This advice was confirmed by officials at the meeting, who stated quite explicitly that the arrangements in these countries are voluntary. At no time did I mislead the committee, as alleged by Senator Ludlam.

In answer to a further question, the Australian Communications and Media Authority’s black list of sites is determined using processes set out in the Broadcasting Services Act 1992. These processes involve classification of content by the national Classification Board and include classifications which are determined prohibited. Prohibited content hosted outside of Australia is added to the black list, which is provided to ISPs and filter providers. The government will also ensure that the ACMA black list includes international content of this nature identified by such agencies as Interpol, Europol, the Federal Bureau of Investigation and the Child Exploitation and Online Protection Centre.

Senator Ludlam also raised issues around the impact and performance of filters. I acknowledge, as I have continually acknowledged, the concerns raised by some members of the public about the possible impact of filtering on internet performance and costs. This is one of the reasons we are undertaking the live pilot—that is, to test these issues in a real-world environment. The government intends to take an evidence based approach to this issue. The results of the live pilot will inform the government’s policy in this area.

The senator also had a question about dynamic filtering and the opening of private mail. The government have made no commitment to require ISPs to implement dynamic internet filtering. This is, however, one of the different approaches to internet filtering that we intend to test in the upcoming live pilot. The government have absolutely no intention of requiring ISPs to open private electronic communications such as email.

Finally, I go to issues raised in subsequent motions to take note of answers. Yesterday, Senator Ludlam asked further questions about the precise approach to filtering that the government will adopt. The government does not intend to make firm decisions about specific issues before it knows the outcome of the upcoming live pilot of filtering technologies and has consulted the industry. The government, as I have said, intends to take an evidence based approach to internet filtering, and the sensible thing to do is to wait for the outcome of the live pilot before dealing with detailed questions.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Climate Change

Senator IAN MACDONALD (Queensland) (3.07 pm)—Congratulations to the so-called workers party for its ill-conceived, ill-considered, rushed and politi-
cally motivated Carbon Pollution Reduction Scheme. I move that we take note—

Senator Carol Brown—Mr Acting Deputy President, I rise on a point of order. I was just going to ask Senator Macdonald to indicate which answer he was going to take note of. But he is now proceeding to do that.

Senator IAN MACDONALD—I am in the middle of prefacing my motion to take note of answers. I move:

That the Senate take note of answers given by the Minister for Climate Change and Water (Senator Wong) to questions without notice asked by Opposition senators today.

I was congratulating the so-called workers party for its ill-conceived, ill-considered, rushed and politically motivated Carbon Pollution Reduction Scheme—a scheme that is more about photo opportunities than it is about addressing climate change. It is an emissions trading scheme that is more about winning the fawning flattery of the international conference set and the commentariat than it is about workers’ jobs in Australia. The scheme that Senator Wong has charge of is already costing jobs in Australia. There was news overnight of another 1,400 Tasmanian jobs at risk by this ill-conceived, ill-considered emissions trading scheme.

While I am particularly concerned about Tasmanian jobs, I am also very, very concerned about jobs in my own home town of Townsville where Sun Metals—the Korean zinc refining industry that was set up about 10 years ago, with a lot of help from the then Howard government—is looking to move its operations offshore. It employs 450 people in the North Queensland region and is one of the model international companies in the area. The advent of Sun Metals has given a very substantial bolstering to the local economy in North Queensland and has earned hundreds of millions of export dollars for Australia with Australia’s zinc concentrate. But 450 jobs could be at risk. As the Sun Metals chief executive, Mr Lee, said, ‘It depends upon the price of carbon.’ He is very concerned about the impact of power costs on his refinery and has indicated that it would be cheaper for him to move offshore.

This is what the Labor Party’s emissions trading scheme is all about: unemployment will go up and emissions will go up. The reason for this is very simple: the government’s plan will send Australian jobs overseas. This has also been indicated by the CEO of Nystar. Jobs with Sun Metals in Townsville will also be sent overseas. They are just two of many companies that have approached the opposition, indicating their very great concern about this ill-conceived, ill-considered scheme.

It will not only be the zinc industry that moves overseas. Other manufacturing and processing companies—particularly the aluminium, steel, cement and paper products industries—will also simply move overseas. There will be absolutely no change to changing the climate of the world, because when these industries move overseas they will move to places that have fewer restrictions than we have in Australia. Emissions will go up and all that will be achieved will be that workers—which the current government is supposed to represent—will lose their jobs. The government has no real concern about them. It is prepared to use the workers when it wants to get itself elected. But, when it comes to the most important thing for workers—and that is having a job—this government turns its back. The emissions trading scheme will cost jobs in Australia for absolutely no benefit for the changing climate of the world.

Senator MOORE (Queensland) (3.13 pm)—I want to pay a compliment to Senator Macdonald for the alliteration in the contribution he just made to this debate. I thought he was going to burst into song at one point. I felt quite exited when he started talking about the workers. I had hoped, Senator Macdonald, that we would be able to have some song from you.

Senator Macdonald has followed a similar process to senators opposite who took note of answers to questions yesterday. The opposition are getting up and putting forward alarmist positions. They are talking up fear. They are scaremongering about why Australia must not play its necessary role in what is an international response to climate change and what it must do as part of an international process.

We heard the minister respond over a number of question times about the process that she and other people in the government have put in place to engage people in this country, particularly industry. Senator Macdonald raised points about industry in Australia. The industries, the Business Council and the communities of this country need to be involved in this process. This response to climate change will not just impact on some of us. It must involve the whole of the Australian community. We have not run away from this issue.

In fact it is quite similar to questions we asked when we were on the other side, encouraging the then government to take up their responsibility to put in place a process to address climate change and the necessary reduction in our country’s carbon emissions profile. We kept asking: ‘Why are you not accepting that there is a responsibility for Australia—not just for us but for our international obligations to our environment?’ and they did not respond. Now that we are here on the government benches, they are talking about ‘rushed’, ‘ill-conceived’ and ‘ill-considered’ processes because there has been no real commitment from the people in the opposition to seeing that this is not something that is academic, something that can be pushed aside; it is something that must happen and must happen now, through the process the minister outlined again today.
She talked about the various consultative processes that she, her department and her office have been involved in, with a range of people who have indicated that they have concerns about what will happen to them, their industry, their jobs and their futures.

Indeed, it is absolutely necessary that those people in industry and others in various places around Australia put forward their concerns. It is not something that can be hidden when we are working through such a significant period of change. One of the key elements of any form of change management is the trust that concerns can be aired without automatically getting a punitive response or a denial. And that is what the other side do not seem to be able to understand—that you can actually engage in a process of discussion and consultation without necessarily all agreeing. We know that through the COAG process we are hearing from each state government in this country about what their concerns are on what the future will hold for them and what decisions will have to be made.

It is very easy to sit there and pick a couple of headlines out of individual states—and I know we will hear that in future contributions this afternoon. But the important thing is that we continue to work on what we must achieve, and that is an effective program in this country which addresses what we need and what our communities need. But also, most importantly—and I think this has been often lost in this whole debate—we have a responsibility to the whole of the world environment and saying that we have to hold back, we have to wait, rejects that responsibility, as does saying that we just cannot proceed and be part of the leadership in this area, because without leadership nothing will be achieved.

We expect people from the other side to try and make political mileage, though it is rather ironic that we hear from them, now, about looking after the workers in this whole debate. It is very easy to get a quick headline, as Senator Macdonald showed in his contribution. It is very easy to get a quick headline. What is not easy but is absolutely essential is that we engage effectively in a process which works at achieving what we must do—which is to reduce the carbon emissions in our whole nation, while ensuring that we compensate effectively where there needs to be compensation, and that can only be identified when the people who have the concerns have the strength and the power to put their views forward.

Senator FISHER (South Australia) (3.18 pm)—I rise to take note of the answers given by Senator Wong in question time today. The minister indicated that the government is in constructive engagement in respect of the emissions trading scheme. The minister indicated that the government is listening. The minister indicated that the government is intent on balancing a range of factors in dealing with the emissions trading scheme. She talked about balancing the environment; she talked about balancing the needs of households; she talked about balancing the needs of business. When will the government work out that, if you have three factors to balance to reach a conclusion, if one of those factors vanishes or is significantly reduced, then it has a clear effect on the others? Putting that in a nutshell: when will the government realise that if you have less business, if you have fewer jobs, then you have fewer households and you have less care for the environment?

But it is worse than that because if, indeed, the government is listening—as the minister attempts to assert it is—then why does the general manager of Port Pirie based Nyrstar say, as he did say on Radio 891 ABC Adelaide today:

We don’t understand what the government’s rush is with respect to this. If they get it wrong there will be serious consequences.

Nyrstar employs, in Port Pirie alone, almost 800 South Australian workers. It employs 3,000 workers across the country. Mr McMillan has indicated that, if the government proceeds on its timeline with this emissions trading scheme, then not only are the Port Pirie operations rendered unsustainable but so are the operations in my good colleague Senator Parry’s home state of South Australia. Yet, the minister says the government is listening.

The government are not listening. The government, when it comes to a so-called Carbon Pollution Reduction Scheme, is governing by assertion. We have a government that is asserting; therefore it is. We had an ozone hole. We had global warming. We had climate change. Then we supposedly had a Carbon Pollution Reduction Scheme. Well, actually, we have an emissions trading scheme masquerading as a carbon pollution reduction scheme, because how and on what basis will trading in emissions reduce carbon? The government have not done the analysis or produced the evidence to show that that is the case. Instead, they are quite happy to have it devolve to the community and a very well-intentioned debate about the detail of trading in pollution and of an emissions trading scheme: about who should be in, who should be out, which industries should be in now, which industries should be in later, how much carbon will cost, how much a permit will cost, how long it will last for, who should be compensated for what—very important details, which need to be discussed and debated if we are to forge ahead with this exporting-jobs and exporting-pollution scheme. They are very important details, but we are not able to ask—business is not able to ask—the real question, which is: ‘What are we doing this for again? And can you, government, please prove that it will fix the problem.’ Oh, no. The government are not only trying to shut business up—far from listening to business, they are trying to shut business up with this—they are
happy to see business shut down, and jobs and carbon pollution exported. That is why Mr McMillan said what he also said on ABC Radio this morning. Let me explain what he said, because the government are obviously not listening to the likes of Mr McMillan. Let me tell the government what he said on Radio 891 today, to explain why exporting jobs and exporting carbon is going to increase carbon pollution worldwide. He said:

What this means is business here may not be viable. Therefore, they’ll shut down. The world is not going to reduce its insatiable demand for zinc and lead. The demand will be supplied by somewhere else in the world which does not have the same environmental constraints; for example, China and India, where operations are less mature, less efficient. And what will happen is carbon leakage. You’ll shut efficient production …

(Time expired)

Senator ARBIB (New South Wales) (3.23 pm)—I would like to congratulate those opposite today in terms of this debate.

Senator Parry—Good. Thank you. You can sit down now.

Senator ARBIB—I certainly would like to congratulate them because when I was asked to speak in this debate today I was absolutely certain that I would be speaking on the G20 phone call issue. I was certain about it because, anyone who has listened to the Liberal Party over the past week in this chamber and especially in the other chamber, would know that that is all that has been discussed.

Senator Fisher—You are not listening to business about the ETS. Explain why.

Senator ARBIB—it is certainly what is being discussed today on the other side of the chamber. So, Senator, I do want to congratulate you on that. But it is nice to be able to talk about policy again.

Senator Fisher—Where is it? Where is your evidence based policy? You do not care.

Senator ARBIB—So, we are over our G20 phone call this year and we are talking about policy. We are talking about an important policy—the policy of climate change. Something, Senator, that you do not actually believe in, so you should quit now while you are ahead.

Senator Fisher—Do not try the guilt trip, Senator Arbib.

The ACTING DEPUTY PRESIDENT—Order! Senator Fisher, you have had your say. Senator Arbib has the call.

Senator ARBIB—Thank you, Mr Acting Deputy President. She certainly has had her say. I want to come back to something that Senator Macdonald said when he talked about workers and our commitment to workers. I would say to Senator Macdonald that this has been at the forefront of our minds when framing the Carbon Pollution Reduction Scheme, if you look at all the compensation. Maybe it is something that you should have thought about when you voted, something like 20 times, for Work Choices. I will not go into that now but you know the pain and damage you caused to working Australians.

Senator Ian Macdonald—In fact I do not.

Senator ARBIB—I find it ridiculous for you to come in here this afternoon and try to raise that as an issue. I take your commitment to the workers as being an absolute falsehood. But nice try! On climate change and the ETS, our position is clear. Unlike your side of the chamber, we support the Carbon Pollution Reduction Scheme. This is going to be one of the biggest economic reforms this country has seen. Some of the comments by the previous speakers in terms of business are absolutely ridiculous because, while we are working through these issues and while consultation is underway, when I talked to business and employers, the thing they were after on ETS was certainty; they want certainty. This is something that the government is well aware of. I bring to the attention of the Senate the Australian Industry Group’s press release on 16 July 2008 in response to the green paper, in which Heather Ridout stated:

The green paper on the proposed (scheme) ticks the right boxes and shows the government has heard many of the central concerns raised by business.

I note that the Senator who actually raised that has now left. She does not want to hear the truth. The green paper addresses the chief areas of concern raised by the AI Group in its discussions with government. That is pretty clear. We have been in consultation with business, we have been in consultation with industry and we are listening to them. At the same time, this issue is too important to play games with and too important just to leave to chance. What senators on the opposite side failed to talk about were the Treasury figures, which show that this Carbon Pollution Reduction Scheme is possible and will work. They also forgot to talk about the actual opportunities that come in place with the CPRS—the new green industries that can be really focused upon by the government and industry to create new jobs, new industries, activity and economic growth. These are the things we can gain and garner out of the new Carbon Pollution Reduction Scheme.

The debate for me today is very illustrative of the Liberal Party and their leadership, very illustrative of Malcolm Turnbull, the member for Wentworth, and the way he goes on in his dealings, especially with the media. So you have two faces of the Liberal Party: what they say publicly and what they actually achieve and do. We should always judge them not on what they say but on what they do, because there is a wide, wide gulf between what they believe in and what they put out.
They are very, very clever; I have to say that. I will give you the compliment: you have been very clever in the way you have been doing this.

Senator Parry—Two compliments in one speech. I am very concerned.

Senator ARBIB—Yes, I am being very complimentary today. At the same time that you are in the Senate today attacking the Carbon Pollution Reduction Scheme, you are also forgetting to mention that your leader, the member for Wentworth, actually supports an emissions trading scheme and that your side of politics is pushing for a Carbon Pollution Reduction Scheme, and a very comprehensive one. Let us look at Malcolm Turnbull’s press release from 17 July when he said that Australia’s emissions trading scheme ‘will be the most comprehensive emissions trading scheme in the world’. (Time expired)

Senator PARRY (Tasmania) (3.28 pm)—I have been champing at the bit to retort to some of these Labor Party mischief-making comments. Despite the compliments we are given by Senator Arbib, they are very false. He was really stacking for time. He was struggling a little today, you could just tell by the way he did not get into the topic very early. I want to talk about some real issues about the Nyrstar media release, one of the best releases I have seen from an industry in some time. You get concerned when you see large industry in Australia issuing media releases condemning the government of the day and their decisions. The dire situation with Nyrstar will be that 3,250 people potentially could lose their jobs. Senator Arbib and Senator Moore talked about the workers, saying that they were only focusing on workers.

If we were focusing only on workers, I do not think that would be a bad thing. But we are not; we are also focusing on the environment. If Nyrstar closes and moves to another country—in particular, China—that country could pick up Australia’s slack. Australia is heavily regulated. China’s zinc smelters emit, on average, 6.8 tonnes of carbon dioxide. In Australia, it is 2.6 tonnes of carbon dioxide. That is a huge difference. The simple equation is this: we get rid of all our workers; we close down an industry; and then what do we do? We contribute worse carbon dioxide emissions to the atmosphere. It does not make sense. It does not add up from a logical point of view or from an economical or environmental perspective. Why doesn’t the government see this? Why won’t the government listen?

The next thing we were told today is that the government is listening and consulting. If that is the case, why has Labor Premier Bartlett consulted with the Prime Minister and not got a response? I can quote the Tasmanian Hansard. This is what Mr Bartlett said in response to excellent questioning by the leader of the state Liberal opposition, Mr Will Hodgman:

The Leader of the Opposition clearly was not listening. I met one on one with Kevin Rudd. I raised it around the COAG table when it was not even on the agenda. I have subsequently written twice to the Prime Minister on these issues, and I will be raising them again at the next COAG meeting directly with the Prime Minister.

Mr Bartlett cannot get an answer out of a so-called Prime Minister, a Labor colleague. He is not able to get a response on these important issues. This is in relation to the Nyrstar debate in Tasmania. It is a serious issue for us. Fourteen hundred people could potentially lose their jobs because of an ill-conceived, rushed emissions trading program which is not going to save the planet in any way, shape or form. It is not going to assist. It will add further to pollution by sending carbon dioxide emissions into the atmosphere. If we are serious about this, we will be finding solutions within Australia to keep jobs here and looking at further research into emissions rather than just saying: ‘It is all too hard. Make it go away. We will just penalise industry and they will close.’ That is great for a Labor party to have industries closing on the pretext of assisting the environment when, in fact, all they are going to do is damage the environment.

I just want to mention some other comments that Nyrstar mentioned in their media release of yesterday. Again, I commend Nyrstar for the fact that they have brought this to everyone’s attention in such a public way. They should not have had to, I might add. They should have been able to rely on the federal government to do this for them. But I will certainly commend them on doing this. They are urging the federal government to make substantive changes to the design of the emissions trading scheme, particularly to the method for determining eligibility for transitional assistance for emissions-intensive trade-exposed industries. That is a reasonable consideration. I hope the government are going to take this on board. If they do not, they are certainly going to lose not just industries like Nyrstar but also others.

The other thing I want to point out is the inconsistency in this government’s approach in having a catch-all. Every industry is different. Every state is different. Power generation is different in every state. Nyrstar, apart from operating in a lower reduction emission country, relies predominantly on hydroelectricity in Tasmania. What a farce it is if we are going to penalise a company that is using the greenest energy possible. The government clearly has to get on top of this, listen to industry, listen to their state premiers and listen to people around this country who know far more about it than the government does. If the government does not listen, the government is going to have a crisis bigger than the one we currently have.

Question agreed to.
Whaling

Senator SIEWERT (Western Australia) (3.33 pm)—I move:

That the Senate take note of the answer given by the Special Minister of State (Senator Faulkner) to a question without notice asked by Senator Siewert today relating to Greenpeace activists imprisoned in Japan.

I rise to take note of the answer of Senator Faulkner, representing the Minister for Foreign Affairs, to my question about the Tokyo Two, the two Japanese activists that were arrested earlier this year for their anti-whaling activities. On 15 May, as Senator Faulkner pointed out, Greenpeace undercover investigators and the testimony of informers resulted in the exposure of the fact that large amounts of whale meat were being smuggled off the Nisshin Maru to the private homes of crew members of the whaling boats. The Tokyo Two intercepted one of these boxes which contained whale meat that was estimated to have a value of about $4,400. The two of them took it to the Tokyo District Public Prosecutor in an effort to expose this scandal.

Since then, these two people, who are the ones that were trying to expose the scandal, have been prosecuted. They were put into jail for 26 days. As the minister said, they had been released on bail but they are now subject to house arrest. They have had their liberty denied for 145 days. I add that they did nothing wrong. They are the ones that were exposing this whale meat embezzlement scandal. Here we have two people who were trying to do the right thing and expose an illegality. They are the ones who are now facing prosecution. I am given to understand that the Japanese prosecutor has, in fact, stopped all investigations into the whale meat scandal. Here we have two people who have been arrested for trying to expose this, and the actual scandal itself is being covered up.

