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Tuesday, 9 December 2008

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

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the Senate and committee hearings are available at

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SITTING DAYS—2008

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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 McEwen

Liberal Party of Australia Whips—Senators Stephen Shane Parry and Judith Anne Adams
The Nationals Whips—Senator John Reginald Williams
Australian Greens Whip—Senator Rachel Mary Siewert
Family First Party Whip—Senator Steve Fielding

Printed by authority of the Senate
### Members of the Senate

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<th>State or Territory</th>
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## 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

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

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**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
RUDD MINISTRY

Prime Minister
Hon. Kevin Rudd, MP

Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion
Hon. Julia Gillard, MP

Treasurer
Hon. Wayne Swan MP

Minister for Immigration and Citizenship and Leader of the Government in the Senate
Senator Hon. Chris Evans

Special Minister of State, Cabinet Secretary and Vice President of the Executive Council
Senator Hon. John Faulkner

Minister for Finance and Deregulation
Hon. Lindsay Tanner MP

Minister for Trade
Hon. Simon Crean MP

Minister for Foreign Affairs
Hon. Stephen Smith MP

Minister for Defence
Hon. Joel Fitzgibbon MP

Minister for Health and Ageing
Hon. Nicola Roxon MP

Minister for Families, Housing, Community Services and Indigenous Affairs
Hon. Jenny Macklin MP

Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House
Hon. Anthony Albanese MP

Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate
Senator Hon. Stephen Conroy

Minister for Innovation, Industry, Science and Research
Senator Hon. Kim Carr

Minister for Climate Change and Water
Senator Hon. Penny Wong

Minister for the Environment, Heritage and the Arts
Hon. Peter Garrett AM, MP

Attorney-General
Hon. Robert McClelland MP

Minister for Human Services and Manager of Government Business in the Senate
Senator Hon. Joe Ludwig

Minister for Agriculture, Fisheries and Forestry
Hon. Tony Burke MP

Minister for Resources and Energy and Minister for Tourism
Hon. Martin Ferguson AM, MP

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

Minister for Home Affairs
Hon. Bob Debus MP

Assistant Treasurer and Minister for Competition Policy and
Consumer Affairs
Hon. Chris Bowen MP

Minister for Veterans’ Affairs
Hon. Alan Griffin MP

Minister for Housing and Minister for the Status of Women
Hon. Tanya Plibersek MP

Minister for Employment Participation
Hon. Brendan O’Connor MP

Minister for Defence Science and Personnel
Hon. Warren Snowdon MP

Minister for Small Business, Independent Contractors and
the Service Economy and Minister Assisting the Finance
Minister on Deregulation
Hon. 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 Ser-
vices
Hon. Bill Shorten MP

Parliamentary Secretary for International Development As-
sistance
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 Volun-
tary 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 Age-
ing
Senator Hon. Jan McLucas

Parliamentary Secretary for Multicultural Affairs and Set-
tlement 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 Sharon Stone

Shadow Minister for Small Business, Independent Contractors, Tourism and the Arts
Mr Steven Ciobo

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

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<td>Shadow Minister for Financial Services, Superannuation and Corporate Law</td>
<td>The Hon Chris Pearce MP</td>
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<td>Shadow Assistant Treasurer</td>
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<td>Shadow Minister for Sustainable Development and Cities</td>
<td>The Hon Bruce Billson MP</td>
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<td>Shadow Minister for Competition Policy and Consumer Affairs and Deputy Manager of Opposition Business in the House</td>
<td>Mr Luke Hartsuyker MP</td>
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<td>Shadow Minister for Ageing</td>
<td>Mrs Margaret May MP</td>
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<td>Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence</td>
<td>The Hon Bob Baldwin MP</td>
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<td>Shadow Minister for Veterans’ Affairs</td>
<td>Mrs Louise Markus MP</td>
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<td>Shadow Minister for Early Childhood Education, Childcare, Status of Women and Youth</td>
<td>Mrs Sophie Mirabella MP</td>
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<td>Shadow Minister for Justice and Customs</td>
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<td>Shadow Minister for Employment Participation, Training and Sport</td>
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<td>Shadow Parliamentary Secretary for Northern Australia</td>
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12.30 pm and read prayers.

BUSINESS

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (12.31 pm)—I move:

That:

(1) On Tuesday, 2 December 2008:
(a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 11.40 pm;
(b) the routine of business from 7.30 pm shall be government business only; and
(c) the question for the adjournment of the Senate shall be proposed at 11 pm.

(2) On Wednesday, 3 December 2008, the routine of business from 5.30 pm to not later than 7.20 pm shall be valedictory statements relating to Senator Ellison.

(3) In making valedictory statements in accordance with paragraph (2) above, a senator shall not speak for more than 20 minutes.

Question agreed to.

EDUCATION LEGISLATION AMENDMENT BILL 2008

SCHOOLS ASSISTANCE BILL 2008

Second Reading

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

That these bills be now read a second time.

Senator MASON (Queensland) (12.31 pm)—The Schools Assistance Bill 2008 provides the legislative authority for the funding of non-government primary and secondary education for the years 2009 to 2012 and seeks to appropriate $28 billion for this purpose.

The Education Legislation Amendment Bill 2008 is complementary legislation that seeks to simplify the legislative arrangements for Commonwealth funding of schools with a high proportion of Indigenous students. To streamline Commonwealth funding, six Indigenous education programs will be consolidated into one per capita payment. The bill provides for a total of $742.6 million through the appropriation of $640.5 million for non-Abstudy payments and an estimated $102.1 million for Abstudy Away from Base payments.

A couple of concerns have been raised concerning the Education Legislation Amendment Bill. Firstly, with the mainstreaming of targeted assistance to Indigenous education and the increasingly diverse sources of reporting, care must be taken by government to elicit a concise and consistent understanding of targeted assistance and its outcomes. As accountability is critical in this context, the opposition will continue to monitor outcomes in Indigenous education.

Secondly, concern was expressed by the Queensland Catholic Education Commission, particularly on behalf of the Townsville diocese, to the Senate Standing Committee on Education, Employment and Workplace Relations in their inquiry into the provisions of both bills that the new funding arrangements may have a detrimental effect on some Indigenous students attending boarding schools. In short, funding will be allocated according to the location of the school, not where the students come from. The bill, it was argued, does not adequately recognise the higher needs of Indigenous students from remote areas who attend boarding schools in regional or indeed metropolitan areas. While the government has reiterated that funding will not decrease across the non-government sector, that is no guarantee that most disadvantaged Indigenous students will continue to receive the same funding. Given that the Townsville diocese is home to a greater number of remote Indigenous students than anywhere else in the nation, the opposition will continue to monitor the impact of the funding changes. Notwithstanding these concerns, the opposition supports the Education Legislation Amendment Bill, noting that the aim of the bill is to simplify funding arrangements and improve educational outcomes for Indigenous Australians.

I will now move on to the Schools Assistance Bill. There has been much debate, both within the parliament and, indeed, within the broader community, about the reform of education in our country. Most of us can, perhaps, agree on one issue: the focus of our concern should be the educational attainments of our children. They must be our central focus; our central concern. Evidence that, despite substantial increases in per-child spending, literacy and numeracy rates are no better now than they were back in the 1960s and 1970s supports the conclusion that reform of education in this country is absolutely essential.

I note that the chief executive of the News Corporation, Mr Rupert Murdoch, expressed these sentiments just last week in his ABC Boyer lecture. He said:

The unvarnished truth is that in countries such as Australia, Britain, and particularly the United States … our children seem to be learning less and less—especially for those who are most vulnerable in our society.

While Mr Murdoch addressed his comments at public education, his prescriptions for reform apply equally to both government and non-government schools. Fundamentally, he argues, bad schools do not pay a price for their failings; it is their students who ultimately pay the price for their failure. What we must do, concludes Mr Murdoch, is to hold schools more accountable and to ensure that they put students on the right track.

I would be delighted if the minister, Ms Gillard, and the government were to move in this direction. If the
old Labor prejudices of class envy and its offspring, a sometimes seething prejudice against non-government schools, are gone, then progress is definitely possible. If the minister and the government are seeking to put the welfare of students before the interests of teacher unions, then the opposition will certainly not stand in their way. There are, however, some indications that this might not be the case. While there is a lot to agree with in both of these bills—and, indeed, much to support in the broader spirit of the minister’s recent public announcements on education reform—the bill before the Senate does contain provisions which are objectionable. With that in mind, I foreshadow that, at the committee stage, I will move some amendments on behalf of the opposition.

There are essentially four problems we see with this bill. Firstly, there are changes to the grounds upon which the minister can refuse or delay payment to a non-government school. Clause 15(c) of the bill provides for new reasons upon which the minister may refuse to authorise or delay a payment to a non-government school—namely, if an audit authorised by a Commonwealth or state law ‘is expressed to be qualified’. What concerns the opposition and the non-government schools sector is that there may be grounds for an auditor to qualify an audit that do not go to financial viability but instead to hesitation about a school model, whether a financial hesitation or otherwise. The recent inquiry of the Senate committee into the provisions of this bill heard testimony to that effect—for example, from Geelong College and the Association of Independent Schools of Victoria.

Secondly, there is the new requirement that schools comply with a national curriculum. Clause 22 of the bill mandates that under a funding agreement a school ‘implements the national curriculum prescribed by’ regulations made under the future act for primary education, secondary education or perhaps both. At this stage, we have little idea what the national curriculum in maths, science, history and English will actually look like. One of the issues that arises is how prescriptive the curriculum content in these particular discipline areas will be. Will it be prescriptive of content and materials or, alternatively, will it be a framework within which schools can determine content? This question is yet to be determined definitively. As the Chief Executive of the Association of Independent Schools of Victoria, Ms Michelle Green, said in her testimony before the Senate committee:

I had a principal from a school phone me the other day and say, ‘We tell our students not to sign up to mobile phone plans unless they absolutely know what they are signing up to, and here we are with something that is far more important to us and we’re expected just to sign without knowing.’ I think that people are extremely concerned about signing to deliver something when they do not know what it is.

This is a particular concern for schools, such as Steiner or Montessori schools, offering alternative educational philosophies and for schools that currently can teach curricula that are broadly equivalent to state determined curriculum standards. The avenue for innovation is now seemingly closed by this bill.

The final documents will not be presented until sometime next year, yet this bill seeks to tie school funding to that curriculum’s acceptance. The parliament and the schools are asked to take the government on trust. In addition, proper parliamentary scrutiny of the national curriculum will not be possible until it is detailed in regulations to be made in the future by the minister. Why this urgency? Why not separate the issues of funding and curriculum and deal with the latter more appropriately at some future date? Even if there were no controversy about the framers of the curriculum—and Mr Pyne has spoken about that in the other place—the manner in which this process has been carried out would still cause concern, as it is doing to the non-government schools sector.

Thirdly, there are additional reporting requirements for schools, particularly relating to funding sources. Clause 24(1)(b) of the bill requires a school, as a condition of funding, to provide the minister with a report in relation to, among other things, its financial operations, including financial viability and funding sources. Contrary to the government’s arguments that this clause simply follows the form set out in the previous legislation, ‘funding sources’ is a new concept in this context and might specifically include details of scholarship requests, funds and other sources of funding such as profit-generating activities or community fundraising undertaken by parents and friends associations. This section gives the minister substantial new powers to demand information about the internal financial affairs of a school community, and it also allows the minister to require schools to make this information public. Such detailed financial information is not relevant to calculations under the SES system, and, on questioning during Senate estimates in October, departmental officials were unable to give any reasons not only why their minister would require this information but also, much more importantly, why this information might need to be made public.

This has created great consternation among non-government schools. In their evidence before the Senate inquiry into the bill, various peak bodies of non-governmental schools expressed their concern that such financial information, when made public, would invariably receive tabloid treatment from the media and be used by the opponents of the independent education sector to create a politics of envy style campaign against non-government schools. Given previous statements by the minister and her colleagues, one can only draw the conclusion that clause exists in order to,
If necessary, lay the groundwork to build up a public case and whip up public sentiment to radically alter the SES funding system in the next funding period, 2013 to 2016, to one where the so-called ‘rich schools’—those whose school communities are successful at fundraising—are to be penalised through reduced or abolished Commonwealth support.

It is also very ironic that not so long ago in this chamber we had another debate about accountability and transparency. It was in the context of universities and governance protocols. I recall the government arguing then that we should not micromanage, that it was illiberal to do so, that we should instead trust the universities more to manage themselves and administer all the billions of dollars they receive from the Commonwealth. We should trust universities to do the right thing, we were told, but obviously what is good enough for universities is not good enough for non-government schools.

Fourthly, there is the removal of the new non-government schools establishment grants. I note the opposition’s disappointment that the government did not see fit to renew the new non-government schools establishment grants. In phasing out these grants immediately, Labor appears to be returning to the ideological position taken in their previous new schools policy, making it increasingly difficult to set up new non-government schools.

As always with this government, while the initial ideas sometimes sound good—mostly because they have been stolen from the coalition—one has to be constantly vigilant. With Labor, the devil is always in the detail and, more so, in the implementation of the policy itself. We have seen it time and time again this year, most notably in the case of the computers in schools fiasco, underbudgeted by at least, on the government’s estimates, $800 million. No matter how good the government’s intentions, we will not be taking the government on faith. We will be watching very carefully to see how this issue unfolds and will take any action necessary to ensure that the best interests of Australian students are served. When it comes to implementation, this government has a very poor record, whether it is computers in schools, broadband or the cluster of other absolute fiascos. Although on the face of it this may be an appealing policy proposal, the coalition are very concerned that these seemingly worthwhile policies are implemented appropriately and securely.

Senator MILNE (Tasmania) (12.46 pm)—I rise today to speak on the Schools Assistance Bill 2008. In that context I would like to make a few remarks to begin with about the education revolution. I think that an education revolution ought to have a vision. It ought to have some excitement. As Eleanor Roosevelt once said, ‘I don’t want to be part of your revolution unless I can dance.’ Frankly, I do not feel like dancing as part of the Rudd government’s education revolution. A revolution suggests kicking over the traces and rethinking the way we do education. It suggests an expansive view, a dream, a vision about what education might be and might do for this country. The education revolution should start with the view that in this country human potential should know no bounds. We should have a view that no child in Australia will be denied achieving their full potential because of their poverty, race, language background, disability—whatever. We should aim for that.

I was lucky enough to be a teenager at a time when there was an education revolution, when there was a declaration that tertiary education in this country would be free. That allowed students who, up to that point, had never had a hope of going to university, until there were Commonwealth scholarships and then, potentially, bursaries. I went to university on a teaching studentship because that was the way I could afford to go to university. That opportunity was offered to me, as was a Commonwealth scholarship, and then the Whitlam government brought in free tertiary education. What a vision that was. Half the people in this parliament secured their tertiary education and their opportunities in life by accessing free education.

I would like to think that the education revolution started from the point of view that there has been a meanness of spirit in this country. We have fallen back to the notion that all we are good at is cutting down trees, digging holes in the ground and shipping things away. We have gone back to the notion that all you have to do is rest on your natural resource base; you do not have to use your brains to get ahead in Australia. We need to get out of that mindset. We need to understand that to be a sophisticated, sustainable, zero-carbon economy we need to maximise people’s capacity. The so-called education revolution is not doing it. Why do I say that? Because it has no vision. It is not based on the notion of equity, the notion of justice, the notion of bringing education centre stage as one of the most important drivers of Australia’s future.

I heard what Rupert Murdoch had to say. Frankly, I am tired of hearing people like Rupert Murdoch talk about bad schools—that bad schools should be closed and so on. What is a bad school? I have asked this question in the Senate before. I heard the Prime Minister say the government would be closing down failing schools. What is a failing school? A failing school is failing because of the failure of governments to fund schools, to pay teachers appropriately, to lift the levels
of literacy and numeracy in the community and to lead community aspirations about education.

Why is it that when you go to many countries around the world, no matter how poor, people say to you that the one thing they want is education for their children. They look up to teachers. They look up to education. In Bangladesh, as part of the Grameen Bank’s microcredit, they have halved the birthrate, because poor women can now aspire to sending their children to school. They want education for their children and they appreciate it. Those students going into schools aspire to achieve success in life through education. They see it as the window of opportunity to change their life’s trajectory. Why have we lost that in Australia? Why have we gone back to the mean-spirited business of: ‘We can choose where we will send our children, and on that basis there will be constant competition among schools; it is a question of individual, not collective, rights’?

I want to see something much bigger than that. And I would like to see a statement from the Prime Minister about what this education revolution is meant to do for Australia to make us a more just, a more generous, a more compassionate, a more innovative nation that aspires to excellence and to leadership in something other than digging holes and cutting things down. That is the sort of education revolution we should be talking about. That is why I am standing here today speaking on the Schools Assistance Bill, which is not an education revolution—in fact, in relation to that it is actually the reformation. We are going back to former Prime Minister Howard’s funding of non-government schools. That was the flawed SES model. The current education minister, when she was in opposition, said in relation to this SES funding model:

This government, for its funding for private schools, has adopted a flawed index, the so-called SES model, which does not deliver on the basis of need. We know that model is flawed, because it disproportionately delivers to category 1 schools—that is, wealthy schools.

She went on to say, in a different speech, again about the SES model:

There are the following five flaws in the SES model. Firstly, it could be argued that the model is flawed, proceeding as it does on the basis of the average government school recurrent costs figure.

Secondly, this model uses only some aspects of the census—

Thirdly, the model may lose veracity the more geographically dispersed the students of a particular school are.

Fourthly, the model may lose veracity in highly differentiated areas where wealth and poverty live cheek by jowl.

The last objection to the SES model is more philosophical, that the model makes no allowance for the amassed resources of any particular school. … This is a gaping flaw, one which the government would not allow to emerge in any other benefit distribution system.

So, having said all that before the election, the Labor government has come in and is about to legislate to maintain the SES model, developed by the Howard government, with all the funding guarantees in place for another four years, to take us beyond the 2010 federal election. Frankly, that is not good enough. Australia voted for change. Australia wants massive investment in education so there is a chance for every child, regardless of which school they go to, to meet the aspirations they have in life and be supported in doing so.

And they need to be taught by qualified teachers, who are remunerated accordingly and respected—and, because they are remunerated accordingly, you will attract to the profession people who want to teach but who are not going into teaching at the moment because, compared with other professions for which they are qualified, the funding is so poor. And it is not just the pay; it is the support in the schools.

I can tell you, having taught in secondary schools in Tasmania for a decade, that it is not just about salary; it is about the level of support you have for the students who have disabilities in your school, for the students who have literacy or numeracy problems—special needs students, whatever their problems might be. Unless you have the resources in your classroom, in your school, then you feel like you are letting those students down; you are frustrated because other students in the class are not getting the benefit of your experience and leadership as they might if you were properly resourced. That is what we should be talking about in relation to this bill. But, no, we have the reformation. We have the Howard government SES model in its entirety in this legislation. That is why I am foreshadowing that I will be moving a second reading amendment.

The Howard government model had in it a ‘no losers’ clause. This is the ridiculousness of the SES model—it said, ‘This is the model; this is what we think you deserve in terms of your educational funding on all of these criteria but, if that means your schools gets less money than it did previously, we will guarantee to you that you do not lose any dollars; you will maintain that funding.’ As a result of that, almost half the non-government schools in Australia get more than they are entitled to under the SES model, and collectively that is $2.7 billion in overpayments to those schools over four years. Okay, that is the SES model, and that is what the government wants to apply. I am going to move as a second reading amendment that $2.7 billion is allocated to Australia’s public schools, additional to what came out of COAG and additional to whatever else might be provided, in order to say that at
least there is a recognition here that, if you are going to overpay schools beyond what the formula says, you should be overpaying—so-called ‘overpaying’—or investing in public education to the same extent.

In the committee stage I will also be moving two amendments—firstly, that this funding that is going to go ahead not be for four years but for two. The reason for that is twofold: (1) to make sure the government brings forward its review of school funding in Australia so that we can go to the 2010 federal election with a very clear view and alternative for the community about how Labor intends to fund education after the 2010 election—and that means all parties in this place can take an education policy to the community in the light of that; and (2) with the global financial meltdown, it is entirely likely that the GST return to the states is going to be less, that state income is going to be less and that as a result states are going to have less to put into public education. The point here is that, while the Commonwealth funds non-government schools, state governments overwhelmingly fund public education. So what we are going to have if the states cut back on their public education is an even greater gap than we now have between the funding of non-government schools and public schools. This is part of the dysfunctional federalism we have when it comes to education funding in Australia. I think it is appropriate that we limit this funding exercise to two years. That gives non-government schools more certainty than in fact public schools have, because they have to go from budget to budget in terms of what is allocated. This would actually provide non-government schools with two years of funding, and it would provide the Australian community with the opportunity to look at what Labor is going to do in terms of an education revolution.

I am also going to be moving for a change in the title of the bill. It is currently called the Schools Assistance Bill. I will be moving to call it the Non-government Schools Assistance Bill, because that is factually correct with respect to what this bill actually does. It is the first time the government has split the funding of public education from non-government schools. I am glad that we were able to put this through the committee process so that we can now have the benefit of COAG to be able to see what the public education system is going to get, to make some comparisons. Those are matters on which I will continue my remarks after we get to the committee stages of the bill.

A lot of nonsense has been spoken about what may or may not be allowed in the national curriculum. I had the benefit of speaking with a number of people who have moved from other states to Tasmania and vice versa, and there are many benefits to be had from having a national curriculum. But, as I said the other day in this place, it is not just a national curriculum that needs to be looked at; we need to standardise age entry points across Australia. You might have a national curriculum, but, if you move from one state to another, you can go from grade 7 back to grade 6, up a grade or whatever, and that does make a significant difference. It is no good standardising the curriculum unless we also standardise age entry points in education so that students are not put up or down when they move states, which can have a highly significant impact on their social development. I just wanted to reiterate that as something that needs to be considered in standardising things across Australia.

In the hearings we had, one of the concerns that was expressed, particularly from some of the non-government schools, about the national curriculum was how prohibitive or otherwise it would be in relation to certain matters. Clearly that came up in relation to intelligent design, which some schools wanted to be able to teach in the science course and feared may be prohibited in science but permitted in religion. If you want to teach it in religion, that is fine, but in terms of science it will be interesting to see just how prohibitive the system is. In my view, science is science and that is the way it should stay.