You have to think that there is a political motivation in the arrest and continued detention of these two protesters. We strongly believe that this is an attempt to cover up and quieten down the opposition to the whale hunt. However, this has not happened—in the last couple of months, over a quarter of a million people have called upon Japan’s Prime Minister to drop the charges and release the activists. In the past week, the Japanese government has received criticism from the United Nations Human Rights Committee for what they believe are unreasonable restrictions placed on freedom of expression and the right to take part in the conduct of public affairs.

I very strongly agree with the United Nations Human Rights Committee. I think that this is an attempt to unreasonably restrict these peoples’ right to freedom of expression in drawing attention to these issues. I strongly believe that the federal government should be taking up this issue with the Japanese government on Australia’s behalf, because both we and Japan are signatories to the International Covenant on Civil and Political Rights. We believe that this is an issue that should be taken up with the Japanese government.

The other issue that needs to be taken up is the actual scandal itself. We believe that the Australian government should call for a full investigation of the whale meat scandal by the International Whaling Commission. We believe there is a very high probability that this in fact constitutes a breach of the so-called research provisions of the convention. I would be quite surprised if the government has not taken it up with the IWC. There has been an IWC meeting since these two activists were arrested. We believe it breaches the Joint Aquatic Resources Permits Applications—that is, JARPA I and, in fact, JARPA II. I am extremely concerned if the federal government has not already taken it up with the IWC and asked for an investigation. If the government has not, the Greens are calling on the federal government to take it up with the IWC and require an investigation of this whale meat scandal—because it is a scandal.

It is also a scandal that these two activists have had their liberty denied for 145 days for trying to expose this. The very people who were exposing this scandal are ones who are now being prosecuted—not, in fact, the people who were perpetrating the scandal in the first place. I might add, that it is the work of Greenpeace that has exposed this. And, now, two hardworking campaigners are, as I said, having their liberty denied because they had the guts to stand up. They were the ones who were trying to get the evidence to take to the public prosecutor and then it turned around onto them and they are the ones who are being charged. How does that make sense? Again, as per usual on whaling issues, it is the community that is having to stand up for whaling. Greenpeace and Sea Shepherd have been down in the southern oceans trying to stop whaling. (Time expired)

Question agreed to.

COMMITTEES

Reports: Government Responses

Senator WONG (South Australia—Minister for Climate Change and Water) (3.39 pm)—I present three government responses to committee reports as listed on today’s Order of Business. In accordance with the usual practice, I seek leave to have the documents incorporated in Hansard.

Leave granted.

The document read as follows—

• Community Affairs Committee—A matter relating to the PET review of 2000
• Joint Standing Committee on Foreign Affairs, Defence and Trade—Review of the Defence annual report 2005-06
• Joint Committee of Public Accounts and Audit—410th report: Tax administration

GOVERNMENT RESPONSE TO THE RECOMMENDATIONS ARISING FROM THE SENATE STANDING COMMITTEE ON COMMUNITY AFFAIRS MINORITY REPORT: A MATTER RELATING TO THE PET REVIEW OF 2000

Minority Report Recommendation 3.
The Government will consider whether MSAC should be constituted as a statutory body in the context of any future review of health technology assessment.

The Government accepts that the Department of Health and Ageing is unable to identify any further documentary evidence and notes that the evidence provided at the Senate Committee hearing of 30 March 2007, in particular the evidence given by Professor King, and the Department’s response to questions taken on notice at the 14 June 2007 Senate Committee hearing addressed this matter.

Minority Report Recommendation 5.
The Australian Public Service Commissioner has recently advised that she has considered the matter insofar as her powers permit and does not propose to take any further action.

GOVERNMENT RESPONSE TO THE JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS DEFENCE AND TRADE REPORT REVIEW OF DEFENCE ANNUAL REPORT 2005-2006

Proliferation Security Initiative (PSI)

Recommendation 1
The Committee recommends that an invitation be extended to Defence sub-committee members to observe and/or participate in the next Pacific Protector exercise hosted by Australia.

Response
Agreed. The next Proliferation Security Initiative (PSI) exercise will be the New Zealand sponsored Exercise MARU 08 to be conducted in Auckland 15 – 19 September 2008. It is not anticipated that Australia will volunteer to conduct another PSI exercise until at least 2010 or 2011.

The committee’s recommendation that an invitation be extended to Defence sub-committee members to observe and/or participate in the next Pacific Protector exercise hosted by Australia has been noted.

When Australia volunteers to host another PSI exercise, and the proposal has been accepted onto the PSI Master Event List, then an invitation will be issued for Defence sub-committee members to observe and/or participate in the exercise.

Army – Current and Future Projects

Recommendation 2
The Committee recommends that Defence reports to the Defence sub-committee on the implementation of HNA and ELF programs, with a focus on the delivery schedule of the additional battalions.

Response
Agreed. The Chief of Army is available to provide an oral briefing to the Defence sub-committee on the current status of these initiatives.

The Hardened and Networked Army (HNA) program is based on the philosophy of the combined arms approach to combat, whereby infantry, armour, artillery, aviation and engineers work together to support and protect each other while defeating their adversary. It will optimise the capabili-
ties delivered within the Army under the Defence Capability Plan (DCP).

The utility and strength of the combined arms approach continues to be proven in current operations. A combined arms approach enables the ADF to provide the right level of mobility, protection and firepower to support the functions of a team and sustain and rotate those capabilities appropriately.

HNA was to have funded the establishment of a mechanised battle group in Adelaide by converting the parachute-enabled Third Battalion, the Royal Australian Regiment (3 RAR), based in Holsworthy, to a mechanised infantry battalion and includes the building of a new base facility and personnel costs. However, the conversion of 3 RAR has been superseded by the introduction of the Enhanced Land Force (ELF) program.

This program was announced in August 2006 and expands the capacity of the ADF, and the Army in particular, to support regional stabilisation operations as well as Australia’s other interests. It will raise two additional infantry battalions with their essential battle group and joint and Defence enabling capabilities.

ELF is being implemented as one program, although it was funded in two stages: with Stage 1, which funds the first of the new battalions, approved in December 2006 and Stage 2, which funds the second battalion, approved in October 2007.

The first additional battalion will be raised by:
- accelerating the raising of a second mechanised battalion (announced under the HNA), the 7th Battalion, the Royal Australian Regiment (7 RAR), from January 2007 in Darwin, with operational capability as a battalion by 2010 and subsequently relocating the unit to Adelaide not before 2011; and
- as a result, retaining the 3rd Battalion, the Royal Australian Regiment (3 RAR) as a light infantry battalion, instead of restructuring as the second mechanised battalion as previously announced under the HNA. 3 RAR remains in Holsworthy until relocating to Townsville not before 2011.

It should be noted that, once 7 RAR relocates to Adelaide, it is funded under the HNA program. Facilities for the Adelaide base are also provided under HNA.

The second additional battalion will be raised by re-raising the 8th/9th Battalion, the Royal Australian Regiment (8/9 RAR) in south-east Queensland from October 2007, with operational capability by 2010 and being fully deployable by 2011.

The decision to locate 8/9 RAR in south-east Queensland is based on a number of capability, cost and personnel factors that together make this region the best location for the battalion, even though 8/9 RAR is likely to utilise the Rockhampton area (Shoalwater Bay Training Area) as a major training location.

The additional battalions will be supported by a range of essential combat support, combat service support and joint and Defence enablers, including additional Special Forces capability, airfield and airlift capabilities, ADF health services and strategic communications.

**Locations**

At the end of the two programs:

- 7 RAR will be located in HNA-funded facilities in Edinburgh Defence Precinct, Adelaide, having relocated from Darwin in 2011;
- 3 RAR will be located in ELF-funded facilities at Lavarack Barracks, Townsville, having relocated from Holsworthy in 2011; and
- 8/9 RAR will be located in ELF-funded facilities either at Gallipoli Barracks, Enoggera or at Amberley.

**Schedule**

- 7 RAR and 8/9 RAR are each to deliver an operational general infantry battalion capability by 2010.
- The HNA battle group (7 RAR and engineer, artillery and logistic supporting capabilities) is due to begin occupying facilities in Adelaide from 2011.
- Specialised infantry battalion capabilities under ELF are to be delivered subsequently (Mechanised for 7 RAR by 2012-2013 and Motorised for 8/9 RAR by 2011).
- Most single Service (Army and Air Force) and joint enabling capabilities commence being raised under ELF from the beginning of 2009, through until 2014.

**Implementation**

**Capability.** Most Army units have had their organisational structures adjusted to plan for their growth over the next ten years under HNA and ELF.

- 7 RAR is ahead of schedule, while 8/9 RAR is on schedule. 7 RAR has deployed a subunit to Security Detachment Baghdad.
- It is likely some Air Force capabilities will slip by one year. This will not affect delivery of the infantry battalions by 2010.

**Personnel.** Strong personnel growth, particularly in the Army, continues to support the growth of the HNA and ELF capabilities.

While personnel growth is currently strong in ELF capabilities, it currently consists of a significant component of relatively easy to grow trades such as infantry. As additional capabilities are added to the ELF program, particularly those outside the battalions, the increased component of technical and skilled trades required increases the difficulty of growing the capabilities.

**Training.** The number of personnel being trained through induction and trade skills training in the Army and the Air Force has increased. In the Army, the training target was increased from July 2007 to meet a five-year ‘surge’ to grow the Army to its combined HNA, ELF and ADF Gap Year Scheme targets. Performance is matching the number of personnel being recruited, with several hundred more personnel trained than in the equivalent period in the previous year.

The ELF program is making contributions to increasing the number of personnel instructors, facilities and support costs in training organisations.

**Facilities.** Interim facilities are in the process of being delivered in Darwin (for 7 RAR) and are nearly complete at four Training Command – Army locations (Kapooka, Singleton, Liverpool and Puckapunyal).

- HNA Facilities (Adelaide). The HNA-funded permanent facilities for 7 RAR in Adelaide have been endorsed
through the Parliamentary Standing Committee on Public Works (PWC).

- ELF Facilities. A proposal to provide interim working accommodation to support the growth of 8/9 RAR involving three separate medium works projects will be submitted for consideration by the PWC in 2008. Subject to PWC clearance, two of these projects will be completed at Enoggera by early 2009 and the third will be completed in Townsville by mid-2009 at an overall cost of $11.5 million for all three projects. PWC submissions for consideration of permanent facilities for 3 RAR in Townsville are planned to be referred in late 2008 and for 8/9 RAR in south-east Queensland in 2009.

**Equipment.**

- The initial ELF Stage 1 provided Defence, at 2006-07 Additional Estimates, a total of $4.1 billion over 11 years (PAES 2006-07 Outturned).
- At 2007-08 Additional Estimates, ELF Stage 2 provided Defence an additional $4.4 billion (PAES 2007-08 Outturned).
- Figures represented below are represented in their respective dollar bases.
- Approximately $940 million from Stage 1 and $1.019 billion from Stage 2 was provided to supplement several DCP projects to procure new equipment for the ELF capabilities. In particular, ELF will fund the delivery of 143 Bushmaster Infantry Mobility Vehicles, 81 Upgraded M113AS4 Armoured Personnel Carriers, and the additional heavy weapons, communications, target and acquisition, and logistics systems required for the two Army Battle Groups and other Defence elements.
- Approximately $334 million from Stage 1 and $278 million from Stage 2 was provided to fund the procurement of a large range of current in-service equipment, including everything from blankets to major weapons systems to cater for the increase in service personnel.
- This procurement activity is underway with the Defence Materiel Organisation in the process of delivering on 98 per cent of the initial 947 items ordered by Defence for the ELF capabilities. The bulk of the in-service equipment is required to be delivered by 2010 in order for the two battalions to achieve their operational capability milestone.

---

**JOINT STANDING COMMITTEE ON PUBLIC ACCOUNTS AND AUDIT**

**Government response to Report 410: Tax Administration**

**BIANNUAL MEETINGS**

**Recommendation 2**

The Government ensure that tax agents who give advice on tax evasion techniques, such as phoenixing, are subject to civil penalties, either through new legislation or enforcement of existing legislation.

There are several measures in the existing law that could potentially apply to deter advice on tax evasion techniques such as phoenixing. These include Part VIIf of the Income Tax Assessment Act 1936 (registration of tax agents) and the draft Tax Agent Services Bill 2009 which proposes to replace that Part; Part II of the Crimes (Taxation Offences) Act 1980; and Division 290 in Schedule 1 to the Taxation Administration Act 1953 (promotion and implementation of schemes). The Government has asked Treasury, in consultation with the Australian Taxation Office, to continue to monitor the effectiveness of these laws. The Government will consider further legislative measures if necessary.

**COMPLEX LEGISLATION**

**Recommendation 3**

The Government introduce legislation to require:

- the reporting of compliance with the Best Practice Regulation Handbook in all explanatory material accompanying a regulatory proposal
- a summary of the requirements of the Best Practice Regulation Handbook in all explanatory material accompanying a regulatory proposal
- the relevant minister to table an explanation with the relevant Bill or Legislative Instrument in either House of Parliament if this reporting of compliance does not occur.

The Government does not support this recommendation. Introducing a legislative requirement will provide greater clarity to the Parliament and the community when legislation is tabled as to compliance by the relevant department or agency with the Governments best practice regulation requirements. However, as is noted in the JCPAA report, the best practice regulation requirements themselves are administrative.

Currently, under the Government’s best practice regulation requirements, departments and agencies are required to table the Regulation Impact Statement (RIS) or Business Cost Calculator report (a report quantifying compliance costs) prepared for the decision-making stage. This is generally in the explanatory memorandum when the regulation is tabled. However, the Office of Best Practice Regulation (OBPR) assessment of the RIS is not made public until the OBPR releases its Best Practice Regulation Report. This may be up to 18 months after a proposal has been tabled.

Changes currently under consideration by the Government will lead to RISs prepared under the enhanced arrangements being made public before regulations come into effect. Similar changes are proposed to make the OBPR’s assessment of compliance public when the RIS is made public.

This could have a significant impact on the development of tax proposals. By publishing RISs when policy decisions are made, the Government will be providing information on its assessment of the likely impacts of regulatory change when elements of the policy have been settled but before details of the implementation arrangements have been determined. Stakeholders will therefore be better informed earlier in the process than currently.

It is more likely, however, to have quite limited impacts – as the JCPAA point out, the Australian tax system is one of the most complex in the world. Accordingly most (if not all) of the ‘changes’ to tax law introduced in any particular year have very narrow impacts. Such changes, more often than not, fall under the ‘significance’ thresholds for requiring a RIS or Business Cost Calculator report.

Placing a legal obligation on departments and agencies to report their compliance with the best practice regulation re-
quirements when tabling legislation may work against the self-assessment system introduced as part of the enhanced best practice regulation requirements. Agencies self-assess the impacts of all regulatory proposals and where they determine that the impact is nil or low, no further analysis is required. When faced with a legal obligation, agencies may stop ‘self-assessing’ in favour of obtaining confirmation from the OBPR that only a preliminary assessment is required, with consequent resource implications for the OBPR.

While proposed changes to bring forward the OBPR’s assessment of RISs to when the RIS is made public will enhance transparency, the Government is not convinced that adding a legislative requirement to report on compliance in explanatory material will necessarily increase transparency.

The Government does not believe it is necessary to introduce legislation to require a summary of the requirements of the Best Practice Regulation Handbook in all explanatory memorandum accompanying a regulatory proposal.

The Best Practice Regulation Handbook provides Australian Government agencies with comprehensive guidance on undertaking regulatory impact analysis and the best practice regulation requirements. This Handbook and related guidance material is publicly available on the OBPR website and on request.

Noting the low number of instruments for which RISs may be required, the OBPR does not see a need to duplicate this information in all explanatory material. Further, where an agency self-assessed and no further analysis was required, including such a summary in the explanatory memorandum may potentially be confusing.

As discussed above, the OBPR independently reports on compliance with the best practice regulation requirements and it is likely that this will occur at the same time the RIS or Business Cost Calculator report is made public in the near future. Therefore, it is unclear what will be gained by requiring the relevant minister to explain why compliance reporting has not occurred.

**Recommendation 5**

The Government and Treasury improve consultation on tax measures by:

- increasing the number of public consultations compared with confidential consultations
- increasing the number of consultations conducted prior to the announcement of the policy intent
- increasing the use of exposure drafts of legislation, where practicable.

The Government supports this recommendation.

On 22 August 2008, the Assistant Treasurer and Minister for Competition Policy and Consumer Affairs, the Hon Chris Bowen MP, announced the Government’s acceptance in principle of the 26 recommendations made by the Tax Design Review Panel in its report Better Tax Design and Implementation. The Assistant Treasurer established the Review Panel in February 2008 to examine ways to reduce delays in the introduction of tax legislation and improve the quality of tax law changes.

In particular, the Government has accepted the following recommendations:

- Public post-announcement consultation on tax measures – Public consultation will generally be adopted for post-announcement consultations to ensure that all stakeholders have the opportunity to contribute to the process (Recommendation 7).
- Pre-announcement consultation on policy design – Consultation on tax changes will generally occur at the initial policy design stage, prior to any Government announcement (Recommendation 1).
- Two-stage public consultation after the announcement of tax measures – Post-announcement consultation on substantive tax measures will occur at two stages: (i) on the design of the announced policy; and (ii) on the draft legislation (Recommendation 6).

**Recommendation 6**

In the discussion paper for the review, Australia’s Future Tax System, Treasury and the review panel include the topic of basing the tax system on financial relationships and economic outcomes, ahead of legal forms.

**Recommendation 7**

In the discussion paper for the review, Australia’s Future Tax System, Treasury and the review panel include the topic of reducing the number of taxpayers who need to lodge a return, and simplifying the experience for those who need to lodge, in particular:

- the costs and benefits of making work related expenses deductible
- whether tax offsets, rebates and benefits should be delivered as direct payments, rather than tax measures
- examining the number of tax rates and the tax free threshold
- improving the coverage and accuracy of the withholding system
- whether, if large numbers of taxpayers were no longer required to lodge returns, it would be appropriate to provide structural adjustment assistance to tax agents.

**Recommendation 8**

The discussion paper for the review, Australia’s Future Tax System, consider the benefits of harmonising with New Zealand’s tax system, even if just for particular taxes like fringe benefits tax, or for particular classes of tax.

Response to Recommendations 6, 7 and 8 As acknowledged by the Committee, the Government has announced a comprehensive review of Australia’s tax and transfer system. The Review Panel wants to ensure views and ideas from a wide cross-section of the community are considered in the development of Australia’s future tax system and has recently commenced a consultation process. As this is an independent review the content of the papers it releases is a matter to be determined by the Review Panel.

The Treasurer announced that the review will be conducted in several stages with an initial discussion paper to be developed by Treasury on the architecture of the present tax and transfer systems.

The Treasury paper was released on 6 August 2008 and describes Australia’s tax and transfer systems, from a factual and analytical perspective, to inform public discussion. It does not make any recommendations about the future direc-
tion of the tax and transfer systems in Australia or attempt to determine issues which the Review Panel may wish to consider as part of the review.

The Review Panel will make recommendations to enhance overall economic, social and environmental wellbeing, with a particular focus on ensuring there are appropriate incentives for:

- workforce participation and skill formation;
- individuals to save and provide for their future, including access to affordable housing;
- investment and the promotion of efficient resource allocation to enhance productivity and international competitiveness; and
- reducing tax system complexity and compliance costs.

Compliance

Recommendation 14

The ATO amend its policies to limit the practice of issuing assessments that are contingent on each other, and specify in what circumstances such assessments may be validly issued. In the absence of administrative change, the Government introduce legislation to this effect.

The Government notes that ATO Practice Statement PS LA 2006/7 sets out the circumstances in which alternative assessments may be made and does not consider that any legislative change is needed at this time.