In terms of other sources of funding, I too was concerned about evidence given in the committee hearing by the Queensland Catholic Education Commission about Indigenous education funding. But, since that time, I have had an opportunity to get a better understanding of how those new arrangements are going to work for Indigenous students. I am satisfied that, even though there will be a change in the way the funding is calculated, overall there will be an increase in funding. I am pleased to see that and I will be expecting that. Because of the systemic nature of Catholic schools and their capacity to be flexible and redistribute within the system, they will be able to take account of the concerns that were raised. But it is something I will want to review in 12 months time to see how it is working and to make sure there is no disadvantage for Indigenous students.

Having said that, the new arrangements as they are mean that the non-government schools get this funding but they are also able to contest for the funding that was announced at COAG for low socioeconomic areas, where both public and private schools will be part of the cluster able to get extra money. They will be getting extra money for Indigenous students, but the problem is that, again, the state governments are not likely to make the same kind of contribution for Indigenous students in government schools, and 80 per cent of Australia’s Indigenous students are in government schools, not in non-government schools. So, once again, if you are subject to the vagaries of state governments, you get less than if you are in a non-
government school, where you benefit from the Commonwealth funding.

There is something seriously wrong when an Indigenous student would get funded at one level in a non-government school and at another level in a state school. It is because of the blame game and cost shifting between federal and state governments, and it is not good enough. If we think that an Indigenous student needs the level of funding that the Commonwealth is prepared to pay, there should be some mechanism for ensuring that the states match it and, if they do not, the Commonwealth should have some capacity to influence the states to lift that funding. We have to get a better arrangement. I understand that the government is moving towards that with its education partnerships with the states and there will be more accountability, with assessment against outcomes, performance targets and so on.

My final comment in relation to the bill is that you only get an education revolution if you persuade the whole society that education is something that needs to be valued. We need to go back and capture those people who have dropped out of school during the last 10 years, who have poor literacy, who have poor numeracy and who are not achieving, because they are the parents of the next generation, and that generation will suffer because of the lack of capacity of their parents, who, for whatever reason, were not able to achieve at school. I do not want to see this turn into a blame game for teachers and schools. This is a societal question. Australians have to be asked: do you value education and, if you do, how, as a society, are we going to lift the standards right through the whole society and help one another in all sorts of ways to be better educated, more literate, more numerate, more innovative and more aspirational? That is what an education revolution should seek to do.

I move:
At the end of the motion, add:

but the Senate, in approving the funding provided to non-government schools under this bill, does so on the understanding that the Government will commit additional Commonwealth funding to public schools over the funding period, over and above the indexation measures determined at COAG equivalent to the maintained funding and guaranteed funding provided to non-government schools under this bill, calculated to be about $2.7 billion over the next 4 years.

Senator CROSSIN (Northern Territory) (1.06 pm)—I rise this afternoon to provide my contribution to the debate on the Schools Assistance Bill 2008. Picking up from where Senator Milne finished, since last year, we have been seeing rolled out across this country a revolution in education. All of the things that Senator Milne talked about as needing to happen—but she doubted would happen—are in fact occurring, as you will see if you look very carefully at the transcripts that are issued almost daily from the Deputy Prime Minister and the Minister for Education in this country. In fact, only yesterday the Deputy Prime Minister had this to say:

This nation has failed kids from poorer families by leaving them in underperforming schools for too long.

What she was talking about is the fact that schools need to be transparent, schools need to actually be accountable, schools need to have consistent quality no matter where those schools are, no matter how they are funded, no matter what jurisdiction they come under. In fact, the Deputy Prime Minister was very explicit in saying that we want to know how schools are going on objective measures like national testing results and year 12 retention. We want to know how the resources are being brought to bear. We want to know how you are able to compare similar schools. So we want to be able to know exactly what is happening in our school system right across the board.

This government is committed to ensuring that there is a high quality of education no matter where you live in this country, no matter how much you personally contribute to your education, and to ensure that kids from poorer families, kids from low SES backgrounds, are guaranteed of being in a school that performs well. So this is anything but a blame game; this is ensuring that, whether you are at a government or non-government schools, whether you come from a very affluent suburb or not, you can be guaranteed that your child gets the same education as everybody else right around this country. Under the Deputy Prime Minister, it is anything else other than labelling and blaming.

We talk about the contribution from Senator Mason and criticism from my colleagues opposite about the computers in schools program. I ask each and every one of those senators, what would you rather us do? Would you rather we went back to the old days of the slate, the chalkboard, the piece of chalk and the little duster that everyone once had in front of them in a primary school? Or do you actually want kids in this nation to be skilled up? Computers are not only the notebooks of the future, they are absolutely the notebooks of today. They are in classrooms today, though probably not enough of them. Information comes to people in cyberspace these days, and you have to know how to respond and you have to know how to critically analyse the information that you are receiving through the wire as to what is good and bad from that information. You need that skill and you also need to know how to operate the machine that is in front of you. That is going to be a critical tool not for the future but I would say to you a critical tool for today. There would not be too many people out there applying for jobs who would not be asked if they know how to operate computers and different programs on computers.
What this government is doing, unlike the government we experienced for the last 11 long years, is tooling students for today and for the future and ensuring that teachers are valued, with injections of funds into teacher development programs, ensuring that good people out there are put into the school system. There was an announcement last week that there would be lawyers and scientists offered placements in schools for a period of time, ensuring that the best people in this society pass on the knowledge that they have to our kids in their classrooms.

The Schools Assistance Bill implements the government’s commitment to provide stability of funding for non-government schools for 2009-12. It does maintain the SES model as the basis for funding. The evolution in education will roll out under this government as we review that SES model funding, as the Deputy Prime Minister has committed to, in the coming years. No school will be disadvantaged by this, so no school will receive less funding than it would have been entitled to in 2008. This is despite claims from my Northern Territory colleague on the other side who on local radio in the Northern Territory some weeks ago set out to deliberately distort the facts and scaremonger to listeners in the Territory. Unfortunately in mid-October Senator Scullion cut loose on local radio and tried to resurrect the old government versus non-government school funding arguments, casting doubts on the future funding levels of some non-government schools in the Northern Territory. But I was able to get on the radio on the same station and rebut these claims. The Schools Assistance Bill is evidence of the fact that future funding of non-government schools in the Northern Territory is absolutely guaranteed: $20 billion for recurrent capital and targeted assistance for non-government schools, including a single streamlined supplementary assistance package for Indigenous students. Four Indigenous programs have been streamlined into one. The supplementary recurrent assistance, funding for homework centres, funding for ITAS and funding for English as a second language for Indigenous language speaking students have been streamlined into one funding program. This is another indicator and another signpost of the education revolution that is occurring by making the funding more streamlined and more accessible. This bill also includes a remoteness loading to take into account the higher costs of providing education in remote areas—something we have never seen before in this country.

The bill makes the performance and accountability requirements on non-government schools consistent with those for all schools under the National Education Agreement being negotiated under COAG. And why shouldn’t that occur, I ask people in this chamber? These bills need to be passed before the end of 2008 in order for new funding agreements to be finalised for 2009 payments and to be made to non-government schools. This bill is yet a further part of this Labor government’s quality schooling agenda. We are working with COAG, as you would have seen announced last Saturday, to further develop a framework for investment and reform in schools. This will result in the new National Education Agreement. This reform will mean that for the first time all governments in Australia will agree to a single set of objectives, a single set of outcomes and outputs for our education system. There is a massive amount of work to be done across the states and territories with this Commonwealth government and I would have thought that it is the first time that this is going to be achieved in this country. That is a revolution.

This bill is one of the bigger building blocks in that national agenda. It gives the many non-government schools certainty of funding and applies transparency and accountability requirements that are consistent with government schools. We need an education system that delivers excellence and equity, and we can only achieve this if Australians are confident that government is applying the same principles to all of our schools—something that has never been done and certainly something not done under the previous government. As pointed out in the other place by the Deputy Prime Minister, under the previous government schools were held accountable not for quality but for whether they had a functioning flagpole or whether they displayed posters about Australian values. We believe in Australian values, and equity is certainly one of them, but we also use values when framing policy; we do not just tack them on as an afterthought.

The national education agreement and this bill are complementary. Commonwealth funding for government schools is being negotiated under that agreement and does not need specific legislation. Together, this bill and the agreement will show the full commitment of this government. It will deliver the full $47 billion, as promised in the 2007 election. This bill establishes the funding for non-government schools for the next four years as well as the principles of quality, accountability, excellence and equity that we are applying to the education revolution agenda right across the nation. Under previous agreements, Commonwealth funding came with a multitude of conditions spanning a range of policy areas, requiring a high degree of regulation and reporting by schools and systems. Our new framework reduces the number of funding agreements and removes many of the input controls and forms of compliance previously imposed. Achievement of agreed educational outcome targets is what is important. So this government’s framework is about outcomes and outputs, not inputs.

This bill will also require as a condition of funding the implementation of the national curriculum, which will be developed by the National Curriculum Board.
by 2012. This will apply of course to all schools. I want to say here that this should not be a matter of concern for non-government schools, despite what I have heard in the media this morning from some senators in this place. As the Deputy Prime Minister said yesterday, the National Curriculum Board is writing the national curriculum. The board comprises representatives from all states and territories and all school systems. It is independent of government. It will drive up results and quality in this country. So what we are actually looking at is whether or not those who provide curricula will still do it in different ways—and there is no doubt about this—to ensure not only that there are world-class curricula being taught but that the teaching methods that those schools use can continue. If you are, for example, teaching the International Baccalaureate, as is the case at Kormilda College in the Northern Territory, that will continue. If you have a particular teaching style, as is the case at Montessori and Steiner schools, that will continue. What the national curriculum will do is ensure that there is consistency about the level of each child’s development at a year level, what outputs are needed at each year level and the content of that curriculum. How you deliver that curriculum and the circumstances in which you deliver it will not be interfered with by this government.

Coming from a base in the Northern Territory, in Darwin and Palmerston, represented by the seat of Solomon, time and time again I hear from defence people in particular that what they are looking for as they move their families around this country, sometimes every two or three years, is a national curriculum. They want to know that what their child in year 3 learns in Victoria is comparable to what their child in year 3 will learn in the Northern Territory. In fact, they go a step further when they talk to me and say that they would actually like to see nationally consistent handwriting taught right around this country—not just print or cursive but a nationally consistent curriculum that imposes the style of writing that children will be taught.

For those people in this chamber who suggest that a national curriculum would somehow restrict or confine non-government schools, I say that you must say that, not having come from an educational background. But if in fact you have a qualification in education and you have taught in a school system then you will appreciate and understand why it is so crucially important to have a national curriculum—why as a teacher you would want to know that the skills you are imparting on a 10-year-old child in your year 5 class are the same as those imparted on children in Adelaide, Perth or Alice Springs. As a teacher, I certainly would want to know that the quality of teaching I am giving to the child is nationally consistent and that the skills I am imparting to that child can be used by that child not only in any part of this country but around the world. As an educationalist, I applaud the development of the national curriculum. I think that it addresses a lot of queries and problems, particularly for people like defence families in this country.

The Senate Standing Committee on Education, Employment and Workplace Relations, which inquired into this bill, reported:

...the committee believes such concerns are unfounded.

That is, the concerns that a national curriculum would concern or confine non-government schools. It went on to say:

The national curriculum proposes uniform standards for each of the key learning areas—

And that is what we want to see; we want to make sure that the outputs at every level are nationally consistent—

However, outside of these requirements, there will be flexibility allowing schools to implement curriculum content at school level.

All schools will be subject to national tests, easy to understand reports to parents and public reporting on the school’s performance. I want to know that if I send my child to Leanyer Primary School in the Northern Territory they will get the same standards, content and outcomes as a child at, say, Kensington government school in Melbourne, Victoria. Why shouldn’t I want to know that and why shouldn’t I be expected to know that, when in this country there is such flexibility and mobility of people in and out of states and territories at any one time? Only in this way can parents have the best information about schools and school choice.

The actual final form of reporting will be determined through the agreement at COAG. Only in this way can government identify the most disadvantaged schools in order to guide resources towards them for the greatest possible effectiveness and improvement. We want to lift the standards in schools by ensuring that those schools that are disadvantaged and under-resourced become better resourced and that the standards and the resources are there for teachers to use so that outcomes can be improved. Only in this way can government get the information to analyse on a fair, consistent and accurate basis how schools are doing and give additional help to those genuinely in need.

Under this bill, non-government schools will receive general recurrent grants totalling some $26.3 billion over four years. This bill also establishes a capped Indigenous funding guarantee as a traditional measure to ensure that non-government providers do not lose funding compared with 2008 levels. This is part of the government’s policy to close the gap. There are many non-government schools in my own constituency of the Northern Territory that will benefit from this bill—43 schools in total throughout the Territory, at places such as Nguiu, Wadeye and Daly River, whose students are nearly all Indigenous. Our Lady of the Sacred Heart at
Wadeye has also recently been funded for a new trade training centre.

Two weeks ago I had the pleasure of visiting one of the non-government schools in my electorate to open a new boarding house and art and craft centre. Woolaning Homeland Christian College is about two hours drive south of Darwin, out in Litchfield National Park. I specifically mention this today because I promised the kids who sat in front of me on that day that I would mention them in this speech and that I would pass on to my colleagues in the Senate how enthusiastic they were about learning and how they had a thirst for knowledge. This school was opened in 2002 after the local Indigenous community negotiated with the Northern Territory Christian Schools Association to lease the land at a nominal rent for the purpose of a secondary school boarding college.

The federal government’s support has enabled this college to expand. The college now has five family boarding houses, with 60 beds in total. Such is the support for this school from communities in the region that they have a substantial waiting list. Another boarding house is due to open next year, taking their capacity to about 80 students. The students study secondary courses and can do vocational courses as well. They travel from their communities—from as far away as Ngukurr—to come to Woolaning. They live on-site and they learn a lot about self-sufficiency. They do their own housework and cooking, and they are wonderfully supported by a fantastic group of house parents. It is a pleasant, well-maintained campus where students can study and live happily while they do so. This bill will provide ongoing support to such places as Woolaning Homeland Christian College. It is with some pride that I stand in this chamber and say that I have been part of passing legislation that, because of the resources appropriated through it, will enable this school to continue to operate over the next four years. Again, I publicly pass on my congratulations to and pride in the students that I met and talked to that day.

This is a piece of legislation that starts to add to our education revolution. It provides funding and resources for schools in a fair and equitable way. It will ensure stability and continuity for non-government schools and particularly for Indigenous education around this country. (Time expired)

Senator FIFIELD (Victoria) (1.26 pm)—I rise to speak on the Schools Assistance Bill 2008 and the Education Legislation Amendment Bill 2008. The Education Legislation Amendment Bill amends the Indigenous Education (Targeted Assistance) Act 2000 to implement a range of appropriations. It also makes consequential and technical amendments to a range of other acts. The Schools Assistance Bill 2008 provides Australian government funding to non-government schools for the next four years—2009-12. It is the Schools Assistance Bill which I will primarily focus on this afternoon. The coalition has four principal concerns with the Schools Assistance Bill 2008. These concerns relate to the changes to the power of the minister to refuse or delay the payment of funding, the requirement for all schools to comply by 2012 with the yet-to-be-developed national curriculum, the new reporting requirements for schools relating to the disclosure of financial information and sources of funding, and the scrapping of the new non-government schools establishment grants program.

Before coming to these specific concerns, it is worth putting this bill in context. This is a government that promised an education revolution. With much fanfare, Mr Rudd and Ms Gillard toured the country in the lead-up to the last election promising a bold new era in Australian education. But, to my understanding, ‘revolution’ does not mean ‘a bit of tinkering’; it does not mean ‘the status quo’; it does not mean ‘slow, gradual change’. A revolution is a swift and dramatic shift. Labor’s education revolution was to be—as I understood and as I think most Australians understood—a complete rewriting of the prevailing paradigm of education in this country. But so far all we have seen is a record of failure, a bit of disappointment and not too much action. We have seen the abolition of the Investing in Our Schools Program, which provided $1.2 billion for vital school infrastructure and equipment. That program primarily addressed neglect by state and territory governments around the nation. We have also seen the winding back of the Australian Technical Colleges and plans to hand those Australian Technical Colleges back to state governments—the very state governments which abolished technical education in Australia in the first place. And what on earth has happened to the schools trade training centres that Labor promised?

And then there is the biggest failure of all: the computers in schools program. The Labor Party, in opposition, promised a laptop for every student in the country. We were told that the laptop was to be the toolbox of the future and that every student in the country would have a laptop. It was not too long before we found out that that promise had been divided by two—that is, only every second student would have a laptop and students would have to share.

The next instalment in the saga of computers in schools was revealed at the COAG conference last weekend where what we on this side of the chamber had been saying for months and months came to pass—that is, that the government had dramatically underfunded the computers in schools program. We had said, and schools around the country had said, ‘What is the point of giving schools computers if you do not give them the software or the capacity to put in extra cabling, the capacity to put in air conditioners to keep the computers and the classrooms cool or the ca-
pacity to secure those computers?’ And what did we find out at COAG? That the government had undercommitted by $800 million—not $100 million or $200 million but $800 million. That is a massive cost blow-out. I hope that Deputy Prime Minister Gillard, at her annual performance review with the Prime Minister, is taken to task because that is rank incompetence. But I am sure she will not be chastised by the Prime Minister for that 66 per cent cost blow-out, because we on this side of the chamber all know that Ms Gillard is performing a lot better in the public’s view and in House question time than the Prime Minister. So I think he will tread very warily and very carefully with Ms Gillard.

The Labor member for Fowler, Julia Irwin, shares a bit of the scepticism of this side of the chamber in relation to the education revolution. When she spoke on these very bills in the House on 21 October, she said that these bills:

... have been presented as delivering Labor’s promised education revolution.

She went on to say that the measures contained in the bills are ‘hardly a revolution’. Mrs Irwin, surprisingly, exposed the con and the sham of Labor’s education policy when she described the supposedly new Labor wave of education reform as the ‘so-called education revolution’. I suspect Mrs Irwin is attacking Labor’s reforms from a somewhat different ideological standpoint but, nevertheless, she has belled the cat—it is not a revolution of any sort.

The widespread concern in the non-government schools sector over this bill should serve as a message for the government. The government say that they will consult with the non-government schools sector on the implementation of this legislation, but these discussions will be after the fact. That is not consultation; that is notification. This funding needs to be delivered. Non-government schools require certainty over the funding that they are to receive from this bill so that they can properly plan for next year and beyond.

The coalition’s record on delivering support to all schools probably does not need to be defended. In government, the coalition were able to provide substantial funding to both government and non-government schools because we managed the economy well, paid down Labor debt and produced budget surpluses. That is a bonus from balanced budgets and having surpluses: you can actually afford to do good things for schools. On top of recurrent funding, the coalition also funded capital projects, particularly in government schools, which, as I said earlier, have been badly neglected by Labor state governments. Through the Investing in Our Schools Program, which Labor has now abolished, the coalition delivered nearly $1.2 billion in capital funding for schools right across Australia. Thousands of schools and hundreds of thousands of students have benefited from new computers, classroom furniture, playgrounds, sports fields and equipment.

In contrast, Labor’s attitude towards non-government schools has ranged between extremely reluctant support and outright hostility. Ms Gillard is dragging her caucus kicking and screaming to the provision of a level of support to non-government schools. And we should not forget that the Labor Party is a creature of the trade union movement. We know that the teachers unions would rather walk over hot coals than see even a single dollar of funding provided to non-government schools. The Australian Education Union has for some time now been running a dishonest and misleading campaign on schools funding. It claims that government schools are not properly funded by the federal government and that non-government schools receive a highly disproportionate level of funding. The AEU conveniently neglects to mention that government schools are owned and operated by state governments, which are and have always been their main funding source. The balance of taxpayer funding for schools in Australia is not tilted towards the non-government sector; quite the opposite in fact. Non-government schools enrol 33 per cent of students but receive just 25 per cent of total Commonwealth and state government funding. Yet the clear message coming from the education union is that non-government schools get too much money.

The danger for non-government schools and their teachers, parents and students is that the union view will gain currency in the Labor caucus. On this side of the chamber we all remember Labor’s private schools hit list. It is little wonder that non-government schools are suspicious of Labor’s motives in putting forward some of the provisions in this bill. Labor has a long and established history of attacking private schools. Any psychologist will tell you that the best predictor of future behaviour is past behaviour. Teachers, parents and students are right not to trust Labor when it comes to supporting a diverse schools sector.

The first specific concern that schools have with this legislation is the insertion of a new power for the minister to refuse or delay payment of grant money to a school on the basis that it receives a qualified audit. The purpose of this provision, contained at clause 15(c) of the bill, is to ensure that payment of public money is made only to financially viable schools. That is an appropriate aim; none of us would disagree with that. But this new clause deems that the delivery of a qualified audit could be sufficient to deny funding to a school. This shows a lack of understanding of the audit process itself. There are a whole range of reasons why an audit report may be qualified—for example, it may be that record-keeping has been deficient in some minor way. This sort of problem can be easily rectified and it does
not necessarily indicate that an entity is not in a sound financial position. There is no reason why the minister should have the power to refuse or delay payments to a school merely on the basis of a minor technical qualification of an audit.

The bill also seeks to tie funding for non-government schools to compliance with the national curriculum, yet the national curriculum is not drafted. I am pleased to see that the direction the curriculum seems to be heading in is a back-to-basics approach, but the parliament can hardly be asked to agree to make funding to schools conditional on compliance with a document none of us has yet seen. Indeed, a key issue is how prescriptive the national curriculum will be. The national curriculum does have the potential, if badly framed and implemented, to destroy choice in our education system. The non-government school sector is a big part of the culture of choice and diversity. If the national curriculum is framed and implemented in such a way as to erode the flexibility and choice of curricula available to parents when they choose schools for their children, non-government schools will have no choice but to comply or lose their Commonwealth funding.

The potential for removal of flexibility for schools in developing their curriculum content is of great concern for the non-government school sector. John Marsden, the principal of Candlebark School in Victoria, told the Senate inquiry into this legislation: The dead hand of bureaucracy already rests heavily upon Australian schools. The Parliament should be working to lift it, not to add to its weight.