1 It should be noted that where the OBPR subsequently determines that the impacts of a regulatory proposal are medium or significant, the proposal will be assessed as non-compliant with the best practice regulation requirements.

BUDGET

Statements and Documents

Senator WONG (South Australia—Minister for Climate Change and Water) (3.39 pm)—I table the following documents:

- Particulars of proposed expenditure in relation to the economic security strategy in respect of the year ending on 30 June 2009,
- Particulars of certain proposed expenditure in relation to the economic security strategy in respect of the year ending on 30 June 2009, and
- Portfolio supplementary estimates statements 2008-09, in accordance with the list circulated in the chamber.

PORTFOLIO SUPPLEMENTARY ESTIMATES STATEMENTS 2008-09

- Defence portfolio
- Education, Employment and Workplace Relations portfolio
- Families, Housing, Community Services and Indigenous Affairs portfolio
- Treasury portfolio

Education, Employment and Workplace Relations portfolio

Families, Housing, Community Services and Indigenous Affairs portfolio

Treasury portfolio

HORSE DISEASE RESPONSE LEVY BILL 2008

HORSE DISEASE RESPONSE LEVY COLLECTION BILL 2008

HORSE DISEASE RESPONSE LEVY (CONSEQUENTIAL AMENDMENTS) BILL 2008

Report of Rural and Regional Affairs and Transport Committee

Senator CAROL BROWN (Tasmania) (3.40 pm)—On behalf of Senator Sterle, I present the final report of the Senate Standing Committee on Rural and Regional Affairs and Transport on the Horse Disease Response Levy Bill 2008 and related bills.

Ordered that the report be printed.

COMMITTEES

Selection of Bills Committee

Report

Senator CAROL BROWN (Tasmania) (3.40 pm)—On behalf of Senator McEwen, I present the 15th report of 2008 of the Selection of Bills Committee.

Ordered that the report be adopted.

Senator CAROL BROWN—I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 15 OF 2008

(1) The committee met in private session on Thursday, 13 November 2008 at 1.33 pm.

(2) The committee resolved to recommend—that—

(a) the provisions of the Corporations Amendment (Short Selling) Bill 2008 be referred immediately to the Economics Committee for inquiry and report by 27 November 2008; and

(b) the Plebiscite for an Australian Republic Bill 2008 be referred immediately to the Finance and Public Administration Committee for inquiry and report by 10 March 2009 (see appendix 1 for a statement of reasons for referral).

(3) The committee resolved to recommend—that the following bills not be referred to committees:

- Australian Curriculum, Assessment and Reporting Authority Bill 2008
- Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2008

The committee recommends accordingly.
(4) The committee deferred consideration of the Tax Agent Services Bill 2008 to its next meeting.

(Anne McEwen)
Acting Chair
13 November 2008

Appendix 1
Proposal to refer a bill to a committee

Name of bill:
Plebiscite for an Australian Republic Bill 2008

Reasons for referral/principal issues for consideration:
The issue of Australia becoming a republic is an extremely important one for the Australian Parliament and public. It is important that the process by which this issue is progressed now has appropriate public input and is properly scrutinised and debated.

Possible submissions or evidence from:
Australian Republic Movement
Australians for a Constitutional Monarchy
Republic Australia
Peak Indigenous bodies
Professor John Williams
Professor George Williams
Australian Monarchist League
Professor Gregory Craven

Committee to which bill is to be referred:
Legal and Constitutional Affairs Committee

Possible hearing date(s):
16-19 February 2009

Possible reporting date:
10 March 2009

Whip/Selection

RENEWABLE ENERGY AMENDMENT (FEED-IN-TARIFF FOR ELECTRICITY) BILL 2008

Second Reading

Debate resumed from 11 November, on motion by Senator Milne:

That this bill be now read a second time.

(Quorum formed)

Senator MILNE (Tasmania) (3.45 pm)—I rise to speak on the Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2008. In so doing, I would like to say first of all how appreciative I am of the work that went into this legislation in the Senate committee process and in the submissions that were received on this legislation. As a result of a considerable amount of consultation and work on the bill, I have incorporated a lot of the concerns and recommendations from the committee hearings on this bill. It is with considerable pleasure that I take this opportunity to address the Senate on this Greens legislation. It is entirely appropriate that we are addressing this bill this afternoon. Overnight, the International Energy Agency released its report saying that if we continue as we are, we are looking at a six-degree rise in global temperature. The report also indicated that the age of cheap oil is over. So it makes absolute sense for Australia to move as rapidly as possible to address our greenhouse gas emissions, to reduce our dependence on foreign oil and to stimulate the Australian economy at this time when the flow-on effects of the global financial crisis are already quite clear and there are ominous signs in some sectors for employment.

Just two weeks ago in London, the Green New Deal was announced. Leaders such as Prime Minister Gordon Brown, President Nicolas Sarkozy and UN Secretary-General Ban Ki-moon said that it is time for the world to use the opportunity provided by the financial crisis to invest billions into economies to get them going again and to invest in green technologies which will reduce climate change and improve the quality of life in cities around the world, especially where quality of life is somewhat compromised by high levels of pollution and lack of amenity. The Greens are a solutions based party when it comes to addressing climate change and peak oil, and we have the opportunity here in the Senate to provide a solution with a piece of legislation which, if enacted, can provide a framework for the rollout of a gross national feed-in tariff in Australia.

Some people might ask: how does a feed-in tariff work? Surely we have got a number of feed-in tariffs around the country already. A gross feed-in tariff works by enabling consumers to become energy providers—energy generators. It provides the financial mechanism for people to know that, whatever energy they produce, they will receive a fixed price for a fixed period of time. That can be at the residential level, the commercial level and through to the utilities-scale level. It is the mechanism that has driven the revolution in renewable energy in Germany. It is driving a renewable energy revolution in Spain and even in the UK, where they have tended to prefer systems such as an MRET system. The UK has recently acknowledged that the main driver of the deployment of renewable energy in Europe has been feed-in tariffs, and so the UK is likely to move to a feed-in tariff system.

In Germany, in particular, jobs in the renewable energy sector have increased to the point where there soon will be more jobs in renewable energy than in the motor vehicle sector—which used to be the major industry manufacturing sector. People have seen that this can provide them with the opportunity not only to switch to renewable energy but to make a personal contribution to climate change and get an additional stream of income. So you have farmers throughout Germany covering their winter barns with photovoltaics, for example, and local governments covering
noise barriers and areas down the centre of highways with various types of renewable energy, particularly solar.

People can see that if you can borrow from the bank, knowing what the price of the energy is going to be for 20 years and knowing what your repayments are, there is certainty for financial institutions so they lend you the money. That is what has driven the process around the world. You have to ask yourself: why is it, in Australia, that we are not embracing a national gross feed-in tariff? A number of states have been waiting for the Commonwealth to act on this and several of them have gone ahead on their own. But the problem that we currently see with the state based legislation is that it is all different and it is overwhelmingly flawed and inadequate. To give some examples: in the states of South Australia, Victoria and Queensland, and in the case of Alice Springs and the ‘Solar Cities’, it is for photovoltaics only. That is not good enough. Why would you just pick photovoltaics? Why wouldn’t you enable all forms of renewable energy to be eligible for a feed-in tariff? Also, in some states they have decided to go with a new feed-in tariff rather than a gross tariff. With a gross tariff you receive the payment for all of the electricity that you export, and you pay the normal rates for what you import. So you receive that money as a generator and then you pay whatever you need for your consumption. That is by far and away the most effective method. And yet several of the states have not only restricted it to small-scale photovoltaics but restricted it to a net system where you only get the income from the difference between what you produce and what you use. In most cases, that is such a small amount that it is not a driver for deployment of the technology because it does not provide the opportunities for an additional income stream.

Why would you want to take it from residential through to utility? That should also be obvious. We do not want to restrict renewable energy to small-scale production. We want to bring on some of the larger scale new technologies. We want to bring on, for example, solar-thermal and geothermal. We know that a mandatory renewable energy target is not a sufficient mechanism to bring on those new technologies. In the case of wind, the mandatory renewable energy target will see a considerable rollout of that technology. But other technologies need additional support. Others will say, ‘If you bring in a gross national feed-in tariff, once you have set the tariff over a period, what about the additional cost across all the consumers on the grid?’ The answer is that you compensate in the same way as additional prices will be levied through the emissions trading system. Inevitably, if you increase the price of energy then you will have a disproportionate impact on lower socioeconomic groups, whether that is through an emissions trading system or a feed-in tariff.

What you need to do—and the government has already acknowledged this—is compensate low-income earners for the additional cost in their energy bills. Initially, the government and several of the NGOs were arguing that that compensation should be financial. From the very beginning the Greens have argued that the compensation should be in the form of energy efficiency by providing low-income earners with energy efficient technologies, such as solar hot water or full insulation, so that they permanently reduce their energy demand and therefore their power bills, rather than just providing cheques. Often there are so many competing demands on people’s finances that they spend the money and do not necessarily have it when the energy bill comes in. From our point of view, spreading the cost across the whole grid and then compensating lower income earners through ever-increasing efficiency measures is a much more effective way of dealing with the issue of cost.

It is a nonsense to say that the quantum of the extra cost is too expensive because, in Germany, it averages out to the cost of a couple of cups of coffee a year. So we are not talking about very much additional money on consumers’ bills, but we are talking about a revolution in renewable energy and a revolution in the number of jobs. That brings me to the next point. Barack Obama has already announced that he intends to spend $150 billion in the US over the next five years in driving a renewable energy revolution. He is doing it because he recognises that the US has fallen so far behind competitively in these technologies that, if they do not spend the money and move ahead now, they will have no manufacturing sector because the Chinese, the Europeans and so on will have moved so far ahead of them. That is one of the strongest arguments for getting behind the green new deal here in Australia.

Some people may not share the passion that many of us have for reducing greenhouse gas emissions, but we ought to at least share the passion for maintaining the Australian economy, building competitiveness and rebuilding the manufacturing sector. And to do that, we need to keep at home the best brains we have in our universities for the innovation and the commercialisation of those technologies, roll them out in Australia and then we can sell the technologies and the expertise overseas. That ought to be our aim and we should drive that through R&D processes and legislative frameworks, such as the one I am proposing, and we should also drive it through procurement.

The whole thing has to be internally consistent from the government’s point of view—you have a green car program, you commercialise the plug-in hybrids, then you use those to help support an increased load for renewable energy through intelligent distribution networks and then you also roll out your renewables so that you can electrify your car fleet. It is a perfect solu-
tion. It gets us off the coal addiction that we have and it gets us off imported oil. Those people who have been fiddling around the edges on the cost of fuel, with a few schemes to look into how the retail and wholesale issues are managed, are obviously not listening to the fact that peak oil is with us, but the price of oil will increase again to $150 and $200 a barrel before we know it. At that point we ought to have rolled out the technologies for electrification of the vehicle fleet and rolled out investment in public transport, which is another way of innovating in Australia—getting the economy going, creating jobs and leaving us with better designed cities and a better amenity in the environment.

It is necessary to point out at this time that of course the legislation has taken into account everything that has been said in the submissions that came before us and in the actual committee hearings. The bill has been amended, but it will need considerable support from the government in developing the regulations that go with it. It needs to be designed in such a way so that the state based schemes could transfer as quickly as possible so that the whole thing can be nationally harmonised.

It is a big mistake to leave this process to COAG. In March this year COAG decided that in October they would report on a harmonised feed-in tariff system. October came and they deferred it. Even in the message from COAG there was no reference to feed-in tariffs. We are going into another COAG meeting in November and it is critical that that COAG meeting puts feed-in tariffs back on the agenda. But it requires Commonwealth legislation.

Just as the mandatory renewable energy target is a national piece of legislation, so too is the carbon pollution reduction scheme. That is not being left to the states but is taking into account, for example, the New South Wales scheme. We should have national legislation in here in order for the states to come on board. Leaving it to COAG is a recipe for making sure it either does not happen or it does not happen in a timely way. And, if it ever does happen, it will be at the lowest common denominator because already some of the states are locking in second-rate, flawed systems and, worse still, rolling out the meters associated with the introduction of a feed-in tariff—meters that are suited to net metering and not to gross metering. The longer that this is delayed, the worse the scenario that is going to operate—where everybody spends money entrenching a flawed system and we never get to where we need to be.

This legislation essentially provides the Commonwealth with a framework for the minister to make the necessary decisions about the technology. It says that all forms of renewable energy ought to be eligible for a feed-in tariff but, if the mandatory renewable energy target has brought on wind to such a point, the minister could decide that there was a zero for the tariff rate for wind and so would confine it to the MRET process. It allows the minister to set the tariff. It gives the flexibility for the minister to change that tariff over time according to how the rollout of each of the sectors is going, so that those that are not being brought on as quickly as they might get a higher tariff after a while. If they are coming on very fast and everything is going well, it may be possible to reduce that tariff over time. That would clearly be the intent. The main point is that, once you have been given the tariff for a particular year, it is locked in place for 20 years so people have that certainty when they go to borrow the money from the bank.

The other advantage of the feed-in tariff is that everybody in the industry in Australia is 100 per cent behind it. There are no renewable energy companies in Australia who are saying this is a bad idea; they are all pushing for it. They all recognised the value of a rebate system when it was operating, and they all recognise the value of MRET, but they have all come on board, saying, 'This is the kind of mechanism we want.' You have everyone, from the smallest providers right through to others like BP Solar, saying this is the way to go. There is no-one in the renewable energy sector who is saying this is a bad idea. They are all on board, they all want to get going and they all want a national gross system as fast as possible. At the moment, the only road hump to getting there is that the government is standing in the way, saying the states can do it through COAG. That is not good enough, because we have a global emergency—six degrees if we do not change our ways.

This is good news for jobs, good news for the environment, good news for renewable energy and particularly good news for rural communities. In adapting to climate change, they can farm renewable energy, especially utility-scale renewables, out in some of the areas where they are most adversely impacted by the drought. They can go into joint venture or leasehold arrangements on some of these huge properties and generate renewable energy and be able to sit on their properties, stay in their communities—which is what they want to do—continue to enjoy the connection with the rural communities and the land they have farmed for many years by having an income from renewable energy. I can see no good reason in the whole process as to why this legislation would not be supported at this time.

This is a framework piece of legislation. It does not have the Greens telling the minister what the tariff should be or what the rate should be. It is an enabling piece of legislation. I recommend the bill to the Senate on behalf of all of those people who want to be enabled to reduce greenhouse gas emissions, to create jobs and
to create wealth in the Australian economy. There is no good reason not to support this legislation at this time.

Senator BIRMINGHAM (South Australia) (4.04 pm)—It is my pleasure to speak on the Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2008. I note, as I did earlier in the week in my contribution to the committee inquiry into the earlier, related bill on this matter, the initiative of Senator Milne and the Greens in introducing this bill and in pursuing this issue in such a detailed and persuasive way. I note that Senator Milne has since withdrawn the initial bill that was under consideration by the Senate Standing Committee on Environment, Communications and the Arts and has introduced this new bill reflecting some of the findings from that committee inquiry and a range of the evidence that had been heard during the inquiry. I recognise that Senator Milne has at every step attempted to produce the most workable piece of legislation possible.

The coalition, however, has concerns about imposing a national feed-in tariff scheme at this point in time. Those concerns are, firstly, as Senator Milne recognises, that we have a range of state initiatives around feed-in tariff schemes that have been developed over some period of time. We believe that a nationally consistent approach to the operation of feed-in tariffs would be worthwhile and is certainly worth pursuing. We recognise that the government has attempted to start that process. We would like to see that process move along at much greater speed than has been the case to date. We also believe that there is some justification for some further, clear modelling on exactly how feed-in tariffs should work, how they should work in conjunction with other renewable energy and climate change related policies such as mandatory renewable energy targets and the emissions trading scheme, and how to ensure that, perhaps through a Productivity Commission assessment, we get the right mix of approaches to encourage the renewable energy sector in Australia.

We on this side of the chamber certainly believe that the renewable energy sector is an important and worthwhile one to support. We have a record, from our time in government, of encouraging the development of this sector, particularly through the solar rebates program, which was much debated in this place, and through the initial introduction of the mandatory renewable energy target and other grants and measures to foster development in a range of different renewable energy technologies. I would like to acknowledge and recognise the fact that there is widespread community support for renewable energy. It is worth noting that throughout the community we have thousands of Australian families who choose to support renewable energy development either through their electricity provider or by taking direct action, such as the installation of a solar hot water unit or a solar PV to directly generate power in their homes. This type of enthusiastic embrace of renewable energy is to be commended. It shows the passion and support that Australians have for policies and measures that grow this sector.

And it is of course a very wide sector. The range of zero- or low-emission technologies that can be applied is vast. I recognise that this bill, as introduced by Senator Milne, attempts to cover a very broad range of technologies. It attempts to ensure that it is not limited to solar, solar PV or wind but includes the opportunities presented by tidal power, wave power, hot rocks and geothermal technology and a range of other opportunities for truly renewable zero-emissions energy technologies to be applied in Australia. We support all measures that can be done responsibly and economically feasibly to grow those energy sectors, and a feed-in tariff is potentially one such measure. I note that the government has said that it will pursue feed-in tariffs. Indeed, it was discussed at the COAG meeting on 28 March this year, and the communiqué issued from that meeting stated that COAG agreed to consider options for a harmonised approach to renewable energy feed-in tariffs in October 2008. Sadly, the October 2008 COAG meeting has come and gone and feed-in tariffs did not rate a mention in the communiqué for that meeting.

The opposition is very disappointed by the government’s decision not to have the discussion at that COAG meeting. We hope that they will take the earliest opportunity to discuss with the states how a nationally consistent feed-in tariff regime could be implemented in cooperation with all of the state and territory governments. As Senator Milne has acknowledged, most states have sought to implement some type of feed-in tariff regime. Most of them are net tariffs, although here in the ACT a gross tariff applies, and it is certainly generating strong interest in the renewable energy sector. I am very pleased to note that the new Western Australian Liberal government has committed to introducing a feed-in tariff regime in the west too. Bringing the states together to ensure we get something that is nationally consistent will certainly be of benefit to electricity retailers and suppliers and to those who sell renewable energy products to individual households. We urge the government to make sure that occurs at the next COAG meeting and that there are no further delays in the consideration of this important measure.

The Senate inquiry highlighted evidence of an Ernst & Young report that looked at Germany’s feed-in tariff model. The German model is held up as one of the best models in the world if one is to apply a feed-in tariff regime. I know it is the model on which Senator Milne has based much of the evidence for this bill. That inquiry led to the interesting conclusion that feed-in tar-
iffs produced a lower-cost option to consumers for the generation of renewable energy than other policies such as Britain’s equivalent of our renewable targets—or RECs, as we have renewable certificates that are traded here in Australia. That is why the coalition believes that a Productivity Commission assessment of these policies would be worth while. It has highlighted the fact that feed-in tariffs could be a more cost-effective way to stimulate further growth in the renewable energy sector than further expansion of MRETs. I note that the Greens believe that both should occur and that they are complementary. They may well be complementary but, equally, it may be that one is a more effective and efficient means to deliver it than the other. So, rather than embracing every policy option, a responsible approach would be for us to get a very quick and sound economic assessment of the range of options and make sure that they are fully considered and that we choose the best path—be it one, some or all of the available encouragements for the renewable energy sector.

I reject the assertion in Senator Milne’s second reading speech that the opposition’s support for the COAG process is a deliberate action to delay the implementation of feed-in tariffs. We will continue to pressure the government to make sure that this is dealt with at the first available opportunity. We expect that the government, having stuffed around parts of the renewable energy sector—in particular, installers of solar PV—through the constant changing of rules on the solar grants, must provide certainty to that sector as soon as possible. This is a critically important issue for that sector. They do not know how long the current solar rebates are going to last. They do not know how long the government will keep funding them. They want to know what the long-term, secure option is.

As Senator Milne rightly points out, many of them are asking for a national feed-in tariff regime as that answer. Whether it is rebates, feed-in tariffs or whatever the answer may be, they need some security to make the investment decisions that are necessary to grow their businesses and, in doing so, grow this very important sector of the Australian economy. It is a sector that has enormous scope and opportunity, if we can get it right, to contribute to our economy in the future. There is no doubt that cost-effective renewable energy will be a vastly popular and embraced technology of the future if it can be delivered at the right price, with the right certainty of delivery, into households, businesses and elsewhere.

That, again, is one of the positive aspects of this bill, as Senator Milne has highlighted: the opportunity to encourage and stimulate development of renewable energies, not just in the household sector. Encouraging larger plants to be installed on commercial premises, in farms and elsewhere by providing an economic stimul

lus and a financial return to those people who chose to install them would be a very positive step.

At present, the rebate based schemes limit funding to individual households. They have had the effect of encouraging smaller systems to be installed. The means testing of the solar rebate has had the impact of systems shrinking even more. It is not rocket science: the cost-effectiveness of these systems will only be enhanced if larger systems are installed—be they on homes, on businesses or on a purely commercial scale—for the renewable energy that is generated. That should be the ultimate goal of installing the most cost-effective systems, which would most certainly be larger than they are currently under the means tested solar rebate scheme. Driving the desire for installing bigger systems across the economy would be one of the very positive effects of this scheme.

As I have indicated, it would support more than just solar PV, and that is something that future government policy decisions need to take account of. Indeed, solar PV, though attractive and widely embraced across the Australian community, may not prove to be the most cost-effective of renewable energies for us to drive home. We need a system that will encourage the development of the renewable energy sector on fair basis that ensures that whichever technology can most efficiently and effectively deliver baseload or surplus load power gets the necessary support to develop as fast as it possibly can, to turn into a true champion industry within Australia and one that we can highlight to the rest of the world. Be it wave, tidal, geothermal or hot rocks, wind, solar or solar PV—there are a range of options that should be pursued and encouraged.

The bill allows the feed-in tariff to be applied at different rates for different technologies. This gives the potential, applied correctly, for appropriate market mechanisms to be put in place to encourage development of the technologies that seem to have the greatest potential to become self-sustaining industries in Australia. The long-term aim for renewable energy has to be a sector that is not widely subsidised, ideally, but can deliver power for Australia and the world while standing on its own two feet. That needs to be the ultimate goal. Feed-in tariffs, when considered against all of the other policy options, have the potential to get Australia to that stage.

I note the enthusiasm of many submitters to the Senate’s inquiry into this proposal. BP Solar, one of Australia’s and the world’s largest solar energy companies, highlighted that this has the potential to address some of the market failures that hurt the development of renewable energy sectors. They said:

…if the objective is to create innovation to overcome the market failure that prevents long term carbon saving potential like solar from developing, then there is a justification
for targeted intervention to differentiate between technologies — otherwise the cheapest, wind will predominate.

They have highlighted, importantly, innovation, the fact that these measures are about doing everything possible to innovate and grow these sectors as fast as possible, whilst equally highlighting that there are cost differentials in terms of the different expenses that it takes to produce electricity in these ways.

I note that the bill has been set up with a large degree of flexibility, something else that the government in its COAG discussions may wish to consider—flexibility to set different rates for different technologies, flexibility to reduce those rates as technologies become more efficient and cost-effective, and even flexibility for the minister to choose, as Senator Milne highlighted, to have a zero rate ultimately applied to some technologies.

In closing, I urge the government, as I did when addressing the Senate inquiry report, to act on these matters swiftly. The coalition is, in good faith, encouraging the government to pursue the COAG process. We do so because we believe that with the right encouragement the states should be able to apply a nationally consistent, coherent framework for the delivery of feed-in tariffs. We do not need this overarching Commonwealth legislation to mandate it; we should be able, with the willingness and cooperation of all, to get action, and swift action. But it requires Minister Wong, Minister Garrett and the Prime Minister to honour the commitment they made earlier this year that it would be addressed by COAG. Having already breached the time line that they set, they should have it addressed by COAG at the first available opportunity.

The coalition will not let go of this issue. We recognise the potential for feed-in tariffs, we are committed to the growth of the renewable energy sector and we want to make sure that the right policies are delivered as soon as possible for this sector. I know for sure that the Greens will not let go of this topic either. Should the government not fulfil its promise to address the introduction of feed-in tariffs swiftly, I am sure we will see this issue back before the Senate in no time. So the ball is in the government’s court, as they say, to make sure they deliver on this and deliver an outcome that will benefit not just the Australian environment into the future but, if we get it right, the Australian economy through the growth of a key sector, the renewable energy sector and all of the different parts that make that up.

Senator LUNDY (Australian Capital Territory) (4.22 pm)—I am very pleased to be given the opportunity to speak to the Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2008. As I think we are all aware, this government takes very seriously its responsibilities to the Australian people in the area of the environment. This is quite unlike the previous coalition government, who had a history of burying their heads in the sand and even denied the existence of climate change predominantly caused by rapacious burning of fossil fuels. This Labor government knows, in contrast, that we cannot go on using scarce resources on our planet and in our country in the unsustainable manner that we have done in our past.

In an attempt to make headway against the growing use of scarce resources, this government has begun a number of initiatives to curb their use. Just one example of how this government is working on the threats to our environment is in the area of solar energy. In 2008-09, there will be more installations of solar power systems and more Commonwealth funding than in any year of Australia’s history, in line with the record response we have had to our initiatives. This is a government which is determined to meet its promises to the Australian people. As a consequence, our support for the solar power industry is now at record levels.

I remind all those in the chamber that, in the last budget, the government brought forward an additional $25.6 million in funding for this initiative, doubling our original commitment to rebates available to ordinary Australians. Under the Solar Homes and Communities Plan, the number of rebates will rise from 3,000 to 6,000 in this year alone. Also, as part of this plan, funding increases for the fitting of photovoltaic devices have been announced. It puts in place a scheme where households in Australia who need them most will get them, by the introduction of a means test, with households with an annual taxable income of less than $100,000 being eligible for the rebate, while keeping the maximum rebate at $8,000.

This government has also taken major steps to reduce energy use in schools. It allows the schools to take practical and effective action in combating climate change by providing grants of up to $50,000 each to schools to install a wide variety of solar energy and water-saving activities. It invests over $480 million over a period of eight years to ensure that all our schools are able to become solar schools. This will have the added bonus of raising awareness of clean energy technology in our children and more generally in our community, as well as creating sustainable jobs and careers in a very important industry of now and of the future.

Unlike the previous coalition government, who were climate change sceptics, and some of whom continue to refuse to accept climate change as an issue, this government, the Rudd Labor government, is continuing to work to meet its promises to the Australian people to do something before it is all too late. We are committed to making sure that at least 20 per cent of Australia’s electricity supply comes from renewable energy by the year 2020. To deliver on that target, the government will produce a national renewable energy target.
scheme in cooperation with the states and territories, using COAG. The feed-in tariff is in fact an alternative to the scheme we are debating today, an alternative which has proven to be very expensive in Germany, for example. This government considers that the Carbon Pollution Reduction Scheme, the renewable energy target and other initiatives being taken give the right mix to move Australia to a low-carbon economy.

On the question of renewable energy feed-in tariffs, this government will be working closely with the states and territories through the medium of COAG to adopt a harmonised approach with which all can be satisfied. This option was agreed at COAG back in March and is expected to be considered by them shortly. It is an important point, so it does bear repeating: this government will be working closely with the states and territories in COAG to adopt a harmonised approach. We need to give this cooperative approach a chance to function.

Allied to this, as I am sure senators are aware, many of our states and territories already have, or are planning to introduce, feed-in tariffs which provide current owners of small renewable energy systems with guaranteed fixed rates for the sale of electricity fed into the grid. Victoria, Queensland, Western Australia, South Australia and, of course, the ACT already have feed-in tariff legislation or are to consider feed-in tariff legislation very soon.

It is with double happiness that I can report that I have the honour to represent one of those territories, the ACT, which was one of the first to legislate a feed-in tariff. This was done when the Labor government was in majority in the Australian Capital Territory. Then Labor MLA Mr Mick Gentleman drove the legislation and the introduction of the scheme. It was truly legislation which involved a huge amount of community consultation, and I am proud to say it was very much a product of the will and enthusiasm of the people of Canberra. Feedback on the proposal was sought from interest groups, experts and the community generally. Throughout this process of consultation, Mr Gentleman was overwhelmed by the high level of public support generally and the individual enthusiasm that came from people who had done their own research and looked at the numbers themselves and who saw precisely how this legislation was going to benefit not only the environment but indeed their capacity as individuals to contribute to reducing our carbon footprint. I would like to take this opportunity to congratulate Mr Mick Gentleman for his leadership on the issue of the ACT feed-in tariff bill. It certainly attracted a great deal of attention through the course of the Senate committee inquiry, as it was in place and carries some attributes that I think serve well to inspire our future deliberations.

I would like to talk a little more about the consultation process, because the point is well made that federal Labor are part of a movement that reflects the mood of the people of Australia as well as the impending responsibility and priorities we have in place as a new government for this country. Over 300 people attended the public forums. Mr Gentleman’s office received 26 formal submissions, none of which were opposed to the idea of the feed-in tariff. One hundred per cent is not bad. Adding to this feedback, over 40 submissions were presented directly to the ACT Chief Minister. It should be noted that supportive submissions were received from, among others, organisations such as Greenpeace, the Conservation Council, ACTCOSS, the Alternative Technology Association, the Australian and New Zealand Solar Energy Society and the United Nations Framework Convention on Climate Change. This clearly displays a diverse range of interest groups, again reinforcing the overwhelming support for this initiative.

During consultation with ACTCOSS and the Conservation Council, the need to ensure that members of the community who are eligible for concession discounts would not be disadvantaged over other consumers became clear, and it was addressed. One element of the legislation asks that all electricity users in the ACT contribute to the scheme. So, while some other jurisdictions have a tariff that is applied as a flat rate across all areas, the ACT legislation requires the cost of the tariff to be passed on to electricity consumers in proportion to the electricity that they consume. What is important is that one main purpose of the ACT legislation is to raise awareness of electricity consumption, with the aim of reducing it. It was designed to enact a social change in the way that we use electricity and for that change to bring about further action on reducing our carbon footprint. The ACT Labor government showed the leadership required to ensure that an effective, well-designed feed-in law was enacted within the ACT.

I think that the experience of the ACT makes it clear that these kinds of schemes are desirable. I think federal Labor is showing the utmost responsibility by wanting to take a coordinated approach. COAG has already made a decision to proceed down this path, and that is why we have formed the view that this bill should not proceed and that we should provide the opportunity for that course of action to fully develop.

The Senate committee made a series of recommendations, noting the strong industry, consumer and government support for feed-in tariff schemes. The committee did of course recommend that the Commonwealth government, through COAG, proceed as quickly as practicable to implement a feed-in tariff framework that, as far as is possible, is nationally uniform and consistent.
Further recommendations were made regarding metering and assessing the track record of existing schemes overseas. It was also recommended that a more regular system of payments to generators be considered than the annual payments proposed in the current bill. Recommendation 4 went on to say that tariff digression rates forming part of the nationally consistent framework should also have the capacity for digression rate pauses to be instituted, following a rate review procedure, and that tariff digression rates should be technology specific.

Finally, the Senate Standing Committee on Environment, Communications and the Arts recommended:

As a member of the committee, I support that recommendation. I support what the federal government has planned with respect to adopting a harmonised approach through the COAG process. We need to give that cooperative approach a chance to work before we legislate in this place.

Senator PRATT (Western Australia) (4.33 pm)—I think we really are at a critical point in this nation’s response to the climate change challenge. Therefore, we are also very much in a time of dynamic policy debate. We are looking at multiple solutions to make a difference. Feed-in tariffs are one such measure that have already been pursued by state and territory governments around the nation.

We all know that the challenge of climate change is one of profound environmental, economic and social consequences. We have many scientific and economic experts reminding us of the urgency of this matter, because our way of life is indeed at risk. In Western Australia, we risk our wonderful Ningaloo Reef, increasing loss of habitat and rainfall in the south-west, drying farmland, rising sea levels, changing and more extreme weather patterns and the deterioration of infrastructure. These are the kinds of impacts that will similarly be felt in the rest of the nation’s farmlands, in our rich tourism areas such as the Great Barrier Reef, and even in Australia’s Antarctic Territory and beyond. Our environment and lifestyle are substantially at risk. To put it simply, the consequences of climate change inaction are potentially devastating.

What I want to acknowledge today is that in these debates we are also presented with opportunities as we set about reducing Australia’s carbon pollution over the long term and with the least cost possible. We have a variety of emerging new industries to be supported through a variety of policies and measures. Feed-in tariffs are one such measure. So there is much more to be done.

The key to Labor’s approach to renewable energy is our overarching drive and commitment to addressing climate change. The key plank in our approach is the Carbon Pollution Reduction Scheme, first and foremost, because worldwide recognition of the real cost of using fossil fuels is long overdue. For too long we have ignored the very real benefits attached to switching to clean and renewable energy and enhancing energy efficiency. The Carbon Pollution Reduction Scheme represents a profound economic and environmental reform and, I think, is a key policy in driving the reform we are looking for. This is because, for the first time, the market for renewable energy, including solar, will reflect the price of carbon-intensive fossil fuels. Incentives to pollute will be replaced with incentives to innovate, and renewable energy technologies will compete on a playing field that is fundamentally transformed.

Importantly, Labor has also committed to an expanded renewable energy target. Incidentally, this is something that Germany does not have. We have many different policy levers up our sleeves. This target delivers on the government’s commitment to ensure the proportion of Australia’s energy coming from renewable energy sources is 20 per cent by 2020. Indeed, that is the key federal leadership measure that this government is taking. It is more than four times the previous government’s target. The national renewable energy target is designed to accelerate the deployment of renewable energy in this country. So, like a feed-in tariff, the renewable energy target is designed to assist with the deployment of new technologies and investments in the renewable energy sector, enabling stable and continuing investment that can be banked on. Such a scheme is going to lower the cost of long-term abatement by driving investment and capacity in our electricity generating sector. Importantly, such schemes reduce red tape by bringing the existing and proposed state and territory schemes into a national one.

It is important to note that the energy target itself is a transitional measure and is going to be phased out between 2020 and 2030. We would hope at that point that the Carbon Pollution Reduction Scheme will be maturing. This scheme is designed to bring renewable and solar energy in from the margins so that it is not isolated but rather integrated into our energy mix. It is about tapping into the innovative and dynamic capacities of our renewable energy sector and the many talented energy efficient practitioners being developed by this nation. For Labor, it is also about enabling households to take practical action to reduce their energy use. We have released a consultation paper on renewable energy. This also follows a commitment of more than $1 billion to household and community energy efficient and renewable energy programs.

Labor already has plans to address climate change. Without these plans, there would be no plan for renewable energy. We have a plan for renewable energy and
a plan for the future of Australia’s solar industry. As I said before, the key planks to the government’s measures are centred around the Carbon Pollution Reduction Scheme—in other words, a price for carbon.

The Greens, through the Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2008, are seeking to keep these issues on the agenda. They believe these kinds of objectives can be addressed through a national feed-in-tariff scheme. It seems somewhat contradictory that these issues are already being pursued through COAG, as it resolved to do in March 2008. Personally, I do not think it is good policy to take them out of COAG’s hands at this point in time. There are good reasons for this as all the progress made so far has been due to the efforts of the states. In fact, it was the Howard government that was missing in action on this issue. Now it is a case of state and federal governments working together. To pass this feed-in-tariff scheme is to impose a scheme on the states when they are already leading the way in this area. Currently, there is a feed-in tariff in the ACT, Queensland, South Australia and Victoria. It is notable that even Alice Springs has a piloted program.

I am also very pleased that at the recent WA election, when the Labor Party introduced a commitment to a gross feed-in-tariff scheme, the Liberal Party responded in kind. Now there is a clear commitment in my own state of WA to a gross feed-in-tariff scheme. The simple fact is that many states were way ahead of the Howard government in implementing these schemes, and it is not time to take the issue out of hands of the states. They are the ones who have been working through the issues and getting on with the job. I suppose it is notable that their schemes vary significantly in their design; the states recognise this. They are the ones that have put the issue on to the COAG agenda. The states confront the same issues as the Commonwealth in putting these issues together.

I now turn to the differences in some of these schemes. Some of the feed-in-tariff schemes are restricted to new installations while others are not. Some offer feed-in tariffs for all electricity generated while others offer it only for the electricity that is surplus to the user’s needs. Some have limits on the scheme, such as a target number of megawatts of electricity generated, while others do not. This does mean that there is currently no consistent national approach. All of these design choices raise significant policy questions. But I think COAG needs to sort through them. The state and territory schemes have various eligibility restrictions. Personally, I like to see schemes that do not have very strict eligibility restrictions because that is the best way forward to promoting growth in the sector.

I note that in Victoria the scheme is limited to installed units of up to two kilowatt hours generating capacity and the scheme as a whole is capped at 100 megawatts of generating capacity. I note that South Australia also limits the size of customers and systems eligible to participate and it has a range of eligibility criteria. The Queensland scheme is quite similar to South Australia’s and it also has a range of variable criteria for access. The ACT scheme is one I quite like. It has few eligibility limits. While large generators receive a less generous feed-in tariff than households, there is no size limit on individual generators, unlike in Queensland, Victoria and South Australia, and no upper limit on the number of participants or the number of megawatts that can be eligible for the tariff.

I suppose it is clear from these remarks that we need to at some point move on from such a wide variety of fragmented policies, because if we are going to innovate change across the country and drive investment in the renewable energy sector then people need to operate across borders and they really need a way of planning their businesses with some kind of consistency. But it is worth pointing out that there is growing and considerable investment in the states already and, because of that investment and the differences in the variety of schemes, the states need to be the ones that work out those differences. I appreciate that the private member’s bill before us seeks to address many of the issues that I have spoken about. However, I contend it is inappropriate to simply impose a national measure when states have undertaken to harmonise their own laws.

I am going to use this opportunity today to highlight some of the government’s other initiatives demonstrating the depth of our climate change policies. The most critical step in reducing our emissions over time is recognising the real costs of using fossil fuels. There are real benefits of switching to clean and renewable energy and enhancing energy efficiency. I am really pleased that incentives to pollute will be replaced with incentives to innovate, and renewable energy technologies will compete on a playing field that is fundamentally transformed.

The Rudd government has some significant household assistance measures. We are already putting in place programs to assist people in their homes and the community more broadly to become more energy efficient and to access renewable energy sources. The issue of energy efficiency is profoundly important because we know in the current climate that energy is becoming more expensive. As a good Labor government, we cannot let that happen without appropriate assistance to households. You can give that assistance out in a variety of ways. The best way, I think, is to help people with energy efficiency in their homes. Other ways are to give them direct subsidies.

The framework for household assistance measures was announced in the budget. We made a commitment of more than $1 billion. The first plank of these meas-
ures is the Low Emission Plan for Renters. That plan provides rebates for people living in rental accommodation to assist with the installation of energy-efficient insulation. One hundred and fifty million dollars has been set aside for this plan. It is a really good policy because one of the key problems that confront us is that people are often reluctant to make investments in rental properties because they know that it is the renter that is ultimately paying the energy costs. If they invest in their house, there is no incentive to offset the prices for the tenant, because they do not get that money back. So it is really important that we have got innovative policies to address these kinds of problems.