If the government begins to take Australia away from a diverse schools system characterised by choice, the only destination will be a one-size-fits-all system that will require much more prescription and regulation, adding to the bureaucratic burden referred to by Mr Marsden. There is no reason why the funding delivered to non-government schools in this legislation needs to be tied to national curriculum compliance now. Let us see the national curriculum first and have a debate about it. There is also the concern that the insistence on compliance with the national curriculum will mean that schools will be unable to offer alternative curriculum choices such as the International Baccalaureate, Montessori courses and Steiner courses.

Parents and teachers are rightly anxious about another matter: why the government wants access to their funding sources. Everything from donations from parents to the proceeds of school fetes, raffles and cake drives will need to be disclosed under the new Labor regime proposed in the bill. There is no disclosure threshold, so effectively the government wants to subject schools to a stricter regime of financial disclosure than is applied to political parties and candidates. Requiring the disclosure of this sort of information is unnecessary, and we on this side are very suspicious of Labor’s motives. There is a real and legitimate fear that this information will be used against non-government schools. Our fear is that the old politics of class envy, which we saw under the leadership of Mr Latham, is lurking below the surface of this bill, and that this bill will enable the government to give effect to that politics of envy at some point in the future.

We also have the concern that, the moment such information is published—something which is not required at the moment—no matter what the data shows, the teachers’ unions will be out there saying that private schools are awash with money and that those schools should not receive any taxpayer support. No doubt many on the Labor side will echo these sentiments, and I fear it will be only a matter of time before Ms Gillard is forced to cave in to union and caucus pressure, just as she has done on union right of entry into workplaces. My fear is that Labor will use this legislation to justify a redistribution of public funding away from non-government schools, just as was proposed in Labor’s schools hit list under Mr Latham. This would be a devastating blow to school choice in Australia.

The coalition in government was a strong supporter of choice in education. One way that the coalition supported the development of the non-government school sector in Australia was through the new non-government schools establishment grants. But the Rudd government, through this legislation, is phasing out these grants. This is a direct attack on the development of new non-government schools. There is no other way to look at it. This legislation will make it much, much harder for new non-government schools to be established. What this government should be doing is facilitating parental choice, not making that choice harder. Instead, the removal of this assistance will make the establishment of non-government schools that much harder and that much less likely.

Parents of students at non-government schools are taxpayers. They deserve a level of public support for their children’s education. In many cases, parents who send their kids to non-government schools make enormous sacrifices to send their children to those institutions. In many, many cases the parents are not wealthy, both parents work hard and they sacrifice a lot to provide that opportunity for their children. And it is the responsibility of government to help facilitate that sort of choice and to help support parents in making that sacrifice.

It is a deliberately dishonest stereotype promoted by Labor’s class warriors to try to imply that all parents of private school students are rich. Students at non-government schools receive a lesser share of public funding than students at government schools. That means that the non-government schools sector is mak-
ing an enormous contribution to the wellbeing of the government school sector in Australia. The more students that are enrolled at non-government schools, the more funding is freed up to improve the government sector. To put it more simply: every student who attends a non-government school saves the taxpayer money and frees that money up for the government sector.

The coalition supports choice in education. We are the champions of a parent’s right to choose the best school environment for their kids. It is essential that this funding be delivered to non-government schools. On this side of the chamber we hope that the government does not hold students at non-government schools hostage to ideology and that it does split the funding of the non-government schools from those areas in this legislation which we have concerns about. Some of the onerous and unnecessary requirements imposed by this legislation ought to be discarded. I urge all senators to support the opposition’s amendments to this bill. We should be giving schools our support, not new red tape to strangle them with. (Time expired)

Senator KROGER (Victoria) (1.46 pm)—I thank the Senate for the opportunity to speak on the Schools Assistance Bill 2008 and the Education Legislation Amendment Bill 2008. I support the Education Legislation Amendment Bill 2008 without reservations. The bill is to amend the Indigenous Education (Targeted Assistance) Act 2000 to provide additional funding for non-government schools teaching a significant number of Indigenous students. Minister for Education Julia Gillard has estimated that $5.4 million additional funding will be granted for this purpose, with special emphasis on non-government schools in remote and very remote areas. Whilst I support this bill, I have strong concerns about four sections of the Schools Assistance Bill 2008 as proposed by the Rudd Labor government.

The Schools Assistance Bill 2008 is the primary funding instrument for non-government education in Australia. Between 2009 and 2012, primary and secondary schools will receive $28 billion to provide non-government education. I am delighted that the Rudd Labor government has not reduced this figure and has followed the spirit of the last funding agreement the former coalition government made available. However, the bill introduces a number of changes which will make these payments conditional on the schools agreeing to new rules—for example, following the national curriculum and disclosing all private funding sources. These proposed changes are of great concern to non-government schools in Australia.

It is disappointing that we have so little time to discuss these issues. If we do not pass the Schools Assistance Bill 2008 in the Senate this week, the threat of no funding in early 2009 will hang over the very heads of private schools. These schools are worried, and should be, that they may not be able to open their doors for the new school year. The bill provides for great controversy, as the report of the Senate Standing Committee on Education, Employment and Workplace Relations has highlighted. I support the coalition’s amendments to this bill. It is of great importance that we do not link all the conditions that the Rudd Labor government intends to introduce in this appropriation bill to non-government school funding.

In clause 24 of the bill, the Rudd Labor government imposes on non-government schools the need to provide reports to the minister in relation to programs of financial assistance and the financial operations of the school, including its financial viability and funding sources. Funding sources is a new concept in this context. At the moment, the minister collects relevant but not all information about school incomes as part of government surveys of schools. This information is kept confidential and is not published; it is treated as commercial-in-confidence. But with clause 24 of the bill, this is all about to change.

Firstly, the clause gives the minister substantial new powers to demand information about the internal financial affairs of a school, as it demands the disclosure of all funding sources for the school or anybody associated with the school. In other words, the minister will learn all about scholarship funds, donations and all other sources of funding, such as profit-generating activities or community fundraising achieved by parents and friend associations.

Before commencing my career in this place, I worked as a fundraiser for a leading non-government school in Melbourne. From this experience, I question the Rudd Labor government’s intention with this clause. What business is it of the government to know whether a group of committed parents organise a raffle to pay for new sporting equipment or shadecloth for the playground? By pursuing personal fundraising activities, parents can directly have a say in what is important to them and what value they can add to the education of their kids. Parents and alumni often donate for particular activities and scholarship programs on the basis of anonymity. I have experience of many instances where they have value-added to the education on offer on the very basis that this generosity is not disclosed so that it does not directly affect the children in the school.

Clause 24 clearly manifests a breach of commercial-in-confidence. It could lead to a situation which scares off potential benefactors, and certainly from my direct experience it would achieve that. Education minister Gillard has tried to explain why Labor insists on the clause. In her second reading speech on the bill she said:
Only by understanding the total amount of funds at the disposal of individual schools is it possible to understand the relationship between resourcing and educational outcomes.

This argument is not convincing. Independent schools already provide the minister with enough information through their annual financial questionnaires.

Secondly, what worries me even more is the general phrasing of clause 24, which would allow for the publication of that information. This is a critical change. Independent schools fear this plan and they fear it for all the right reasons. In his submission to the inquiry into the Schools Assistance Bill 2008, Ballarat and Clarendon College Principal David Shepherd wrote:

We already provide exhaustive reports to receive appropriate funding and are concerned more detailed information may be counterproductive if misinterpreted by publicity or at worst used for purely political purposes.

This is not a minority view. This unease is shared by many other professionals, including the Deputy Chair of the Association of Independent Schools of Victoria, Heather Schnagl. She also provided evidence to the education committee and I quote her:

Independent schools have no problem with our financial accountability to the federal government ... and we are very happy to publicly account for all public money. We are concerned about the potential, in publishing of all sources of moneys, for it to be distorted in the public press. I can just see the headlines on the front page of the media if they publish that: ‘So-and-so School has this amount of money to spend on each individual student."

What Ms Schnagl clearly fears is a new move by Labor to reinstate the notorious hit list that my colleague Senator Fifield has already mentioned. We all remember this attempt to target the wealthier schools. Labor’s statements are on record regarding not only the hit list but also the SES model, which does not require publication of this commercial-in-confidence information.

We know that Labor still follows an ideologically driven desire to punish schools—yes, punish—which are creative, proactive and successful in raising additional funds. We know there is still a hidden agenda.

Publishing funding sources to understand the relationship between resourcing and educational outcomes is just not necessary. In 2005-06 the cost of educating a child in a government school was on average $11,243. The cost to government of educating a child in a non-government school in the same period was only $6,268. As a result, we already know where we stand today. We know that private education is costing the taxpayer less money whilst achieving outcomes equal to, and in some cases better than, public schools.

Interestingly, the government’s own survey highlighted what parents considered to be a priority. The government’s own survey showed that the disclosure of private funding sources ranked only ninth out of 13 criteria. What parents considered far more pressing and of concern and ranked up the top was literacy and numeracy—hardly a surprise. The survey also highlighted that parents were worried about the direction of the proposed national curriculum. Three out of four parents stated they would be very alarmed if they sent their children to a Steiner or Montessori school or a school offering the International Baccalaureate or the University of Cambridge International Examinations program.

This was as well as the individual student programs offered by special needs schools.

Clause 22 of the Schools Assistance Bill determines that non-government schools will only receive funding under the condition that they commit themselves today to follow a national curriculum which is still in the making. At this stage we have little idea of what the national curriculum for the four proposed subjects—maths, science, history and English—will look like. Although discussion papers have been published by the Interim National Curriculum Board, there is still much room left for speculation on how the national curriculum will be defined. All we know today is that the national curriculum is to be introduced in 2011. The final documents will not be released until some time in 2009, yet the Schools Assistance Bill ties school funding to the acceptance of that curriculum. As senators heard repeatedly in the inquiry into the Schools Assistance Bill, this proposition is highly unfair. Several of those affected, such as members of the Association of Independent Schools of Victoria, have stated they should not be forced to agree to a curriculum they have never seen.

The development of a national curriculum began under the Howard government, and may I say it is a courageous and crucial venture. Australia does offer a confusing array of curriculum frameworks. At a state and territory level the authorities provide their own set of rules when it comes to determining what is taught, how it is taught and how it is assessed. As a consequence, students who move interstate struggle to keep up with their new curriculum framework and risk losing valuable study time while catching up with the different learning programs. The current system of competing curriculum frameworks also exacerbates a significant problem in the education system: that graduating students fail to reach a required standard of achievement measuring their competence when they leave school. Whilst I do support the establishment of a national curriculum, I have deep concerns about the direction the Rudd Labor government is taking to address the challenges in our education system.

There is a serious risk that this national curriculum could become substandard and flawed, yet Labor insists that non-government schools commit themselves to a curriculum that they have not only not seen but not had the opportunity to debate. Today when we discuss this bill we have no idea what direction this national curriculum will take. Will it be mandatory to follow, or...
will there be room for flexible teaching methodologies? The government needs to recognise the specific curriculum provided by schools such as the Christian, Montessori and Steiner schools along with the successful International Baccalaureate program. In her second reading speech on the Schools Assistance Bill, Minister Gillard stated, ‘The national curriculum once agreed and completed will be compulsory.’ Only two sentences later she said:

The national curriculum will not be a straitjacket for schools. It will provide for flexibility and scope to allow schools and teachers to implement its content and achievement standards in appropriate ways at the local and school level.