The government is also assisting householders make energy-efficient purchases by further developing energy rating labels and standards for household goods. The household assistance measures plan is about shifting away from energy-inefficient and expensive household products, with measures such as speeding up the phase-out of inefficient lighting and providing rebates for solar hot-water systems to replace inefficient systems. I think it is important that the government is also working with the states to phase out the most energy-inefficient systems over time.

A particular initiative that I like is the National Solar Schools Program, because it is not just about households; it is actually about engaging the whole community. The government is engaging in our stride toward energy efficiency and renewable energies. This year the National Solar Schools Program got underway, with more than 9,000 schools around Australia becoming ‘solar schools’. I have really enjoyed getting out to schools in Western Australia and talking to them about these issues. Almost half a billion dollars has been set aside for this program. Importantly with this program, more than $200 million of the funding is set aside for investing in solar power systems. The government is doing this by providing grants of up to $50,000 for minimum two-kilowatt solar PV systems.

What is really important here is that we are not only making energy savings but every primary and secondary student in Australia is being provided with a working example of solar power. I think this gives solar power a very high profile indeed. In a few short years we are going to see photovoltaic panels on school roofs right around the country. That is also contributing to transforming investment in the renewable energy industry, in particular PV.

Labor is committed to the Solar Homes and Communities Plan. Solar power is a really visible and integral part of our community through the government’s Solar Homes and Communities Plan. It was a key election commitment. As a result of the increasing demand for photovoltaic rebates from our community the government has increased funding for this plan in the current year by bringing forward funding from future years. As senators will be aware, to make sure that the rebate goes to those households who need them most a means test for eligibility was introduced. I know that was highly contested, but it has not dropped demand. It has been highly successful and the industry continues to grow. Households have accessed these rebates at record levels. This shows that the government is indeed heading in the right direction. The program has been so successful that the Minister for the Environment, Heritage and the Arts has informed us that there will be more Commonwealth funding for solar power and more installations of solar power systems this year than in any other year in Australia’s history.

Today I would also like to address the focus on solar power that we have through the new Solar Cities program. I am really delighted that recently this program has been extended to include Perth. Perth Solar City is the seventh city to be part of the government’s Solar Cities program. The program is about encouraging sustainable energy solutions. Over 6,000 homes and businesses in the East Metropolitan Region of Perth are part of this program and they will receive advice and practical assistance to make homes more energy efficient and energy smart. These kinds of programs will ultimately change the fabric and culture of Australia in terms of how we perceive energy because technology investment will not make a difference unless we transform people’s behaviour. The biggest opportunities we have before us are in teaching people to be energy efficient. (Time expired)

**Senator McEWEN** (South Australia) (4.53 pm)—I acknowledge that we are here tonight debating the Renewable Energy (Electricity) Amendment (Feed-in-Tariff) Bill 2008 from Senator Milne, which is not dissimilar to the previous bill and which has been the subject of a committee inquiry and report. I acknowledge, as I did in my previous speech on the committee report into the bill to which I just referred, that it is always useful to be reminded by mechanisms such as this private member’s bill of the importance of climate change and the need to address our attention to alternative forms of energy. It is important to keep ourselves focused on those issues and this is one mechanism of doing it, so I thank the Greens for putting the bill into the parliament for that purpose.

This is a very complex issue. The introduction of a feed-in-tariff scheme—whether at a state or national level or whether a national feed-in-tariff framework is introduced at all—is a very complex issue that requires a lot of consideration by governments at all levels, not just with the feed-in-tariff scheme itself but with its interaction with other initiatives designed to address climate change and the take-up of renewable energy. So while it might seem an easy way to advance our progress with climate change, it is probably not the best mechanism to do that. In my speech, and indeed as
Senator Pratt has already done in her speech, I will go into the complexities of what we are dealing with. Having said that, I must say that at least Senator Milne and the Greens are doing something, which is more than the previous government did during its term of office. While, for years, the nations of the world had been alerted to the fact that climate change was happening and the dire consequences of the impact it would have on all our nations if climate change was not addressed, despite those persistent warnings, the previous government chose to ignore the size of the problem and chose not to do anything significant to address the size of the problem. So it is very disappointing that we had a whole decade or more of government which failed to take any serious action, although I do recall there was an announcement by Mr Turnbull, the former environment minister, about some light bulbs. I think that was a bit of a standout in the previous decade with regard to the previous government’s environmental credentials.

As I said, the previous government chose to ignore the size of the looming problem with regard to climate change, but that is pretty much what they did with a lot of significant issues that had to be dealt with by the nation during that previous decade when interest rates were rising, inflation was growing, the enormous skills shortage was developing, 457 visa holders were taken advantage of and dental care waiting lists were over 600,000 people long. The previous government sat on its hands, as it did with the issue of the environment.

I am very pleased to say that the Labor government, when it came to office, chose not to follow that inactive lead of the coalition. Not only were we prepared to admit the challenges that the nation faced, we were honest with the public about them during the campaign leading up to the election last year, we were honest with the Australian public about our willingness to address those issues and we were also honest about the extraordinary difficulties that we would face in addressing those issues. On our election we took the initial step of ratifying the Kyoto Protocol, we created the ministerial portfolio of climate change and water and appointed Senator Wong to that position. Those important initiatives set the tone and the framework of the government’s approach to matters to do with climate change and the environment.

I am pleased to say that, almost a year after the election of the Rudd Labor government, we are continuing apace with our attention focused on this one most significant issue that Australia and the other nations of the world face, and we do all these things on many fronts and in many forums. I note, for example, that another significant achievement of the government was to reach agreement with state governments to secure a sustainable future for the Murray-Darling Basin and to invest $2.2 billion over five years to deliver an environment that is healthier, better protected, well-managed and resilient in the face of climate change. That is part of the Caring for Our Country program.

This is a good opportunity, when we are outlining the Rudd government credentials on innovation and climate change and are looking to the future security and environmental wellbeing of our nation, to note that this week the government announced its $6.2 billion Green Car Plan, a very exciting initiative particularly for those of us from states like South Australia, where we have an automotive industry that has been going through tough times and is looking for leadership from the federal government. We must ensure that we not only maintain the automotive industry in a viable and sound condition but also see that it is well placed as to the future challenges that that industry will face. The Green Car Plan will make our automotive industry more economically and environmentally sustainable by 2020. Some of the components of the plan provide for a better targeted and greener assistance program. It is worth $3.4 billion and it is the Automotive Transformation Scheme. That will run from 2011 to 2020. There will be changes to the Automotive Competitiveness and Investment Scheme in 2010 consistent with the Bracks review proposals, to smooth transition to the ATS. Nearly $80 million has been committed to that. There will be $116.3 million to promote structural adjustment through consolidation in the components sector and to facilitate labour market adjustment. There are other innovations to assist the industry to move forward and to deliver to Australia a green car that will ensure the future of the automotive industry in Australia and thereby secure jobs. That complements the other things that we have been doing.

I should mention that one of the other things about the ATS is the $10.5 million expansion of the LPG vehicle scheme, which is starting immediately. That doubles payments to purchasers of new vehicles using LPG technology. This is a relatively modest but very practical and much-needed innovation on the part of the government. As we know, Australian people want to do something that is environmentally sound and want to make changes to their lives as to what they do on a day-to-day basis to assist us to protect and preserve our environment. This contribution as to the LPG vehicle scheme will assist people to make those practical changes.

The government has been working quickly to address climate change. That was one of the things that we started doing as soon as we came into office and at no stage has the quality of our policies been compromised. There has not been compromise, because the government does not make decisions in haste. As we know, if we are going to address the issue of climate change and environmental sustainability properly, we need to get it right. We are a responsible government.
We understand that environmental and economic policies are intrinsically linked and that if we do not deal with one correctly then another will be negatively impacted upon. That is why every element of our climate change strategy has been designed with thorough consultation and research.

Our Carbon Pollution Reduction Scheme, or CPRS, is a very good example of that. I know it was the subject of some considerable discussion in the chamber earlier today, and it is worth reiterating the measured but also urgent approach that the government is taking to the introduction of an emissions trading scheme. It was quite disappointing, given what we heard from the coalition today, to note that they seem to be backtracking from an ETS which had apparently been previously on their agenda—or at least it was according to Mr Turnbull, a former minister for the environment and now the Leader of the Opposition. We are not quite sure where the coalition stands these days on an ETS. Perhaps it will become clearer, but clearly the divisions within the coalition on this matter have not yet been resolved. I hope, for the sake of the Australian public and the economy, that all that is resolved soon.

The Rudd Labor government knows the CPRS is an integral part of our move forward to a cleaner, greener future. The scheme has two distinct elements: the cap on carbon pollution, and the ability to trade. The cap achieves the environmental outcome of reducing carbon pollution, and the ability to trade ensures that carbon pollution is reduced at the lowest possible cost. As to the principles that guide development of the scheme, as I said, there is the cap and the trade scheme, and it will be a scheme that has maximum coverage of greenhouse gases and sectors to the extent that is practical. The broader the scheme’s coverage the more cost-effective it will be in reducing greenhouse gas emissions and the more fairly spread the burden of such reductions across the community will be. The government takes that very seriously. The gloom and doom predictions that we were hearing from the coalition today and during the week about the likely impact of an ETS have been very disappointing. We do not need people talking down Australia’s economy. We do not need people frightening the Australian public unnecessarily about these things. It is time for the nation to take bold initiatives and to follow them through. The government has never denied that that will be a difficult thing to do and that there will be some pain, but we are taking pains to spread the cost across the economy and across the people of Australia as much as we possibly can.

The CPRS will also be designed to address the competitive challenges facing emission intensive trade exposed industries in Australia. I do not know how many times we have made that point—not just to the coalition but to the people of Australia. It is all most disappointing that the coalition continues to ignore that statement of policy—and that statement of fact—that the government has always built into its discussions about a Carbon Pollution Reduction Scheme. I want to take this opportunity to reassure the people of Australia, yet again, that we are prepared to take the bold measures. We are prepared to introduce an emissions trading scheme and we will do it in a way that ensures that the economy remains vibrant and strong. That, of course, is the responsible way to go, and that is what we will do.

With regard to the Carbon Pollution Reduction Scheme, there was a report released on 30 October this year which included the Treasury modelling of the scheme. That has been a very welcome piece of news from the Treasury. The report, which measures the economic impact of cutting carbon emissions through the government’s CPRS, has three conclusions. They are: that the Australian economy will continue to grow strongly as we reduce carbon emissions; that the earlier Australia acts, the cheaper the cost of the action whereas the longer we delay, the more damage we risk to the Australian economy; and that many of Australia’s key industries will become more, not less, competitive. That was an important underpinning to the progress we are making with regard to the Carbon Pollution Reduction Scheme.

Another part of the government’s climate change strategy is investment in renewable energy. We are committed to ensuring that at least 20 per cent of Australia’s electricity supply comes from renewable energy by 2020. This was a target that the government boldly set early in its term of office, and we are putting in place the measures to ensure that we reach that target. We are developing a national renewable energy target to provide up to an additional 45,000 gigawatt hours of renewable electricity generation by 2020, and the RET scheme will roll in and expand upon existing Commonwealth, state and territory renewable energy targets. It is a transitional measure that will help prepare the electricity sector to contribute to the significant emissions reductions that will be needed to address climate change. It will be phased out between 2020 and 2030 as the emissions trading scheme takes place and it will, in the interim, drive substantial growth in the renewable energy sector. We are very pleased with that long-term plan that feeds into the emissions trading scheme. Feed-in tariff schemes also, of course, need to be considered in the context of the emissions trading scheme and other developments that both state and federal governments have implemented in this regard.

The feed-in tariff bill that is before us today gives us an opportunity to contemplate the issues surrounding the introduction of a feed-in tariff scheme, but that is something that we need to do in the context of everything else that is going on in the nation, both at the
state and federal level. Whilst it will be disappointing for Senator Milne to hear that we are not in a position to support her bill today, we do appreciate that she has at least raised the issue. We believe strongly, however, that COAG is the appropriate venue for discussions about a national feed-in tariff framework, because we do have states that have either implemented, are implementing, or are considering implementing their own feed-in tariff legislation and feed-in tariff schemes. It is invaluable to have discussions at COAG with the state governments about how their schemes have gone. We need to hear about the pros and cons of the different kinds of schemes that they have introduced, and the practical problems that they may have had in implementation and the problems they envisage having in the future. Many of those issues about practical implementation were discussed in the report I referred to earlier into the original bill that Senator Milne put in.

We are confident that COAG is addressing this issue in a timely, but more importantly in a thorough, way. It is an issue—as with anything to do with the environment—about which there has been neglect for 10 years, so you cannot just jump in and do things in an ad hoc and random manner. You need to look at the measures that you are going to implement and make sure that they complement each other. You need to make sure that they do not damage the economy and that they complement the work that the state and federal governments are doing. Basically, you need to get it right. It is all very easy for members and senators to put in private members’ bills which look like they are going to be a panacea for the problems that the nation is facing. As we all realistically know, however—and, I am sure, as even Senator Milne would admit—the business of government is a little bit more complex than putting in a private member’s bill and expecting that is going to solve the problems of the nation. Such problems are complex and they have, unfortunately, suffered from some neglect over a period of time.

Nevertheless, I will conclude by reasserting that I do appreciate the opportunities that have been given to members of the Senate to explore the issues regarding feed-in tariff schemes. It is probably not something I thought I would need to turn my mind to when I first became a senator, but now I have turned my mind to it. I am very pleased that I have been required to do so. I look forward to progress on the future introduction of feed-in tariffs in the nation. (Time expired)

Senator HURLEY (South Australia) (5.15 pm)—Like Senator McEwen, I have great pleasure in rising to speak on the Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2008. The world of course is very much dependent on fossil fuels for its energy production, and it is indeed urgent that we support the development of non-renewable sources of energy and support their use around the world. The feed-in tariff system has proved useful in many countries around the world and in many states in Australia. It is a system whereby electricity from renewable energy sources is paid for at a higher rate than that from fossil fuel sources. The payment is spread across all energy users and therefore there is only a small increase in cost for each energy user. It is a very reasonable way in which to spread the extra cost of energy from renewable sources across the whole of the electricity-using system, thereby encouraging the use of renewable energy.

Why do we need to pay special attention to the cost of renewable energy? Because it is a new technology. Some renewable energy sources are well tried and have been operating successfully for a long time, but we need to encourage wider use of those renewable energy sources and the expansion of different kinds of energy sources as well. In any area, new technologies, new ways of doing things are expensive to implement. A lot of money has to be spent on research and development, and on testing to make sure that the new technologies work. In many cases pilot plants have to be set up for testing and monitoring to make sure that the new system works well in practice. Once the research and development and testing are finished, there is the building and installation of any new system and the start-up and training costs required for that.

Any new technology is expensive. Indeed, we have just been dealing with the removal of the excise exemption on condensate, which is a case in point. The industry had to build up more or less from scratch a new facility and get things going. The government recognised this and gave assistance to that industry to start up. It is a similar case with renewable energy: government assistance is required to kick-start this new system, and it is entirely appropriate that ways be found to subsidise it and to assist the industry to get going.

Apart from the start-up costs, there are the costs of continuing operation. People investing in renewable energy need certainty that the projects are going to continue for some time, that they will get to a period where they can amortise their start-up costs and that they will have an ongoing rate of return that will justify their initial investment. Many companies, including companies involved in fossil fuel energy production, are very keen to start working in renewable energy supply. In my own state in South Australia I had quite a bit to do with Origin Energy, which is, and has been for many years, responsible for developing renewable energy sources. It and many other companies in that area are very keen to prove that they can produce renewable energy efficiently and well to replace the fossil fuels, the non-sustainable energy source, that we have been using.

When I started work in the mid-80s at a company called Australian Mineral Development Laboratories, the tail end of solar photovoltaic research and devel-
Development was still occurring in its laboratories. Australia, and South Australia in particular, was leading the way in solar energy research some decades ago. It is a matter of great shame that we lost the advantage we had. It is a great pity that that was allowed to happen over successive decades because we would have been well-placed if the kind of government support that went into that research, and also private industry support, had been continued. That is not to say that R&D in other areas has not continued. Coming from South Australia, I am very keen about geothermal energy, into which a lot of work and money has been poured by private sources, with public assistance and encouragement. A pilot plant is already working on geothermal energy, and we have great hopes for it. But that is incidental to this debate.

I support the government’s position that there should be a COAG-agreed position on feed-in tariffs. Although I understand the support of Senator Milne and the Greens for a national feed-in tariff system and can see the efficiency that it might generate, I know that the states have already embarked on this path. In 2007 and again in 2008 the South Australian government passed legislation relating to feed-in tariffs. The South Australian government has a great commitment to that system and to renewable energy generally. It has put solar panels in many public buildings, around Adelaide in particular, and has been very keen to assist wind farm development in that state. The South Australian government has a very strong commitment to renewable energy and feed-in tariffs. I am confident that it will work with the other states, within the COAG process, to achieve a good system that suits individual states. As has been pointed out by previous speakers, the federal government is working on its own initiatives in regard to greenhouse gas emissions and renewable energy, above and alongside what the states are doing on feed-in tariffs.

It has been pointed out previously that the government has set the national renewable energy target at 20 per cent by 2020 and expects the Carbon Pollution Reduction Scheme to be operating very effectively at that time. The Carbon Pollution Reduction Scheme, with its cap and trade model, is clearly going to be a very efficient and effective way to encourage the use of renewable energy and to effect a reduction of greenhouse gases. We do not have the final model, but it is clear by the way that the Minister for Climate Change, Senator Penny Wong, and the government are proceeding that that system will be comprehensively thought out, that it will have had wide consultation with a range of groups and that it will have an immediate impact and work very effectively on a national level. I think it is very appropriate that the federal government continues to concentrate its energy in that area, that it continues to work in the sphere of reducing greenhouse gases and encouraging renewable energy while the states continue down the path to which they have been committed for some years now and work within the COAG process, with the encouragement of course of the federal government, to ensure that there is a system that works well nationally but that is administered by the various state and territory jurisdictions.

On the government side, we are impatient and keen to see these things happening, as indeed are the Australian Greens, clearly. I look forward to seeing some results soon, after a period of inaction. Indeed, we are well behind many other countries in Europe in this regard and, in some respects, the United States as well. When I was looking at this issue of feed-in tariffs, my usual source Wikipedia said that Jimmy Carter, the former President of the United States, first brought in this kind of system back in 1978 in the United States in response to an energy crisis. I will not swear by that source, but many other countries have got the jump on us and, if that is so, it is a pity that President Carter’s work was not continued with. The world would be in a much better position now to deal with the effects of pollution and greenhouse gases if that had been the case.

The Australian community has a lot of catching up to do of work that could have started much earlier. I am confident about the government’s many-layered plan of action to deal with the increase in renewable energy sources and with greenhouse gases. Although I commend the Greens for the work that they have put into this bill, I have to support the government’s position in continuing down the path it committed to during the election and subsequently.

Senator WORLEY (South Australia) (5.26 pm)—I rise to speak on the Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2008. The Rudd Labor government is committed to protecting our environment. Expanding our reliance on and production of renewable energies is one element of that stance. Among our key undertakings in the realm of cutting our nation’s greenhouse gas emissions is to dramatically increase our renewable energy target to 20 per cent by 2020. Such renewable energy sources as solar, wind, wave and geothermal will play significant roles in this new direction.

In 2008-09, there will be more installations of solar power systems and more Commonwealth funding for solar power than in any year in Australia’s history, in line with ongoing record demand. In the budget, the government brought forward an additional $25.6 million in funding, doubling the number of rebates available under the Solar Homes and Communities Plan this year from 3,000 to 6,000. Funding has been increased in light of record demand for the rebate. We also want to deliver a clean energy revolution through such measures as our $500 million Renewable Energy Fund.
$500 million National Clean Coal Initiative and $150 million Energy Innovation Fund.

We need to make sure we have a wide range of appropriate technologies, including clean fossil fuels, biofuels and hydrogen and energy efficiency. This government is working with the states and territories through the Council of Australian Governments to consider the options for a harmonious, national approach to renewable energy feed-in tariffs. Feed-in tariffs are already operating in Australia—Victoria, Queensland, Western Australia, South Australia and the Austrian Capital Territory all have some form of feed-in tariff in place. Other states and territories are planning to implement feed-in tariffs, which provide owners of small renewable energy systems with guaranteed fixed rates for the sale of electricity fed into the grid.

The Senate Standing Committee on Environment, Communications and the Arts conducted an inquiry this year into the feed-in tariff bill that predated the bill before us today. The committee recognised that any feed-in tariff scheme required detailed consideration of coordinated action in light of pre-existing state and territory schemes; the eligibility of different renewable energy sources; tariff values available for different sizes of generators; the parameters within which feed-in tariff payments will decrease over time; whether and how feed-in tariff payments will be indexed; and information management for the administration of the scheme. The report described a feed-in tariff as a policy mechanism used to encourage the use of both small, dispersed generating capacity and large utility-scale generators. It said that a feed-in tariff is a rate usually set by a regulator or government which electricity retailers or a regulator are required to pay to particular electricity generators who want to feed power into the electricity grid. Further, the report said that a feed-in tariff will put a legal obligation on utility companies to buy electricity from renewable energy producers at a premium rate, usually over a guaranteed period, making the installation of renewable energy systems a worthwhile and secure investment for the producer, with the extra cost being shared amongst all energy users, thereby reducing it to a barely noticeable level. The report went on to say that there are at least two main reasons why a feed-in tariff may be set. It may be intended, firstly, to correct a market failure such as the lack of a price signal reflecting the environmental harm caused by greenhouse gas emissions; and, secondly, it may be used to stimulate the development of particular electricity generating technologies, such as photovoltaic cells.

Looking at a feed-in tariff policy option is just one of the Rudd government’s moves in tackling climate change and these moves are all part of our dedicated and deliberative approach to the issue. If we do not tame this beast we will leave a terrible legacy for the generations to come. But we must do this in a careful and considered way. In contrast to the scepticism which pervades the benches opposite, the government knows we must act on preserving and restoring the environment—deliberately, decisively and in a timely, responsible and well measured manner. In contrast to the apathy, indifference and inaction from the former Howard government, we on this side want to make a difference for the future—for future generations, for our nation and for our planet. We must get our response to this crisis right.

We take seriously the overwhelming weight of scientific evidence that says our planet is in peril, and we know the Australian people share our view that this is a serious issue that must be addressed. Therefore, from day one of this administration, Labor’s priorities have been clear on this crucial policy area. Ratifying the Kyoto protocol was the first official act of this government. Through that early step, Australia made a pledge that its greenhouse emissions from this year until 2012 would be no more than eight per cent above 1990 levels. This was an important first move towards bringing our emissions under control. It also gives Australia a seat at the world table when it comes to building international cooperation and collaboration and when it comes to developing a truly global approach to a truly global problem. Australia was also instrumental in facilitating agreement on the roadmap for post-2012 international action on climate change at the December 2007 Bali negotiations. Even though Australia is now a leading player in negotiations under the United Nations Framework Convention on Climate Change, we will not rest there because we know that there is much more to be done.

The Australian government’s climate change policy is built on three sound, strong arms: reducing our nation’s greenhouse gas emissions; adapting to the climate change consequences we cannot avoid; and helping to shape a global solution. The Australian government is committed to reducing greenhouse emissions, and robust, accurate and reliable data is essential to achieving this goal in the most efficient and effective way possible. The government believes that the Carbon Pollution Reduction Scheme, the renewable energy target and other policies and programs we are implementing are the right policy mix to drive Australia’s transition to a low-carbon economy. This government remains strongly committed to helping Australians take practical action to tackle climate change, build a strong solar industry and harness our abundant solar resources. The Rudd Labor government is delivering $2.3 billion over four years in this year’s budget to help individuals, communities and businesses meet the challenges of climate change, and we are committed to assisting Australian households to take practical action during the transition to the Carbon Pollution Reduction Scheme.
Through direct financial incentives, strengthened energy efficiency regulations and targeted information, households will be helped to use less energy while saving money. Key measures include: $10,000 low interest loans for Australian households to implement energy and water savings; rebates for energy-efficient insulation for 300,000 rental homes; $8,000 rebates for roof-top solar power panels and $1,000 rebates for solar hot water systems; improved energy and water efficiency standards for new homes and appliances; and making every school in Australia a ‘solar school’ within eight years.

The $480 million National Solar Schools Program will assist schools to take practical action to tackle climate change by providing grants of up to $50,000 for schools to install a wide variety of energy- and water-saving measures. We will invest $480.6 million over eight years to ensure all our schools can become solar schools. It will reduce school energy and water bills and it will also raise amongst our young people awareness of clean energy technologies available in our communities.

The government also is investing in cleaner transport through measures such as the green car challenge and the newly expanded Green Car Innovation Fund. The government has established the Department of Climate Change and Water within the Prime Minister’s portfolio to deliver Australia’s climate change policy. Building a clean energy future is critical to the goal of significant emissions reductions in Australia and globally, and will also drive business opportunities for forward-thinking elements of industry.

The Rudd government’s first budget provides $1.7 billion to support Australia’s world-leading scientists and researchers in their work to improve energy efficiency and clean energy options. We are also working to adapt to the impacts of climate change that we simply cannot avoid. Our plans include helping coastal communities adapt through the Caring for our Coasts Plan; fast-tracking a climate change adaptation plan for Australia’s World Heritage and iconic areas; securing our future water supplies; and implementing policies to address the effect of drought and climate change on primary industries, such as a $55 million climate change adjustment program and a climate change and productivity research program for primary industry.

We are committed to reducing Australia’s greenhouse gas emissions by 60 per cent on 2000 levels by 2050. We will implement a comprehensive emissions trading scheme by 2010 to deliver these targets. This will ensure that greenhouse gases will have a price and so harness the power of the market in finding cost-effective solutions. The government will work with farmers to encourage sustainable farming practices that reduce emissions and develop carbon sinks. We must act to reduce our greenhouse pollution to avoid the worst impacts of climate change and to protect our long-term prosperity, our environment and our unique way of life.

We must also act to adapt to the impacts of climate change we are experiencing from the greenhouse pollution already in the atmosphere. Tackling the problem will not be easy and there will be costs. But the longer we wait to act, the higher the costs will be. For too long we have poured greenhouse pollution into the atmosphere and we are continuing to do so at an alarming rate. Science tells us that this pollution is causing damage. We are already feeling the effects of this. Projections show that if we do not act it will only get worse, with changing temperatures and rainfall patterns, more droughts, floods, water shortages, rising sea levels and extreme weather.

Australia, already the driest inhabited continent on Earth, is particularly vulnerable to climate change. Many parts of Australia are already struggling through crippling drought and, with climate change, such events will become longer and more severe. Drought is likely to become more frequent as a result of climate change and has the potential to disrupt electricity generation capacity and affect the reliability of electricity suppliers. Increases in temperatures, particularly in the summer months, will increase energy demand.

My home state of South Australia is home to more than 1.5 million people or around 7.6 per cent of Australia’s population. Already the nation’s driest state, climate change presents South Australia with a particularly tough challenge. The state icons of wine growing and agriculture are in the climate change crosshairs. I support the government’s position on working with the states and territories through the Council of Australian Governments to consider the options for a harmonious national approach to a renewable energy feed-in tariff.

Senator ARBIB (New South Wales) (5.42 pm)—I rise to speak on the Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2008. This is an extremely important debate and I thank Senator Milne and the Greens for their continued efforts in the fight against climate change and the opportunity to speak on this bill.

Before I come to the specifics of the bill, I would like to put on record how important this issue is to the Rudd government and outline some of the good work that has been achieved in under 12 months. Unlike those on the other side of the chamber, who still deny that global warming exists and after 11½ years failed to take any sort of action on the issue, the Rudd government is working full throttle to combat climate change. It was one of our key election commitments, one of our key policy areas 12 months ago, and I am happy to report that we have kept our promises.

One of the first decisions that the Rudd government took after our election was to ratify the Kyoto protocol
and end our international isolation on climate change. The Liberals at the last election completely missed the boat on this issue. We can all remember that they refused to ratify the Kyoto protocol or put in place any lasting changes to fight global warming. They seem to forget that Australia is an extremely dry continent and that we have more to lose than other countries. The longer we take to act, the more Australia's economy and environment will be hurt by droughts, less water, reduced food production and the devastation of natural ecosystems like the Great Barrier Reef and the Kakadu wetlands.

The costs of inaction are too great—and not just to the environment but also to the economy. As Professor Ross Garnaut recently said in his report on an emissions trading scheme, we face a diabolical challenge. He is right. There is no doubt that climate change is the challenge of our generation. However, in considering a policy response, we should not allow ourselves to focus just on the costs and forget the immense opportunities that have been presented to us.

We stand now with the potential to place Australia at the forefront of the international green revolution. Worldwide green investment in renewable energy and biofuels exceeded $100 billion last year. Green jobs worldwide now exceed 2.4 million. It is becoming more and more accepted that this green revolution will provide as many opportunities for countries, business and communities as the Industrial Revolution did over 200 years ago. This is an opportunity to build a modern Australia and a modern economy for the long term. But we need to act now.

To not act, knowing what we know about the effects, would be irresponsible not just to this generation but also to future generations, to our grandchildren and their grandchildren. I have heard the argument numerous times that somehow Australia is leading the rest of the world and that we should wait and be in the middle of the pack. That is not true. In fact, we are lagging behind the rest of the world in action on climate change. When you look at what is happening in Canada, Japan and the EU, we are falling behind.

Senator Bushby—What is happening in China?

Senator ARBIB—Thank you, Senator, for raising that. I have to say that China is doing some outstanding work in renewable energy. They should be congratulated. I am very glad that you raised this. The Chinese government have taken on board the issue of climate change. They are actually now putting billions of dollars into renewable energy and into cleaning up their environment. They are doing their bit. Australia has to do its bit. Thankfully—to respond further to the good senator—with the election of Barack Obama as President, we are going to see global action on climate change. Those of you who actually followed the US election will know that President-elect Obama is committed to introducing a national cap and trade scheme to reduce carbon pollution by 80 per cent by 2050. Rather than our somehow leading, it just shows that other countries are moving ahead and that we are starting to lag.

The Rudd government is doing its bit. The Rudd government has a detailed plan and a major commitment to reducing Australia's greenhouse gas emissions. We are also working to adapt to the impacts of climate change that we cannot avoid. Most importantly, the Rudd government is working to shape a global solution to this global problem. We have all seen the work that Ministers Penny Wong, Peter Garrett and Martin Ferguson are doing in this field. The government has committed to a target of reducing Australia's greenhouse gas emissions by 60 per cent of 2000 levels by 2050. The CPRS is at the heart of our efforts to reduce greenhouse gas emissions. As everyone in this chamber will know, it will place a limit on the emissions we will allow to be produced.

The key commitments of the Rudd government are these: to set a target of a 60 per cent cut to 2000 emissions levels by 2050; to set a medium-term target by the end of 2008; to expand the renewable energy target to 20 per cent; and to drive a clean energy revolution with policies such as establishing the $500 million Renewable Energy Fund, the $150 million Energy Innovation Fund and the $500 million National Clean Coal Initiative. We are also going to help Australian families green their homes with policies such as green loans, a one-stop green shop and rebates for energy-efficient rental homes. We are investing in green cars, in cleaner transport through measures like the Green Car Challenge and the $1.3 billion Green Car Innovation Fund.

I am very happy to report on the work we are doing in solar energy. In 2008-09, there will be more installations of solar power systems and more Commonwealth funding for solar power than in any year of Australia's history. That, of course, is in line with the ongoing record demand. This has really been a revolution in Australia. We are seeing families and businesses flock towards solar power. It is happening not just at the government level but also at the business level and the community level. That is extremely pleasing for the government to see. Government spending and government support for the solar industry is at record levels.

In the budget, the government brought forward an additional $25.6 million in funding, doubling the number of rebates available this year under the Solar Homes and Communities Plan from 3,000 to 6,000. Funding has been further increased in light of this record public support.

Here is where we bring in the work that is being done in terms of feed-in tariffs and the great work that is being done in COAG. The government is working with the states and territories through COAG to con-
sider options for a harmonised approach to renewable energy feed-in tariffs. In March, COAG agreed to consider options and is expected to consider the issue by the end of the year. Many Australian states and territories have in place, or are planning to implement, feed-in tariffs, which will provide owners of small renewable energy systems with guaranteed fixed rates for the sale of electricity fed back into the grid. As other senators today have pointed out, Victoria, Queensland, Western Australia, South Australia and the ACT have feed-in tariff legislation in place, and New South Wales is considering it. To deliver on the 2020 target, the government is designing a national legislative renewable energy target scheme—also in cooperation with the states and COAG. And this is where the feed-in tariff fits in. The government believes that, with the CPRS, the renewable energy target and other policies, we will be heading in the right direction in terms of reducing greenhouse gases. At present, though, I am not in a position to support this bill and believe that the right way forward is through COAG.

On solar, I note that Senator Birmingham earlier criticised the government on the solar rebate and the means testing that was put in place at the May budget. Contrary to Senator Birmingham’s claims and the claims from the opposition that the means test would cause the collapse of the industry, what we have seen is an industry that is booming. There is extremely strong demand for the rebate currently, with over 750 applications per week. This is the highest level ever seen and vindicates the government’s decision to more carefully target the rebate. In the 12 months leading up to the last coalition budget, there was an average of 30 rebate applications per week. In the six weeks leading up to the introduction of the means test, the department was receiving an average of 365 rebate applications per week—365 per week. That has increased to an average of 750 applications per week now, and this figure continues to rise. Overall, in the first year of the Rudd Labor government, there will be more Commonwealth funding for solar power and more installations of solar power systems than in any year in Australia’s history. We are continuing to meet the demand of those Australians who need assistance to put in place solar panels on their roof. This is something that the government is committed to.

Minister Garrett has undertaken a series of roundtables with key stakeholders around the country, including the solar industry, on practical action households can take to save on their energy bills and reduce their environmental impact. These discussions will help inform the community of household assistance measures the government details in the transition to the CPRS. The Solar Homes and Communities Plan is one element in the government’s comprehensive suite of programs for household and community renewable energy and water efficiency, which also includes a $300 million commitment for subsidised low-interest green loans of up to $10,000 to help up to 200,000 existing householders. A further $480 million for the National Solar Schools Program, through which every one of our schools can install at least a two-kilowatt solar system and a range of energy and water efficiency measures; and the Renewable Remote Power Generation program, which provides up to 50 per cent of the cost of installing renewable energy systems, including solar power, to people who are not connected to a mains electricity supply. Renewable energy certificates generated by solar power systems will also continue to reduce the upfront cost of installing solar photovoltaic panels for all households.

Critically, as I have said, the government has committed to a target of 20 per cent of our electricity supply being powered by renewable energy by 2020 through an almost fivefold increase in the legislated national renewable energy target. This is not a small policy. This is going to require an additional 45,000 gigawatt hours of electricity generation from renewable sources. In terms of the Renewable Energy Fund, $500 million has been put forward. Australia’s renewable energy target is 20 per cent by 2020. The EU target is 20 per cent by 2020. Even China, Senator Bushby, has a target of 15 per cent by 2020. Britain’s target is 15 per cent by 2020 and the United States is also aiming for 15 per cent by 2020.

But that is not all we are doing in terms of renewables. We have a National Clean Coal Initiative, with another $500 million over eight years to accelerate the development and deployment of technologies that will reduce emissions from coal use. Let us look at the initiatives that were announced in the budget: $75 million for the National Coal Research Program; $50 million for the National Carbon Mapping and Infrastructure Plan; $50 million for a pilot coal gasification research plan in Queensland—and the list goes on and on. This is the work that the Rudd government is doing.

One area where it is very exciting to see progress is geothermal. I am happy to report that the government is making progress on this exciting new energy source. The potential for geothermal is just staggering. Geoscience Australia estimates that if just one per cent of Australia’s geothermal energy were extracted it would equate to 26,000 times Australia’s total energy consumption—26,000 times our total energy consumption. That is amazing. The government is taking action on it. The Minister for Resources and Energy, the Hon. Martin Ferguson, has launched the $50 million Geothermal Drilling Program to help get the industry over the short-term costs of drilling. The Geothermal Drilling Program will provide grants of up to $7 million on a matching funding basis to support the high cost of drilling deep geothermal wells to assist getting projects off the ground financially. The Geothermal Drilling
Program is the first program to be launched under the government’s $500 million Renewable Energy Fund.

Many people are wondering how geothermal works. It is quite unbelievable. Geothermal energy producers pump water below ground, where it is heated by hot rocks and circulated through a closed system, with the heat energy used to generate electricity. I have heard the minister and the member for Kingsford Smith talk about this on numerous occasions. It is a good news story.

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

COMMITTEES

Men’s Health Committee

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

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (6.00 pm)—by leave—I move:

That senators be appointed to the Select Committee on Men’s Health as follows:

Senators Adams, Bernardi, Troeth and Williams


Question agreed to.

DOCUMENTS

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Order! It being 6 pm, the Senate will now proceed to the consideration of government documents.

Consideration

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


AusLink—Report for 2006-07. Motion of Senator Macdonald to take note of document agreed to.

Indigenous Business Australia—Corporate plan 2008-2013. Motion of Senator Macdonald to take note of document agreed to.


Australian Maritime Safety Authority—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Commissioner for Superannuation (ComSuper)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Repatriation Commission, Military Rehabilitation and Compensation Commission, National Treatment Monitoring Committee and the Department of Veterans’ Affairs—Reports for 2007-08, including financial statements for the Defence Service Homes Insurance Scheme. Motion of Senator Williams to take note of document agreed to.

Department of Climate Change—Report for period 3 December 2007 to 30 June 2008. Motion of Senator Williams to take note of document agreed to.


Director of National Parks—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Department of Veterans’ Affairs—Data matching program—Report on progress 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Learning and Teaching Council (formerly The Carrick Institute for Learning and Teaching in Higher Education Limited)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

National Offshore Petroleum Safety Authority (NOPSA)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Gene Technology Regulator—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.


Dairy Adjustment Authority—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Department of the Treasury—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Thursday, 13 November 2008

Financial Reporting Council, Australian Accounting Standards Board and Auditing and Assurance Standards Board—Reports for 2007-08. Motion of Senator Williams to take note of document agreed to.

Social Security Appeals Tribunal—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Rural Industries Research and Development Corporation (RIRDC)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Land and Water Resources Research and Development Corporation (Land & Water Australia)—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Commonwealth Grants Commission—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Securities and Investments Commission (ASIC)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

National Archives of Australia and National Archives of Australia Advisory Council—Reports for 2007-08. Motion of Senator Williams to take note of document agreed to.

Department of Foreign Affairs and Trade—Reports for 2007-08—

Volume 1—Department of Foreign Affairs and Trade.

Volume 2—Australian Agency for International Development (AusAID).

—Motion of Senator Williams to take note of document agreed to.

Australian War Memorial—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Bureau of Meteorology—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Australia Council for the Arts (Australia Council)—

Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Centre for International Agricultural Research—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Department of Human Services—Report for 2007-08, including financial statements for CRS Australia. Motion of Senator Williams to take note of document agreed to.

Australian Communications and Media Authority—

Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Royal Australian Mint—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Companies Auditors and Liquidators Disciplinary Board (CALDB)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.


Australian Reinsurance Pool Corporation (ARPC)—

Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Corporations and Markets Advisory Committee—

Report for 2007-08. Motion of Senator Williams to take note of document agreed to.