But this still leaves room for speculation on how prescriptive the national curriculum and its imposition will be.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Economy

Senator WILLIAMS (2.00 pm)—My question is to the Minister representing the Treasurer, Senator Conroy. I refer the minister to the fact that there has been a two per cent reduction in official interest rates since 3 September this year and that most small businesses and farmers have received only a one per cent reduction. What steps is the government taking to ensure the full cut of two per cent, plus whatever the Reserve Bank decides today, is passed on to the vital small business and farm sector?

Senator CONROY—I thank Senator Williams for his question. After 10 interest rate rises under the Liberals the Rudd government wants to see interest rates as low as possible. At times like this it is critical that fiscal policy and monetary policy are working in tandem to strengthen the Australian economy and to protect households. We do not comment on future movements in rates; that is a matter for the independent RBA. However, let me be clear: we understand that families, pensioners and small business operators are under pressure from the global financial crisis. That is why we have acted early and decisively to strengthen our economy. It is also why we wholeheartedly welcomed the substantial rate relief delivered by the Reserve Bank in recent months. We have also delivered the Economic Security Strategy, and that relief was vital for families and vital for the strength of our economy. For those reasons we expect banks to pass on any future official interest rate cuts in a timely manner.

Australians can take heart from the fact that both the government and the RBA are doing their bit to strengthen the Australian economy and protect jobs in the face of the global financial crisis. We will not hesitate to take further action to strengthen growth and limit the impacts of the global financial crisis. Already, the Treasurer today and yesterday has made it abundantly clear that we expect the full benefits to be passed on to— (Time expired)

Senator WILLIAMS—Mr President, I ask a supplementary question. How does the government expect businesses, especially in rural communities that have suffered up to seven years of drought, to maintain employment levels and remain financially viable if the full reduction in interest rates is not passed on to the borrower?

Senator CONROY—I think that Senator Williams and the government are at one. It must be another split in the coalition! Clearly, those opposite me are happy to sit on their hands and do nothing but, Senator Williams, you are prepared to be proactive like this government, and say, ‘We want those interest rate reductions, if that is what is to occur, to be fully passed on.’ Unlike those opposite, this is a government that intends to act decisively and quickly to ensure and protect Australian families, small business and the rural sector. That is why we have been prepared to act so quickly and we will continue to put pressure and expect and demand that, if there is movement today, that that is fully passed on to Australian families, small businesses and the rural sector. But, unlike many of those opposite, Senator Williams— (Time expired)

Senator WILLIAMS—Mr President, I ask a further supplementary question. Given that taxpayers have underwritten our banking system, surely it is incumbent upon the government to take firm action and show real leadership to ensure the survival of our private sector. So I ask again: will the government ensure fair treatment for our small businesses and farmers from the banks, rather than deliver just spin and weasel words?

Senator CONROY—As I said, after 10 interest rate rises under the Liberals this government wants to see interest rates as low as possible. The government has called on banks to act competitively and responsibly. We expect them to behave fairly to all sections, not just the rural sector but small businesses and Australian families. We have made it clear that this includes credit card users. I understand that some financial institutions are yet to pass on the RBA interest rate cuts to credit cards and many personal loans. The government recognises that the risk profiles of credit cards and personal loan products are different, but it is important that the RBA rate decreases are passed on just as quickly as the rate rises. Credit cards are offered by a broad range of bank and non-bank providers— (Time expired)

Murray-Darling River System

Senator HURLEY (2.06 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Can the minister advise the Senate what steps the government is taking to provide for the water security of the people of the Murray-Darling Basin? Is the
minister aware of any threats to the government’s actions?

Senator WONG—I thank Senator Hurley for her question and her continued interest and work in the context of water policy. Since gaining office 12 months ago, the Rudd government has made significant progress in strengthening and improving water security in this country. Senators will be aware of the government’s $12.9 billion long-term plan, Water for the Future, which is all about preparing Australia for a future with less rain as a result of climate change.

We all know that the most pressing water security challenge that Australia faces is in the Murray-Darling Basin. We know that years of mismanagement, over-allocation, drought and climate change have taken their toll on the Murray, and we have had 37 consecutive months of below average inflows into the Murray. We also know that what is needed is a new approach. I want to quote the Leader of the Opposition, who, when he was a minister, said this:

The principal problem with the Murray-Darling Basin has been that it’s never had a basin-wide plan. It’s never been run as one.

We in the government are delivering on what Mr Turnbull said was needed. We have forged an agreement with the states which is about, for the first time, running the Murray-Darling Basin, managing that basin, as a whole of basin—exactly what Mr Turnbull said was needed.

But of course the question is whether or not this historic agreement is threatened by the same people—those on the other side—who were unable to deliver any progress on the Murray for their entire 12 years in government. We know that there is division on the other side between those who are more sensible about this issue and those who want to play short-term political games with the long-term future of the Murray-Darling Basin. What we know is that we will see again in this place, just like we did on the carbon sinks, debate over whether those on the other side will in fact back Mr Turnbull, because it was Mr Turnbull who recognised that a basin-wide approach was required. (Time expired)

Senator HURLEY—Mr President, I ask a supplementary question. Can the minister outline to the Senate how the people of Adelaide will benefit from the government’s plans?

Senator WONG—I am very grateful to Senator Hurley, who lives in Adelaide, for the question. For the first time, the legislation that the government is proposing to put in place, subject to the parliament carrying it, will ensure not only that priority is given to the critical human needs of those towns and cities which rely on the Murray-Darling—we know that Adelaide in particular is reliant on the Murray—but also that issues such as conveyance water and upstream storage are dealt with. That means that we are more able to safeguard Adelaide’s water supply. That is what this agreement means.

What is putting this at risk is the game-playing on the other side. Really, this ends up being a matter for Mr Turnbull. Mr Turnbull said on Adelaide radio today that you will pass the bill. The question is whether Mr Turnbull can ensure that his troops deliver—or will we see a repeat of yesterday, where we saw a split in the coalition on this issue?

Senator Bob Brown—Mr President, I rise on a point of order. I ask if you would look at the answer being given to that question and at standing order 73(2). Perhaps, after consideration, you could see whether it is within standing orders to anticipate discussion on a matter that is still to be debated in the chamber.

The PRESIDENT—Senator Wong has the call.

Senator WONG—As I was saying, the issue is whether those on the other side will actually sign up to the promises?

Senator McGAURAN (2.12 pm)—My question is to the Minister representing the Treasurer, Senator Conroy. Was the government aware of the global financial crisis when it was constructing Labor’s budget

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this year and therefore did it factor in its oncoming effects?

Senator Faulkner—Even for you, that is a stupid question.

Senator CONROY—Be fair, Senator Faulkner—

The PRESIDENT—Senator Conroy, address the question and address your remarks to me.

Senator CONROY—Mr President, as I said last week, we are still forecasting modest growth and modest surpluses. But as I also said, at the time of MYEFO and the budget, we recognised that the risks here were to the downside. It is written there in black and white, clearly. Check out the risks section.

Senator McGauran—I asked about forming the budget.

Senator CONROY—I said the budget: MYEFO and the budget. As much as those opposite appear not to want to accept it, we are facing unprecedented uncertainty in the global economy. The rapid deterioration in the global economy has seen both the IMF and the OECD revise down their global growth forecasts in the past month. If global conditions continue to worsen, as they have been over the past month, I have already indicated to the Senate that there will be a further slowing of growth in the Australian economy.

The government will always be upfront with the Australian community about the global challenges we face and their impacts here. As the Prime Minister has said, the global financial crisis continues to evolve in unpredictable ways and it is impossible to predict the future with absolute precision. That is why we remain prepared to take whatever action is necessary to support growth and to support jobs. The Leader of the Opposition might be prepared to sacrifice Australian jobs to make a political point. He may be prepared to do that, but we on this side will never sit on our hands if action is necessary to protect local jobs from this global crisis and global recession. (Time expired)

Senator McGauran—Mr President, I ask a supplementary question. Then, Minister, who is right: the Deputy Prime Minister, when she said on the ABC on 7 November:

When we put the Budget together in May, obviously we weren’t predicting, and no one was predicting, the global financial crisis which then emerged.

Or you, Minister, when you said last Thursday—and just confirmed in the answer to my first question:

In the May budget the government was acutely aware of the risks posed by the global financial crisis.

Senator CONROY—Those on the opposite side still do not fully understand the global economic context we are now operating in.

Opposition senators interjecting—

Senator CONROY—The facts may not be something that the opposition want to entertain, but let’s be clear about this. The OECD’s economic outlook report is now expecting growth across the OECD member countries as a whole to contract by 0.4 per cent over 2009. The government has already taken early and decisive action with a $10.4 billion—

Senator Abetz—Mr President, I have a point of order on relevance. Senator McGauran asked a very specific question and provided the minister with two contradictory statements, one made by the deputy leader in the House and one made by the deputy leader in the Senate. He was asked to comment on those contradictory statements—not to tell us about all these other matters that he is so anxious to tell us about. This is, in fact, question time, and he needs to respond to the questions.

Senator Ludwig—Mr President, on the point of order: this is the difficulty when a point of order is taken in relation to relevance when the question itself—

Honourable senators interjecting—

The PRESIDENT—Order on both sides!

Senator Ludwig—is misplaced. What Senator Conroy was doing was answering the question in terms of being able to provide specific information to the opposition about the question. The difficulty always is, if a wrong proposition is put forward and the government is asked to confirm or deny one or the other of the sides, it becomes impossible to do that when the question itself is flawed. In this instance, I would ask you to submit that Senator Conroy is answering the question to the best of his ability and as accurately as he can.

The PRESIDENT—I have been listening to the answer of Senator Conroy for the last 48 seconds. You have 12 seconds remaining, Senator Conroy, and you need to be relevant to the question that has been asked.

Senator CONROY—As my colleague was so eloquently pointing out, the question is based on a false premise. It is based on the economic illiteracy of those opposite— (Time expired)

Senator McGauran—Mr President, I ask a further supplementary question. Minister, you can duck and weave, slip and slide around the answer to that question, but doesn’t it show the contradictory statements of the deputy leader in the House and you, the deputy leader in the Senate—

Government senators interjecting—

The PRESIDENT—Order on my right! I have got to be able to hear Senator McGauran’s question and so has the minister. Start again, Senator McGauran.

Senator McGauran—Minister, don’t those contradictory statements by the deputy leader in the House and you, the deputy leader in the Senate, prove beyond doubt that Labor has no coherent economic strategy
and that Labor are lurching from error to mistake to bungle while driving the Australian economy from bad to worse and squandering the inheritance left to you by the coalition government? As the Reserve Bank governor commented, we have the fundamentals that other countries would kill for.

Senator CONROY—I accept it will be hard to be relevant to that stream of consciousness, because there certainly was not a question in it that I could detect.