Australian Reward Investment Alliance (ARIA)—

Report for 2007-08, including financial statements for Commonwealth Superannuation Scheme, Public Sector Superannuation Scheme and Public Sector Superannuation Accumulation Plan. Motion of Senator Williams to take note of document agreed to.

Seafarers Safety, Rehabilitation and Compensation Authority (Seacare)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Safety, Rehabilitation and Compensation Commission (SRCC)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Aged Care Standards and Accreditation Agency Ltd—

Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Cancer Australia—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Department of Finance and Deregulation—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Airservices Australia—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Department of Infrastructure, Transport, Regional Development and Local Government—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Professional Services Review—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

National Residue Survey—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.
Wet Tropics Management Authority—Report for 2007-08, including State of the Wet Tropics report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Bundanong Trust Limited—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australia Business Arts Foundation Ltd—Financial statements for 2007-08. Motion of Senator Williams to take note of document agreed to.

Public Lending Right Committee—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Trade Commission (Austrade)—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Customs Service—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Medicare Australia—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Food Standards Australia New Zealand—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Commission for Law Enforcement Integrity—Report of the Integrity Commissioner for 2007-08. Motion of Senator Williams to take note of document agreed to.

Superannuation Complaints Tribunal—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Office of Financial Management (AOFM)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Takeovers Panel—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Department of Immigration and Citizenship—Report for 2007-08, including report on the operation of the Immigration (Education) Act 1971. Motion of Senator Williams to take note of document agreed to.

Department of Resources, Energy and Tourism—Report for the period 3 December 2007 to 30 June 2008. Motion of Senator Williams to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Veterans’ Review Board—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Department of Health and Ageing—Report for 2007-08, including financial statements for the Therapeutic Goods Administration. Motion of Senator Williams to take note of document agreed to.

Defence Force Remuneration Tribunal—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Commonwealth Services Delivery Agency (Centrelink)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Department of Defence—Reports for 2007-08—

Volume 1—Department of Defence, including report on the administration and operation of the Defence Force (Home Loans Assistance) Act 1990.


—Motion of Senator Williams to take note of document agreed to.

Industrial Chemicals (Notification and Assessment) Act 1989—Report for 2007-08 on the operation of the National Industrial Chemicals Notification and Assessment Scheme (NICNAS). Motion of Senator Williams to take note of document agreed to.

Australian Sports Anti-Doping Authority—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Office of the Official Secretary to the Governor-General—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Hearing Services (Australian Hearing)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Department of the Environment, Water, Heritage and the Arts—Reports for 2007-08—

Volume 1—Department of the Environment, Water, Heritage and the Arts.

Volume 2—Legislation.

—Motion of Senator Williams to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2008. Motion of Senator Williams to take note of document agreed to.

Productivity Commission—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Family Law Council—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.
Office of the Director of Public Prosecutions (DPP)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Grains Research and Development Corporation (GRDC)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Grape and Wine Research and Development Corporation—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Government Solicitor (AGS)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Albury-Wodonga Development Corporation—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Department of the Prime Minister and Cabinet—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Management Agency (Future Fund)—Report for the period 1 July 2007 to 31 August 2007 [Final report]. Motion of Senator Williams to take note of document agreed to.

Australian Prudential Regulation Authority (APRA)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Private Health Insurance Administration Council—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Coal Mining Industry (Long Service Leave Funding) Corporation—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Migration Review Tribunal and Refugee Review Tribunal—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Institute of Family Studies—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Institute of Criminology and Criminology Classification Board and Classification Review Board—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Family Court of Australia—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2007-08, including financial statements for the Science and Industry Endowment Fund. Motion of Senator Williams to take note of document agreed to.

Forest and Wood Products Research and Development Corporation—Report for the period 1 July to 31 August 2007 [Final report]. Motion of Senator Williams to take note of document agreed to.

Department of Innovation, Industry, Science and Research—Report for 2007-08, including IP Australia report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Bureau of Statistics—Report for 2007-08. Motion of Senator Williams to take note of document agreed to. On the motion of Senator Boyce debate was adjourned till Thursday at general business.

Australian Institute of Health and Welfare—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Future Fund Board of Guardians and Future Fund Management Agency (Future Fund)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Institute of Criminology and Criminology Classification Board and Classification Review Board—Reports for 2007-08. Motion of Senator Williams to take note of document agreed to.

Family Court of Australia—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

National Blood Authority—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Institute of Family Studies—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Institute of Criminology and Criminology Classification Board and Classification Review Board—Reports for 2007-08. Motion of Senator Williams to take note of document agreed to.

Family Court of Australia—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Commonwealth Ombudsman—Report for 2007-08. Motion of Senator Williams to take note of document called. On the motion of Senator Boyce debate was adjourned till Thursday at general business.


Aboriginal Hostels Limited—Report for the period 1 July 2007 to 28 June 2008. Motion of Senator Williams to take note of document agreed to.

National Competition Council—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Institute of Family Studies—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Export Finance and Insurance Corporation (EFIC)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Safeguards and Non-Proliferation Office—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Strategic Policy Institute Limited (ASPI)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Criminal Code Act 1995—Control orders and preventative detention orders—Reports for 2007-08. Motion of Senator Williams to take note of document agreed to.

Federal Magistrates Court of Australia—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Institute of Criminology and Criminology Research Council—Reports for 2007-08. Motion of Senator Williams to take note of document agreed to.

Classification Board and Classification Review Board—Reports for 2007-08. Motion of Senator Williams to take note of document agreed to.
Australian Film Commission—Report for 2007-08 [Final report]. Motion of Senator Williams to take note of document agreed to.


Sydney Harbour Federation Trust—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.


Anindilyakwa Land Council—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Tiwi Land Council—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Native Title Act 1993—Native title representative bodies—Northern Land Council—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Pesticides and Veterinary Medicines Authority—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Department of Agriculture, Fisheries and Forestry—Report for 2007-08, including financial statements for the Australian Quarantine and Inspection Service, National Residue Survey and Biosecurity Australia. Motion of Senator Williams to take note of document agreed to.

Australian Security Intelligence Organisation (ASIO)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Administrative Appeals Tribunal—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.


Insolvency and Trustee Service Australia—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Special Broadcasting Service Corporation (SBS)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Broadcasting Corporation (ABC)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Health Services Australia Limited (HSA Group)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Research Council—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Institute for Teaching and School Leadership Limited (Teaching Australia)—Report for 2007-08. Motion of Senator Williams to take note of document called. On the motion of Senator Boyce debate was adjourned till Thursday at general business.

Australian Wine and Brandy Corporation—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Institute of Marine Science (AIMS)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Repatriation Medical Authority—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Electoral Commission (AEC)—Report for 2007-08. Motion of Senator Williams to take note of document called. On the motion of Senator Boyce debate was adjourned till Thursday at general business.

Administrative Review Council—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Family Court of Australia—Report for 2006-07—correction. Motion of Senator Williams to take note of document agreed to.

Australian Sports Commission—Report for 2007-08, including financial statements for the Australian Sports Foundation Limited. Motion of Senator Williams to take note of document agreed to.

Services Trust Funds—Royal Australian Navy Relief Trust Fund, Australian Military Forces Relief Trust Fund and Royal Australian Air Force Welfare Trust Fund—Reports for 2007-08. Motion of Senator Williams to take note of document agreed to.

Army and Air Force Canteen Service (Frontline Defence Services)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Royal Australian Navy Central Canteens Board—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.


Department of Broadband, Communications and the Digital Economy—Report for 2007-08 [including erratum]. Motion of Senator Williams to take note of document agreed to.

Office of Parliamentary Counsel—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Federal Court of Australia—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

National Native Title Tribunal—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Human Rights and Equal Opportunity Commission—Report for 2007-08. Motion of Senator Williams to take note of document called. On the motion of Senator Boyce debate was adjourned till Thursday at general business.

Privacy Act 1988—Report for 2007-08 on the operation of the Act, including financial statements for the Office of the Privacy Commissioner. Motion of Senator Williams to take note of document agreed to.
Royal Australian Air Force Veterans’ Residences Trust Fund—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Workplace Authority—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Aged Care Commissioner—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Tourism Australia—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Airservices Australia—Equity and diversity program—Progress report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Civil Aviation Safety Authority (CASA)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Migration Agents Registration Authority (MARA)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Finance—Issues from the advance to the Finance Minister as a final charge for the year ended 30 June 2008. Motion of Senator Williams to take note of document agreed to.

Indigenous Business Australia—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Airservices Australia—Corporate plan July 2008 to June 2013. Motion of Senator Williams to take note of document agreed to.


Cotton Research and Development Corporation—Report for 2007-08. Motion of Senator Adams to take note of document agreed to.

Australian Fair Pay Commission—Report for 2007-08. Motion of Senator Adams to take note of document called on. On the motion of Senator Boyce debate was adjourned till Thursday at general business.

Australian Fair Pay Commission Secretariat—Report for 2007-08. Motion of Senator Adams to take note of document called on. On the motion of Senator Boyce debate was adjourned till Thursday at general business.

COMMITTEES

Consideration

The following orders of the day relating to committee reports and government responses were considered:


Community Affairs—Standing Committee—Report—Poker Machine Harm Reduction Tax (Administration) Bill 2008, Poker Machine Harm Minimisation Bill 2008 and ATMs and Cash Facilities in Licensed Venues Bill 2008. Motion of the chair of the committee (Senator Moore) to take note of report called on. On the motion of Senator Boyce the debate was adjourned till the next day of sitting.

Economics—Standing Committee—Report—Lost in Space? Setting a new direction for Australia’s space science and industry sector. Motion of the chair of the committee (Senator Hurley) to take note of report agreed to.

Community Affairs—Standing Committee—Report—Building trust: Supporting families through disability trusts. Motion of Senator Siewert to take note of report agreed to.

Rural and Regional Affairs and Transport—Standing Committee—Report—Water management in the Coorong and Lower Lakes (including consideration of the Emergency Water (Murray-Darling Basin Rescue) Bill 2008). Motion of the chair of the committee (Senator Sterle) to take note of report agreed to.

Community Affairs—Standing Committee—Report—Towards recovery: Mental health services in Australia. Motion of the chair of the committee (Senator Moore) to take note of report called on. Debate adjourned till the next day of sitting, Senator Boyce in continuation.

Rural and Regional Affairs and Transport—Standing Committee—Report—Implementation, operation and administration of the legislation underpinning Carbon Sink Forests. Motion of the chair of the committee (Senator Sterle) to take note of report agreed to.

State Government Financial Management—Select Committee—Report. Motion of the chair of the committee (Senator Macdonald) to take note of report agreed to.

Procedure—Standing Committee—First report of 2008—Restructuring question time; Reference of bills to committees; Questions to chairs of committees; Deputy chairs of committees; Leave to make statements. Motion of the chair of the committee (Senator Ferguson)—That the Senate take note of the report called on—and on the amendment moved by the Leader of the Family First Party (Senator Fielding)—At the end of the motion, add “, but the Senate is of the opinion that, instead of restructuring question time in a manner that could reduce the accountability of ministers to the Senate, the rules relating to questions and answers, contained in past presidential rulings, which require, amongst other things, that questions actually be questions relating to ministerial responsibilities, and that answers be responsive and relevant to the questions, be written into the standing orders, and that the Procedure Committee, with the assistance of external expert advisers, review the effectiveness of question time and the application of those rules at the end of each period of sittings”. Debate adjourned till the next day of sitting, the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLachlan) in continuation.

Environment, Communications and the Arts—Standing Committee—Report—Great Barrier Reef Marine Park and Other Legislation Amendment Bill
A number of key objectives were set out when the PGPD was formed in 1995. These objectives were to promote and support the implementation of the International Conference on Population and Development (ICPD) program of action, and to advocate for the empowerment of women and girls through a commitment to gender equality and the advancement of women, as set out in the ICPD program of action.

We have a number of objectives and we have also a list of ways in which we pursue these objectives. All these are clearly set out on our website. There are four key objectives—I will not go through all of them—but we must engage members of the Australian federal and state parliaments in supporting women’s human rights, in particular, and quite deliberately, their sexual and reproductive rights and empowerment in the Asia-Pacific region.

In pursuing these objectives and identifying ourselves the PGPD undertakes a range of activities—and I will run through these, because it gives some idea of how this group operates. We use parliamentary processes to promote issues of population and development, including issuing questions on notice, taking part in debates, participating in budget estimates and other places in this parliament. We engage individually and collectively in public and private discussions and debates on population and development, and we participate in national conferences as well as direct person-to-person advocacy with national and international parliamentarians.

Since the commencement of this group in 1995 our secretariat has been handled by the Australian Reproductive Health Alliance, a separate body, but one which works towards the same goals. That has been the arrangement since 1995.

Through our meetings of the PGPD we discuss issues that come before the parliament as well as our international responsibilities. The motion that came before the parliament on the removal of item 16525 was discussed at a number of our PGPD meetings. When the time came to make a decision about whether we should make a submission there was no time to have a meeting that included the people who attend every meeting of the parliament here.

As current chair of the group, I made the decision that we should submit together with the Australian Reproductive Health Alliance, which does our secretariat work and which prepared the submission. My error—and only mine—was in not saying that this was a joint submission and submitting it separately without a covering sheet. During the inquiry I explained this to the committee and my understanding is that, whilst they may not have been happy with this, they understood the process.

On 28 October I received an email from the Australian Christian Lobby, which set out some concerns about the content of the submission. There was also a concern that there had been a cut and paste—some kind of stealing of the submission. I felt it was important that I respond. I intend to share with senators the response I gave to the Australian Christian Lobby on that day.

Thank you for your email. The PGPD submission clearly states that people with disabilities can live full, productive...
and inclusive lives, and we argue that there should be additional resources and services. Our position reinforces the rights of women to have full information about their pregnancy and support to make the personal decision about their pregnancy. As medical science has developed and more medical tests are available to determine the health of mother and child it is important that the woman has full support in making the decision about the future of her pregnancy. We have seen in some submissions to the inquiry that some of these tests are in the second trimester and that the timing of decisions can mean that actions to terminate the pregnancy would require a later term abortion. This Medicare item, 16525, covers that situation and any restriction of access could have impact on the cost to the Medicare system of the access to abortion services. Our submission has attempted to identify other costs to our health system. There is no intent to recommend action or to make judgement about the motivation of women and families facing this difficult decision. We support the right to make the decision with full information, as well as the critical need for effective support and resources for families who choose to raise their child with disabilities.

Then I went on to explain that we were a parliamentary group and that the secretariat is the Australian Reproductive Health Alliance. I am deeply concerned that people had some worries about the wording of the submission, and I accept that this has caused problems.

In fact, during our hearing on record, the person who was representing the Australian Reproductive Health Alliance, Ms Kelsey Powell, was questioned at length about the motivation and processes of the submission, which was raised today in discussion. Ms Powell responded to the questions about whether there was any process that was trying to give costing and causing people to feel as though we were putting costing on human life and devaluing the lives of people with disabilities. Ms Powell said:

I think it was put there as something that we felt we needed to raise because the issue of this item number was mentioned as being a cost in the health budget and I guess we would say that that is a relatively small cost because there are a relatively small number of claims made under this item. I think it is something that we have to consider. While some people might believe there is no reason to terminate a pregnancy no matter how severe the abnormality, there is testing available for women. It is routine as part of antenatal care and, although abortion is not an automatic outcome and it is usually not an outcome of a diagnosis, it is a reality. No matter what decision the woman or the family make, we need to be able to support that decision, so we are putting out that if a child is born with a severe abnormality there is a cost to that family, and the community needs to recognise that and resources need to be available to support that cost.

Ms Powell was questioned at length during her evidence. It is all there on the public record. One of the issues is that the evidence and the submissions are kept separately. You would know, Mr President, that people do not always go through and read all the information that is before them.

On that basis, I wish to make a clear apology that concerns have been raised about words in the initial submission which could cause any offence. I wish to put on record the absolute support of the PGPD and the Australian Reproductive Health Alliance for the dignity of all life, in particular in this discussion the dignity of the lives of people who have disability. It was never an intent to cost that process in any way; rather, in the emotion of the discussion, people were so active in putting forward arguments about the issue that they could well have beenworded better. We will be submitting a statement to the Senate Standing Committee on Finance and Public Administration saying that this may well be able to be printed, as often happens with correspondence when people write to committees. I hope that the members of the parliamentary group will be able to get all the information. With the CEO, Ms Jane Singleton, we are putting a full packet of information out to all the members.

In certainty, whilst people have an absolute choice whether they wish to be part of this group or not, it would be a very sad result if people attributed motivations or processes to our group which are just not true. People will be able to see our history of issues in which we have been involved and also the absolute support we have given to protecting the lives, dignity and choice of women and children across this world, not just in our own country. I am more than able to answer any questions about this issue that people may provide to us, but I am very keen that there be no confusion about the position that our group has on the dignity of all life.

**Tasmanian Roads**

_Senator BUSHBY (Tasmania) (6.18 pm) — I rise tonight to speak of a major issue of concern in my home state of Tasmania: the severe neglect and abject state of Tasmanian roads and the consequent impact on Tasmanian commerce and the safety of Tasmanian motorists. The fact is that Tasmanians now have to suffer under the dual yoke of a Tasmanian Labor government that has neglected Tasmanian roads for over 10 years and now a federal Labor government that, regrettably, is doing the same._

The facts are that the Tasmanian government has for years failed to deliver road infrastructure to the state. During that period, time and time again the previous, federal, Liberal-led government has stepped in to deliver safe roads to local Tasmanian communities. Why? Because the state government refused to meet its obligation to the Tasmanian people to deliver roads of a sufficient standard to enable Tasmanians and Tasmanian businesses to safely move around our state. Fortunately, in the absence of action by the state Labor government, the previous, Liberal-led coalition government was good to Tasmania. Examples of its investment in Tasmanian roads include the upgrade of the
Arthur Highway to Port Arthur; the $7.8 million upgrading of the dangerous Sisters Hills section of the Bass Highway; the sealing of the Esperance Road in the Huon Valley; duplications and upgrades on the Bass Highway, including the Penguin to Ulverstone and Port Sorrell Road to Devonport sections; the Westbury-Hagley Bypass on the Bass Highway; an accelerated East Tamar Highway upgrade package; Midland Highway upgrades; and the very much needed but state Labor government ignored—despite many protestations over many years—Lilydale to Scottsdale Road upgrade.

It is illuminating indeed to contrast the Liberal-led federal coalition government’s investment with that of that federal and state Labor parties. The Tasmanian Labor government is the only state government which regularly spends less on roads in its own state than the federal government. And what of the new federal Labor government? It has yet to deliver to Tasmania even one of its election promises about roads. Twelve months in, no work has started anywhere in the state on any of the road works promised. A clear and high-profile example—in Tasmania, at least—of both federal and state Labor failing to deliver on the issues of Tasmanian roads is the great need for the Kingston Bypass, which would solve major traffic problems in the fastest growing municipality in Tasmania: Kingborough.

Senator Abetz—Hear, hear!

Senator BUSHBY—I note that my colleague Senator Abetz is a resident of that municipality. I do not live in the municipality, but I am a very regular visitor and I can attest to the fact that, at any time of day, the roads affected are frustratingly slow and busy. But try to negotiate our way past Kingston at either end of the day and you would think you were in London or Rome at peak hour. I have driven in Rome at peak hour, and it is not very nice.

The local community has had enough, and the outcries for action have been getting louder as the municipality continues to grow, which simply exacerbates the issue. In the absence of action by the state Labor government, the previous, Liberal-led coalition government promised to fully finance and build the bypass, making the funds available immediately—an offer which was not taken up by state Labor because, inexplicably, they preferred the deal offered by the then federal Labor opposition to provide $15 million to jointly fund the estimated $30 million project. I simply do not understand why the state Labor government would say no to $30 million which is immediately available and say yes to $15 million which still has not materialised.

So where are we now with this project? Sixteen months after the then coalition government made the money immediately available to fully fund the bypass, not a single sod has been turned. In the ensuing period, the cost of the project has blown out by an additional $12 million. That has led to all sorts of questions about who will fund this cost blow-out, especially since federal Labor has confirmed that it has capped its contribution at $15 million. Given federal Labor’s position, it is a worrying fact that, when the cost blow-out first became apparent, the state Minister for Infrastructure, Graeme Sturgess, said he was confident that the Commonwealth would honour its commitment to fund the bypass on a 50-50 basis. This leaves a real question of who is going to fund the difference. In May, former Premier Lennon said the bypass could be delayed until 2013 or 2014. Remember that we offered to fully fund it 16 months ago and the money was available then. The question is: will it be built at all?

A further example highlighting how Labor, both state and federal, is letting down Tasmanians in respect of its roads is found in one of Australia’s most productive and unique regions—the Huon Valley, south of Hobart. The Huon Valley maintains a substantial share of one of the most sustainable forest industries in the world. It has a major aquaculture industry, worth hundreds of millions of dollars, supplying Tasmanian salmon throughout the world. Its agricultural industry provides everything from apples, to livestock, to saffron. Most of the area’s primary industries downstream-process a significant part of their products in the valley, including the manufacture of the equipment needed for processing.

It is fair to say that the road transport needs and road safety of residents and businesses of the Huon Valley have been totally abandoned by the Labor Party at both a state and federal level, leading to an increased risk to the productivity of businesses and the safety of individuals in this rapidly growing and increasingly prosperous part of Australia. Prominent local resident and businesswoman Jillian Law has taken on a personal crusade to improve the lot of the valley’s residents by organising a petition highlighting the lack of investment in road infrastructure by both state and federal Labor governments. Jillian has worked the shops, footpaths, back roads and laneways of the Huon Valley from Cygnet to Dover, to Geeveston, to Franklin and, of course, Huonville in her crusade to improve the lot of all road users in the local area. Anyone who has met Jillian has to admire the energy and passion she puts into helping her local committee. She has identified an area where the Huon community is in urgent need of assistance. It is an area where road transport is critical as it has no rail, no regular shipping and very little public transport. Jillian has acted to address that need.

Huon Valley residents have become so concerned with the state of the road infrastructure that Jillian Law’s petition has seen some 1,500 residents sign a petition calling for immediate action. Those 1,500 sig-
natures have been obtained in four months—a very short period indeed considering that almost all of them have been gathered by one passionate woman. It is important to note that the area has only some 14,000 residents, so we are talking about over 10 per cent of residents in the area signing the petition. The level of support received for the petition is not surprising. The petition recognises the tragic reality that there have been 11 deaths on the roads in the area in the last four years and 72 serious hospitalised casualties over the same period—statistics which highlight the devastating impact the state of the roads has had in the valley.

It is all too easy to throw dirt when given an issue like this and to point the finger and hope no-one examines your own record. But, as I have already outlined, the record of the last Liberal-led coalition government is exemplary when it comes to funding road improvements in Tasmania, including road upgrades in the Huon Valley region. As Senator Abetz would be able to testify, at least one major local aquaculture business was transporting hundreds of millions of dollars worth of product to overseas markets on a substandard and dangerous dirt road until the previous federal Liberal government stepped in to seal the road and work with the local council to fix the problem. This was after the state government failed to address the safety concerns and assist an important local economic contributor to Tasmania.

But we had also promised more. In fact, only the Liberal-led coalition—and Senator Polley may be interested in this—committed road funding for the Huon Valley at the last federal election. According to data from the Roads and Traffic Division of the Tasmanian Department of Infrastructure, Energy and Resources, an average of 10,500 vehicles travel through Huonville every day, with 680 of these movements being heavy vehicles. No wonder the state of the roads in the region has become such a major concern for local residents. As mentioned, addressing this challenge is being pushed at a community level by the efforts of Jillian Law and local residents, which also includes the local Liberal Party branch. Jillian took over as president of the Huon Branch of the Liberal Party a little over 12 months ago. Since then she has uncovered the raw nerve of neglect felt by Huon Valley residents as a result of federal and state Labor’s refusal to address the valley’s road needs and she has become a significant campaigner on local issues.

The road related issues Jillian has passed on to me include the damage caused by heavy vehicles travelling through Huonville, the lack of the maintenance that is required as a result of this damage and everything from potholes to the road sinking in some sections. Jillian has passionately ensured that I am fully aware of the benefits of sealing the road to Hastings Caves—a beautiful cave system and high-traffic tourist attraction. And then there is the absence of overtaking lanes south of Huonville. This is another dire need where state Labor has failed to meet its responsibility. We have something like 50 kilometres of narrow winding road that is used by farmers, industry, tourists, commuters and others with absolutely no overtaking lanes. Is it a surprise that it is a high-accident area? Despite state Labor’s abrogation of responsibility, the previous federal Liberal-led government promised to fund the construction of overtaking lanes along this section. But, like the state Labor government, federal Labor has chosen to ignore this dangerous section of road.

Strong local communities need people with passion who care. Jillian Law is one of those people who is fighting on issues of importance to the people around her. Her determination to find a solution to the unsafe and appalling state of the roads in her community stands as a tribute local leaders.

**Christmas Island**

**Senator CROSSIN** (Northern Territory) (6.28 pm)—I rise this evening to speak about my trip to Christmas Island in early October to take part in the celebrations on the 50th anniversary of it becoming an Australian external territory. Fifty years ago, on 1 October 1958, Christmas Island became the ninth Australian external territory, the Union Jack having been lowered on 30 September 1958. The history of Christmas Island goes back well beyond this though. The island was first sighted in 1643, by Captain William Mynors of the East India Company. He sighted the island on Christmas Day and hence the name has stuck. From the island’s early occupation in 1888, phosphate mining began in 1891 under the British. During the Second World War, from 1942 until war’s end, the island was occupied by the Japanese. After the war, in 1946 it became a dependency of Singapore and remained so until 1958. So it has a chequered history under the occupation and administration of several countries.

Following the transfer of the island in 1958, as an Australian external territory, mining has remained the backbone of the economy, although not without trauma and trials. The Union of Christmas Island Workers was forced to fight to take over the mine as production had declined and the company had closed the mine. It remained closed, though, only for a relatively short time. In 1987, due to falling prices for phosphate, the mine was closed by British Phosphate. But in 1990 the workers gathered together and bought the mine and reopened it. Many workers still hold shares in the mine and continue to work the phosphate. This typifies the islander unity and determination to maintain their community.

The island population crosses races, languages and religions, but the community has remained strong and united in the determination to prosper their island. Figures indicate that, of the people on Christmas Island,
around 60 per cent are Chinese, 25 per cent are Malay and 15 per cent are of European origin. Buddhism, Taoism, Christianity and Islam are all practised, and the island has a number of temples, churches and mosques. In one of the truly remote parts of Australia, maintenance of culture and economy has challenged the resourcefulness of these people and their determination to both keep the mine going and at the same time look to the future, to when the mine is exhausted.

The island is really remote—coming from a senator who lives in the Northern Territory, that is a statement and a half. It is a speck of land hundreds of kilometres out in the Indian Ocean, closer to Jakarta than to any of the major southern cities of Australia. It is the summit of a marine mountain with a coastline of only 80 kilometres. It is in fact only a few hundred kilometres south of Jakarta but over 2,600 kilometres north-west of Perth, which is the departure point for the twice weekly four-hour jet service from the Australian mainland. So people on Christmas Island face plenty of challenges.

The island remains about two-thirds covered by the original rainforest, and has a great variety and richness of flora and fauna. To be there when the first rains come late in the year is to see the infamous millions of red crabs migrating out of the forest and down to the beach to breed and spawn. It is truly one of nature’s marvels. To stand at one of the several lookouts overlooking the cliffs and the vast expanse of ocean and to see the beautiful golden bosun birds just hanging in the wind, as I have done, is truly magic.

When the mine runs out—now estimated to be, at best, between 10 and 15 years away, depending on the state of the market for the phosphate—it seems certain that the beautiful environment will play a key part in the future of this island. Already several residents are running small tourist ventures, although there is a great potential for many more visitors. Parks Australia has put in many walkways to several key spots around the island to improve access, and similar work, as well as rehabilitation of old mined areas, continues. Two studies in 2007 examined the tourist potential of walking trails on the island, and it is proposed that funds be transferred to the Christmas Island Shire Council so that the construction of such pathways can be managed by the shire. This will open up another tourist activity of walking around some of the magnificent rainforest—albeit, of course, in an environmentally friendly way.

By a quirk of fate, perhaps, the island forms part of the federal electorate of the Northern Territory, so it was with great pleasure that I and my colleague Senator Lundy were able to accept the invitation to attend the island’s 50th anniversary celebrations. Like the population of the island, these celebrations were truly multicultural, with parades, art exhibitions and live music. The activities included Malay drumming, Chinese percussion, lion dancing, a kazoo marching band and the local Crash Crab Children’s Circus. As is so often the case with a group of people who are so isolated but united, they did a tremendous job of organising several days of celebrations for this, their 50th anniversary. The community really pulled together and put on a wonderful and culturally mixed but appropriate celebration.

I want to use this evening to congratulate all those who were involved. I will just give you an outline of some of the week’s activities. There was a book launch by the Christmas Island arts association. The book, written by Helene Bartlestone, is actually an analogy of the Chinese cemeteries on Christmas Island. It is called Golden leaves: an introduction to the Chinese cemeteries of Christmas Island, and it provides you with a wonderful insight into the richness and the heritage of this island and the contribution that the Chinese community have made in the development of Christmas Island.

There was also a Territory Week art exhibition for residents on the island—and, I have to say, some truly magnificent artwork was on display and for sale. National parks put on a tour of the island, and the Christmas Island Phosphates mine opened up their doors and provided a tour of their mine. I want to place on record my thanks to Mr Alfred Chong, the Christmas Island Phosphates resident manager, and his team for organising that and allowing people on the island to get inside the doors of the mine and have a good look at what happens. I am sure the kids appreciated the fact that they were able to see exactly what the mine does as well.

I had the opportunity of providing the Australian Federal Police and the Volunteer Marine Rescue Service with two new boats to aid in their work. Of course, that is the majority of their work, in that the Federal Police patrol and protect our waters around the island and of course the Volunteer Marine Rescue Service are called on very, very often to get out into the waters and assist international and national travellers who cross those waters by boat when they get into trouble. I know that the Volunteer Marine Rescue Service cadets certainly appreciated a new boat for them to be able to get out and about and continue their work in.

At Tai Jin House, we officially launched the start of what will be the Christmas Island Museum. This is a fantastic exhibition that is being put together and will sit on the island for six to nine months, and then it is hoped that it will travel the nation. I have undertaken to consult with the Speaker and the House of Representatives in this place to try and see if we can get that exhibition displayed in Parliament House at some time in the future.
But of course the most magnificent event was The Big Five-O Territory Year celebrations on the Sunday night.

In closing, I want to very quickly thank the Christmas Island Women’s Association for organising the dinner on 1 October; Gee Foo’s Travel Exchange for putting on the dinner on 4 October for the half-marathon and lion dancing participants; the arts, culture and tourism associations who assisted with the launch of the book; and Minister Debus for funding the shire to put on The Big Five-O celebrations on the Sunday night. There is a huge list of participants that were involved in that: school teachers and students; the Christmas Island Language Centre; the Malay Association Kompang Group; the Christmas Island Kung Fu Club Lion Dance; Peter Keelan, who was the artistic director for The Big Five-O; and Lockie Mcdonald, who was the creative director for the whole of the anniversary celebrations. I want to congratulate the Christmas Island community on their 50th anniversary and thank the shire, particularly the shire president, Gordon Thomson, for inviting me to be part of their very special time and an outstanding celebration of their island.

Senate adjourned at 6.38 pm
The following answers to questions were circulated:

**Treasury: Printer Products**

(Question No. 544)

Senator Milne asked the Minister representing the Minister for Competition Policy and Consumer Affairs, 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 foreign companies such as Corporate Express when purchasing printer cartridges.
10. Does the department use Planet Ark to recycle cartridges.

Senator Sherry—The Minister for Competition Policy and Consumer Affairs has provided the following answer to the honourable senator’s question:

1. The Treasury’s policy regarding the use of printer products has been based on value for money along with environmental and occupational health and safety considerations.
   Due to unverifiable cartridge yield levels, toner quality, toner ingredients and associated non-warrantable device service costs caused by defective cartridges the Treasury currently uses Original Equipment Manufacturer (OEM) cartridges only.
2. See above (response to Question 1).
3. All spent toner cartridges are sent to Planet Ark for recycling and safe disposal.
4. Yes.
5. The Treasury has no contractual arrangements with manufacturers. ATI is the Treasury’s managed print services provider (see also response to Question 7).
   ATI purchases prebate cartridges on behalf of the Treasury. ATI then uses Planet Ark to recycle the spent cartridges.
6. Yes, ATI coordinates the recycling of spent printer toner cartridges through Planet Ark. Details of Planet Ark’s recycling process are available on their website.
7. The Treasury has a full managed printer supply and services contract with ATI, part of the ATI Group Pty Ltd, an Australian owned, small to medium enterprise.
   The Treasury has a three-year managed printer services contract with an option of two additional two-year terms. ATI owns and maintains the printers and is responsible for the installation of new equipment, removal of redundant equipment, onsite valet service, provision of consumables and other process support services.
8. Approximately $150,000 per annum.
9. Yes, via ATI.
10. No.

**Proposed Pulp Mill**

(Question No. 559)

Senator Milne asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 18 July 2008:

1. Has the Minister allocated funds for the construction of the water supply and effluent disposal pipeline, which will service the proposed Gunns Limited pulp mill in Tasmania; if so: (a) why; (b) how much funding has been allocated; and (c) when will the funds be made available.
2. Has the Minister allocated funds for the construction of the port facility on the Tamar River, which will service the proposed mill; if so: (a) why; (b) how much funding has been allocated; and (c) when will the funds be made available.
QUESTIONS ON NOTICE

(3) Has the Minister allocated funds for the railway system that may service the proposed mill; if so: (a) why; (b) how much funding has been allocated; and (c) when will the funds be made available.

(4) Has the Minister allocated funds for the construction of the proposed log sorting yard in Brighton, Tasmania; if so: (a) why; (b) how much funding has been allocated; and (c) when will the funds be made available.

(5) Has the Minister allocated funds for the construction of the Brighton bypass in southern Tasmania; if so: (a) why; (b) how much funding has been allocated; and (c) when will the funds be made available.

(6) Has the Minister allocated funds for the construction of the new major road intersection where the pulp mill entrance joins the East Tamar Highway; if so: (a) why; (b) how much funding has been allocated; and (c) when will the funds be made available.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

(1) No.
(2) No.
(3) The Australian Government has committed $188.5 million for projects across the railway system in Tasmania including:
   (a) $30 million for the upgrade of the Derwent Valley rail line from Boyer to Karanja; and
   (b) $30 million to upgrade the Wiltshire rail line.
(4) No. The Australian Government has committed $56 million for the Brighton Transport Hub. The Hub will be an intermodal terminal that will provide a major freight handling facility for southern Tasmania. The works to be undertaken are yet to be agreed with the Tasmanian Government.
(5) Yes:
   (a) This commitment has been made to improve transport efficiency for all Tasmanians. It will improve amenity and safety by shifting heavy trucks out of local streets and towns;
   (b) The Government has committed to provide $131 million to the Brighton Bypass project;
   (c) The 2008-09 Budget allocated $0.50 million for planning of the Brighton Bypass. A further $2.50 million is to be provided in 2009-10 for planning. Future work and funding arrangements will be developed in consultation with the Tasmanian State Government.
(6) No.

Health: Electromagnetic Radiation
(Question No. 739)

Senator Bob Brown asked the Minister representing the Minister for Health and Ageing, upon notice, on 22 September 2008:

(1) Can details be provided of the reasons behind the proposal by the Radiation Health Committee of the Australian Radiation Protection and Nuclear Safety Agency to increase the allowable Extremely Low Frequency Electric and Magnetic Fields (ELF-EMF) standard for acute exposure to three times that of the international standard.
(2) If the ELF-EMF standard for acute exposure is increased, what guarantee can the Minister give that the operators and technicians of magnetic resonance imaging machines will not suffer adverse health consequences.

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

(1) The Chief Executive Officer of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) advises that the working group of the Radiation Health Committee (RHC) that is preparing the proposed draft standard for ELF-EMF (ARPANSA Standard) is basing the standard on ensuring that electric and magnetic fields to which people may be exposed will be sufficiently low so as to not give rise to the lowest-threshold biological phenomena established as arising from such exposure.

Exposure of the human body to ELF electric and magnetic fields induces electrical currents and fields within the body. If these are of sufficient magnitude undesirable effects may occur. In establishing a standard or guideline for limiting exposure, the first step is to endeavour to determine a basic restriction, being a limit on current or electric field within the relevant body tissue that will avoid the biological effect. For practical purposes, it is then necessary to set reference levels, which are the limits of the external and measurable fields that ensure that the basic restriction in the body tissue are not exceeded.

At 50 Hz, the frequency of electrical power distribution in Australia, the critical phenomenon has been taken as magneto-phosphenes (perceptions of light caused by magnetic fields). The basic restriction is given in terms of induced electric field in retinal tissue.

There is no universally accepted international standard; the International Commission on Non-Ionising Radiation Protection (ICNIRP) basic standard is the most widely adopted but the Institute of Electrical and Electronic Engineers (IEEE) is the more recent standard. The following table sets out the basic restriction levels and reference levels at 50 Hz in the draft ARPANSA Standard and in two extant international standards:
The table shows that in terms of the basic restrictions at 50 Hz the levels are quite similar, reflecting the similarity of approach and the good understanding of the underlying biological phenomena.

In deriving reference levels required to ensure the basic restrictions are met, the IEEE and ARPANSA have had the benefit of modern computer modelling to calculate better how the fields to which people are exposed result in induced currents and fields within the body. This computer modelling establishes that for a given basic restriction a higher external field may be permitted than had been understood at the time of development of the ICNIRP guidelines.

The draft standards remain under consideration and will be subject to further review and consultation and to regulatory impact assessment before being considered for finalisation by the RHC.

(2) Medical and imaging staff working with Magnetic Resonance Imaging (MRI) machines are exposed to electric and magnetic fields covering a wide range of frequencies. Occupational exposure to electric and magnetic fields from MRI machines is not currently regulated in Australia but some guidelines exist. All existing guidelines, including the draft ARPANSA standard, if adhered to, are sufficient to prevent all established harmful effects of these fields. There are, however, indications that some personnel working with MRI machines may currently be exposed to levels in excess of all current guidelines. The implementation of the draft standard is expected to result in some change in practices in the use of MRI machines and this is expected to result in a decrease in ELF exposure to below what is currently received by MRI staff. This should give staff increased confidence that their health is being protected.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Basic Restriction(^1) ((50\text{Hz}))</th>
<th>Reference Level ((50\text{Hz}))</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARPANSA (2008)</td>
<td>5 (25) (\text{mV/m})</td>
<td>300 (1500) (\mu\text{T})</td>
</tr>
<tr>
<td>IEEE (2002)</td>
<td>14.7 (44.2) (\text{mV/m})</td>
<td>904 (2710) (\mu\text{T})</td>
</tr>
<tr>
<td>ICNIRP (1998)</td>
<td>10 (50)(^2) (\text{mV/m})</td>
<td>100 (500) (\mu\text{T})</td>
</tr>
</tbody>
</table>

\(^1\) General public exposure (occupational exposure)

\(^2\) Calculated from the ICNIRP basic restriction on induced current