Senator McGauran—Mr President, on point of order on relevance: the question was for the minister to comment on the contradictory statements between the deputy leader in the House and the deputy leader in the Senate. The Deputy Prime Minister said:

When we put the Budget together in May, obviously we weren’t predicting, and no one was predicting, the global financial crisis which then emerged.

That is the Deputy Prime Minister. The deputy leader in the Senate said:

In the May budget the government was acutely aware of the risks posed by the global financial crisis.

Those statements are contradictory and I am asking the minister to comment on them.

Honourable senators interjecting—

The PRESIDENT—I am overwhelmed. When there is order, I will give you the call, Senator Evans.

Senator Chris Evans—Mr President, on the point of order: my first intention was to move an extension of time for Senator McGauran, but I would like to speak on the point of relevance, which is that Senator McGauran is trying to make a point of relevance on the original question he asked, not on the second supplementary—which was not what he referred to in his point of order. Senator McGauran ought to read his notes again, because I think he got a little mucked up, and the second supplementary did not go to the questions he raised in his alleged point of relevance. So there is no point of order, and I suggest that Senator McGauran pay closer attention to the notes that Senator Abetz provides him with.

The PRESIDENT—Order! Senator Conroy is 12 seconds into the answer and has 48 seconds left to complete the answer. Senator Conroy, I draw your attention to the question and I give you the call.

Senator CONROY—As I was saying, the stream of consciousness that was just put forward actually contained little accuracy and little substance. So it will be very hard to be directly relevant to such a stream of nonsense. Those quotes that they continue to assert are contradictory are not contradictory. The fact is that those opposite are completely bereft of an understanding of fundamental economics. All I can say—and Mitch is not even here to hear this—is: give poor Senator Fifield a go at writing these questions, because you might then find somebody who understands something about economics. The whole premise of the question is false. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the President’s Gallery of members of an Australian Political Exchange Council delegation from the People’s Republic of China. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Workplace Relations

Senator MARSHALL (2.23 pm)—My question is to the Minister representing the Minister for Employment and Workplace Relations, Senator Ludwig. Can the minister inform the Senate of the benefits of the government’s Forward with Fairness policy and how this policy is redressing the imbalance between employees and employers under the former government’s Work Choices legislation?

Senator LUDWIG—I thank Senator Marshall for his question. I know that he has a great interest in the government’s new workplace relations policy. The Rudd government’s policy is not about giving power to employers or unions; it is about getting the balance right—something the opposition have taken a long time to actually come to understand. When they were in government they did not get the balance right. This government took an unprecedented consultative approach in respect of the policy to ensure that governments, players within the system, and corporations—both large and small—would have an opportunity to look at the policy and the legislation that has come forward.

Regarding the specific areas of the new workplace relations system, the government made a commitment in the Forward with Fairness policy on right of entry rules. We are delivering on that promise to ensure that only fit and proper persons are permitted to enter workplaces on behalf of unions and that they understand that their rights come with significant responsibilities. The new right of entry rules will allow unions to view non-member records as well as member records when investigating a breach. Unions will have access to these records only in cases where the records are relevant to a suspected breach of the law or industrial instrument, and there are strong protections in place to ensure that that right is not misused.

As outlined in Forward with Fairness, the low-paid bargaining stream is not in any way about pattern bargaining. It helps facilitate bargaining for those low-paid employees and their employers and it will also ensure that they receive the benefits of bargaining—something that the opposition did not allow the low-paid to access. It will help facilitate bargaining for
those who are low paid. Importantly, compulsory arbitration is not a feature of the new system. The system is based on bargaining in good faith. (Time expired)

Senator MARSHALL—Mr President, I ask a supplementary question. I thank the minister for that answer. Can the minister confirm to the Senate that the specific changes the government is making to the laws governing union right of entry to workplaces will consider the rights of both employees and employers?

Senator LUDWIG—I thank the senator for his question. I am pleased to be able to explain how our policy is far better than Work Choices. Even Mr Turnbull said that Work Choices is dead. The opposition’s Work Choices legislation permanently removed the right of unions to enter workplaces to hold discussions with employees. In our view, that was completely over the top. The Rudd government’s right of entry laws consider the right of employees to be represented by unions and to hold discussions and ensure the right of employers to run their business without interference. The government’s new workplace relations system will ensure that unions comply with strict entry conditions. The union official must hold a valid right of entry permit—a permit which is only issued to a fit and proper person; the permit holder must give at least 24-hours notice before entering; and the permit holder must, on the basis on which he or she enters, exercise that right—(Time expired)

Senator MARSHALL—Mr President, I ask a further supplementary question. I thank the minister for his answer to my supplementary question. Can the minister further inform the Senate on how the opposition is misrepresenting the government’s Forward with Fairness policy and attempting to distort the effect of Forward with Fairness?

Senator LUDWIG—Yesterday the parliament heard a lot from the opposition about the government’s new workplace relations agenda. Most of it was inaccurate, anti-worker, anti-union and, quite frankly, fearmongering. Opposition members were in the House criticising the changes but told us that they would support the bill in the Senate, and we look forward to that support in the Senate. Liberal backbencher Mr Roberts, the member for Fadden, said that the government’s legislation breaks a list of promises, particularly about the union’s right of entry to a workplace. As I have outlined, that is completely inaccurate and misses the point. This is about ensuring that Work Choices is dead. It is about ensuring that this government’s agenda on restoring the balance to the industrial relations system is brought forward. The reforms in Forward with Fairness, presented at the last election, were decisively endorsed by the electorate, and the opposition should listen to what the electorate has said. The government’s promise in Forward with Fairness—

(Time expired)
before the last election—$270 million for a four-year extension of the ABG. (Time expired)

Senator FISHER—Mr President, I ask a further supplementary question. Even if the government’s $4.7 billion is provided as a full subsidy, isn’t it inevitable that Australian broadband users will be paying more for an equivalent service under the NBN, and will the government assist those Australians who are forced to pay more for the same or less?

Senator CONROY—Again, there is a string of false premises in your question. They are just wrong. This is a string of assumptions built on assumptions that actually lead to a completely incorrect question, because this is a government that is committed to delivering all Australians faster and cheaper broadband. Notwithstanding the active attempt to sabotage a live tender process by those opposite, this government will not be diverted. It will not do what those opposite did during their broadband tendering process, which is to shift the goalposts; to offer an extra $200 million or $300 million, 50 per cent extra; to only tell one bidder out of 28, while the other 27 knew nothing about the change in the goalposts; and with the extra money on the table—(Time expired)

Australian National Academy of Music

Senator MILNE (2.34 pm)—My question is to the Minister representing the Minister for the Environment, Heritage and the Arts, Senator Wong. Given that the government has acknowledged that the artistic program of the Australian National Academy of Music is first class, by appropriating the name and reputation of the institution, why is the artistic leadership being handed over to a board of not one practising musician of international standard on it. I also note that she talks about a revitalised program without telling me what is wrong with the existing program that has won such an amazing global prize. Can the government guarantee that, by July next year, the new fledgling institution will be able to provide the level of programs that the existing academy currently provides, which are celebrated around the world? If not, why is the government closing this academy?

Senator WONG—I have previously outlined the reasons that the minister has given for his decision in relation to the ANAM. I have made the point that it was established to be a national training organisation drawing students from around Australia, but approximately 53 per cent of students come from Melbourne. The minister consistently sought the ANAM’s commitment to a flexible approach to its training program, such as the option of appropriate accreditation of courses for its students, but the board declined to address such a request. Successive governments have sought the board’s commitment to a range of reforms to the ANAM’s operations arising from two independent reviews of the ANAM between 2004 and 2006. I think I have previously dealt with this issue in the Senate.

Senator Bob Brown—Mr President, on a point of order: this new question time was aimed, amongst other things, to keep relevance in the answers to questions. But again the minister is absolutely ignoring the central question about the make up of the board proposed for the new institution. She ought to answer it.

Senator WONG—Can I make the point that I was also asked, at the end of the supplementary, about why the government made the decision. So, with respect to Senator Brown, I was specifically addressing the issue.

Senator MILNE—Mr President, I ask a further supplementary question. I note the minister’s answer and I still note that the government is continuing to peddle the view that the independent reviews have suggested that the academy should be closed down when in fact both reviews suggested increased funding and expansion of programs. Given that there are no appropriate transitional arrangements in place as of today, 2 December, for the beginning of the new academic year for students and teachers, some of whom are in the gallery today, why can’t this completely unacceptable arrangement be altered to provide a 12-month moratorium on the closure of the academy to give certainty to students and the teaching faculty.

Senator WONG—Thank you to Senator Milne for the question. First, in relation to the ANAM, the Australian government has made it clear—Minister Garrett has made it clear—that funding for this training will not be reduced, that $2½ million will be provided annually for a revitalised program to be delivered through the university’s faculty. I also want to note, in the context of the question, that Minister Garrett has announced an additional $500,000 in 2008-09 to boost the level of performance training available to students as they move to the new program. In relation to Mr Dean—and I share with Senator Milne congratulations to Mr Dean for this award—I do understand that Minister Garrett met with the artistic director and ANAM students earlier today. I am advised that it was a constructive and fruitful meeting. I am also advised that Minister Garrett will continue to engage with both Mr Dean and also the University of Melbourne as this change to government funding arrangements is progressed.

Senator MILNE—Mr President, I ask a supplementary question. I thank the minister for her answer. I note that she did not respond to my question about why the artistic leadership is being handed over to a board with not one practising musician of international standard on it. I also note that she talks about a revitalised program without telling me what is wrong with the existing program that has won such an amazing global prize. Can the government guarantee that, by July next year, the new fledgling institution will be able to provide the level of programs that the existing academy currently provides, which are celebrated around the world? If not, why is the government closing this academy?
while the long-term future of the academy is determined? Why can’t we do that?

Senator WONG—As I have indicated, the government is working closely with the University of Melbourne to ensure that the transition to the delivery of the enhanced training program is as smooth as possible. I have already indicated that Mr Garrett has met with Mr Dean and students today to discuss these issues. I am also advised that the planning advisory board—

Honourable senators interjecting—

The PRESIDENT—Order! The time for debating this issue is at the end of question time, when senators can take note of answers.

Senator WONG—I am also advised that on 26 November the university announced the appointment of a planning advisory board, which is comprised of leading international and national authorities on elite classical music training, to develop and improve program. It includes representatives from the leading conservatories of Paris, London—that is, the Royal School of Music—and North America, and from the Queensland Conservatorium of Music, the Melbourne Symphony Orchestra and Opera Victoria.

Oceania Nautica

Senator TROOD (2.42 pm)—My question is to the Minister representing the Minister for Foreign Affairs, Senator Faulkner. Is the minister aware of reports that last Sunday the cruise ship Oceania Nautica, with 50 Australians aboard, came under direct threat of piracy in the Gulf of Aden? In view of the evident threat to Australian lives, what steps is the government taking to protect Australians travelling in a vital shipping lane, one that has become the world’s most dangerous stretch of ocean?

Senator FAULKNER—I thank Senator Trood for his question. I am aware of media reports of the incident involving pirates and a luxury—

Senator Abetz—Only media reports?

Senator FAULKNER—that was the question, Senator. I am aware of media reports of the incident involving pirates and a luxury cruise ship, the Oceania Nautica, in the Gulf of Aden between Somalia and Yemen on Saturday, 29 December. I understand that approximately 50 Australians were among the 684 passengers. Our embassy in Riyadh has confirmed that shots were fired at the ship but no passengers or crew were injured and the ship has continued with its cruise. The embassy is attempting to make contact with the shipping company concerned to offer any consular assistance required.

The Department of Foreign Affairs and Trade travel advice ‘Travelling by sea’ includes strong advice on the dangers of piracy, particularly in and around Somali waters and the Gulf of Aden. Australians are advised to exercise extreme caution when anywhere near these waters. To our knowledge, no other Australians nor any Australian vessels have been subjected to recent attacks by pirates in the region. This of course does not lessen the gravity of the situation. As senators may be aware, the UN Security Council is currently considering what further steps can be taken to address piracy off Somalia’s coast. (Time expired)

Senator TROOD—I thank the minister for his response and for his recognition of the gravity of this situation and ask a supplementary question. Is it true that earlier this year the government convened an interagency assessment of the piracy threat to shipping in the Gulf of Aden and decided to leave counterpiracy activities and the protection of Australian interests to other countries?

Senator FAULKNER—I have no briefing on that issue. If it is of assistance to Senator Trood I can certainly confirm that Australia has supported UN efforts on the issue. I do know that in June 2008 Australia co-sponsored an antipiracy resolution that was unanimously passed by the UN Security Council and I know that this resolution enables states and regional organisations to undertake all necessary means to combat piracy off Somalia’s coast in a manner consistent with international law, and the council is considering renewing the resolution. Senator, I have no briefing specifically on the matter that you have raised and I will need to ask the Minister for Foreign Affairs if he can address it for you.

Senator TROOD—Mr President, I ask a further supplementary question. Minister, I would be grateful if you would explore that matter and provide an answer to the Senate because it is a matter of considerable importance. In light of this very serious matter and the fact that Australian lives are potentially at threat in these circumstances it seems to me that we should take rather more action than just supporting UN actions. So I ask the minister whether or not there have been any more specific activities undertaken, either through diplomatic channels or otherwise, that can ensure and guarantee to Australians that their lives will not be at risk when they are on cruises?

Senator FAULKNER—Perhaps I can assist Senator Trood at least in part in response to his second supplementary question. It is certainly the case that a number of countries are contributing naval resources for surveillance and protection activities off Somalia’s coast. This includes members of the European Union, NATO, the US, the UK and others. Australia is considering whether there is any way we may be able to support these efforts but, of course, senators would be aware that Australian Defence Force resources are significantly committed elsewhere.
Economy

Senator FURNER (2.47 pm)—My question is to the Minister representing the Treasurer, Senator Conroy. Can the minister update the Senate on the outcomes of the Reserve Bank of Australia’s board meeting today?

Senator CONROY—Mr President, I will take this opportunity to inform the chamber that the Reserve Bank has just announced that it will be reducing the official cash rate by 100 basis points to 4.25 per cent. We join with Australian families and businesses in welcoming this substantial relief. This is a vital rate cut from the Reserve Bank delivered at a time when all our joint efforts are directed towards strengthening the economy and protecting jobs. The Rudd government and Australian families expect banks to pass the cut on responsibly and fully. I indicate that already the Commonwealth Bank has advised it will pass on this decrease in full.

Mr President, I have spoken many times in this chamber about the substantial challenges that confront our economy. These challenges originated in global financial markets. Given the speed and scale of subsequent events we are not immune to the new-found real economy realities which confront major and developing economies around the world. Today’s decision by the RBA means that monetary and fiscal policy are working together to give relief to families and protect jobs.

That is why this government was so decisive and swift when it decided to introduce its economic strategy and when it fought against those opposite to deliver a budget surplus, which would give us the capacity to respond when the time was needed. That time is now. As we have repeatedly said we will take whatever further action is necessary to protect Australian families and protect Australian jobs unlike those opposite who want to sit on their hands and pretend that nothing is happening.

Senator FURNER—Mr President, I ask a supplementary question. Can the minister outline how the RBA’s decision in tandem with other measures will strengthen the economy in the current global economic climate?

Senator CONROY—We have been upfront about saying that the global financial crisis will slow growth and threaten jobs in Australia. In the face of these almost unprecedented global economic challenges the Rudd government has taken early and decisive action to strengthen growth and support households during the global financial crisis. With today’s further cut in official interest rates and the Economic Security Strategy payments this month, monetary and fiscal policy are working together to give relief to families and protect jobs. The Economic Security Strategy will deliver $1,400 for single pensioners, $2,100 for pensioner couples and $1,000 per child for families on FTBA in a lump sum payment before Christmas. (Time expired)

Senator FURNER—Mr President, I ask a further supplementary question. How does the government’s policy approach compare to that advocated by the opposition?

Senator CONROY—Australians can take heart at the fact that both the government and the RBA are willing to make the tough decisions to strengthen the Australian economy and protect jobs in the face of the global financial crisis. As I have said before, if necessary we will not hesitate to take further action to strengthen growth and limit the impact of the global financial crisis and the global recession on Australian jobs. Let’s contrast our approach with that of those opposite. Admittedly, it is hard to keep track of what their position actually is, given that their leader likes to walk both sides of the street on every important economic issue: telling people what they want to hear and then doing differently. We must deduce from the recent questioning of those opposite in this chamber that they would prefer to sit on their hands and do nothing to protect Australian jobs. (Time expired)

Border Protection

Senator JOHNSTON (2.53 pm)—My question is to the Minister representing the Minister for Home Affairs, Senator Wong. I refer to the fact that only around 320 naval personnel will be on active duty protecting Australia’s borders for two months over the Christmas period and that only half of the patrol boats that defend our shores will be deployed. I ask the minister how many of the eight Bay class Customs vessels will be on active duty protecting our borders over that period?

Senator WONG—I thank Senator Johnston for the question. As the Senator is aware, the government is committed to strong border security arrangements and is determined to deal effectively and appropriately with the perpetrators of people smuggling and similar such crimes that put lives at risk. It is the case, I understand, that Labor will continue to ensure extensive patrolling of our borders—

Opposition senators interjecting—

The PRESIDENT—Senator Wong, resume your seat. There are too many interjections on my left. Some people have been repeatedly interjecting, and I think it is disorderly.

Senator WONG—My advice is that the stand-down over Christmas that Senator Johnston refers to will not impact operations and that there will not be any diminution of the border security arrangements. Also, I want to emphasise that, since the Rudd government was elected, there has been no reduction in the number of Royal Australian Navy patrol boats and no change in the number of Australian Customs vessels assigned to Border Protection Command. I am also advised that
patrols of Australian waters will continue throughout the Christmas-New Year period. There has been no reduction in Border Protection Command’s operational capability, and the RAN and Customs vessels under the control of Border Protection Command will continue their important border protection duties. There is no diminution of activity. I understand, Senator Johnston, that this is consistent with the answers that have been previously given to the opposition on this issue.

Senator JOHNSTON—With respect, that answer is inconsistent with Senator Faulkner’s answer when he said that half of the patrol boats would be withdrawn. But we will bat on. Mr President, I ask a supplementary question. Given that the Oceanic Viking has been moored in Hobart for the last several weeks, will the government be deploying it to our northern waters to plug the massive maritime gaps left in our border as a result of the government’s decision to stand down most of our Navy for two months of Christmas holidays?

Senator WONG—With respect—through you, Mr President—I think Senator Johnston knows from my first answer that there is no gap. The premise of his question is incorrect.

Senator JOHNSTON—Mr President, I ask a further supplementary question.

Opposition senators interjecting—

The PRESIDENT—Senator Johnston, resume your seat. It is your own side that are interjecting on you.

Senator JOHNSTON—Given the lack of answers, it is for good reason, I suspect.

The PRESIDENT—No, that does not justify their disorderly behaviour.

Senator JOHNSTON—Can the minister assure the Senate that the reason last Thursday’s illegal boat eluded detection and made it as far south as Shark Bay had nothing to do with the fact that the government currently has a shortfall in aerial daytime surveillance hours? Can the minister explain why the government is leaving our maritime borders exposed by giving the Navy two months Christmas holidays at the very time there has been a surge in people smugglers bringing illegal immigrants to Australia?

Senator WONG—In relation to the last part of his question, Senator Johnston continues to press a proposition which I think I have already responded to. My advice is that the stand-down over Christmas will not impact on operations. I reiterate that the Rudd government is committed to strong border security and will maintain the extensive patrolling of our borders undertaken by Border Protection Command.

National Education Agreement

Senator HUTCHINS (2.57 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Can the minister update the Senate on the national education agreement concluded at the Council of Australian Governments on Saturday?

Senator CARR—I thank Senator Hutchins for his question. The new national education agreement represents an unprecedented investment in schooling and an unprecedented commitment to education reform. The total amount of funding under this particular agreement is now $46.5 billion over four years, starting on 1 January. This includes funding for national priorities over this time frame. If we include all government measures under Minister Gillard, we now have a total commitment of $58.63 billion. This represents a 29 per cent increase in the level of support for schooling in the Commonwealth of Australia under this government.

The national education agreement will in fact usher in a new era of transparency and accountability. It will link investment to outcomes, and the allocation of resources will be based on firm evidence. It will include evidence about each school’s results, its staff, its finances and, of course, the student population that it serves. For the first time, all of this information will be made available to parents, to teachers and to communities in a form which will actually permit meaningful national comparisons.

The aim of this agreement is to drive reform across the school system, reform that will ensure every Australian child receives a world-class education. This is a key to increasing equity and social inclusion, to boosting productivity and underpinning Australia’s future prosperity. The national education agreement will be bolstered by a series of national partnerships to achieve specific objectives. These include the $550 million national partnership on improving teacher quality, a $1.1 billion national—(Time expired)

Senator HUTCHINS—Mr President, I ask a supplementary question. Can the minister inform the Senate how the COAG education package will further the government’s social justice objectives?

Senator CARR—The National Partnership on Low Socioeconomic Status School Communities is specifically designed to give students from disadvantaged backgrounds a better chance at school. This is a $1.1 billion package that will be used to attract high-performing principals and teachers to underperforming schools. It will be used to fund intensive learning activities for students who are falling behind. It will be used to keep students engaged in their studies—

Senator Ian Macdonald—Why are you taking money off Indigenous students in your current bill, then?

Senator CARR—Senator Macdonald, maybe you should listen to this. It is actually aimed at encouraging students to get better attainment at school and at providing a wider range of flexibilities and more flexible
hours for schools. It will be used to help students make a successful transition from school to work and to further education. We expect the partnership to improve the learning outcomes for students to ensure better student wellbeing in up to 1,500 schools across Australia. (Time expired)

Senator HUTCHINS—Mr President, I ask a further supplementary question. Can the minister explain how the package will improve primary school education?

Senator CARR—Thank you, Senator Hutchins; I will certainly do that. The national education agreement includes an extra $635 million for government primary schools. Primary schools are the bedrock of our education system. Students who get a good start at primary school have a much better chance of completing year 12 and going on to further study. Primary schools do not just provide the basic building blocks of literacy and numeracy; they also shape children’s attitudes to learning, which of course are critical to everything that follows.

The new agreement ends the unfair practice of funding primary schools at a lower rate than secondary schools. Starting from 1 January, both will be funded at the same rate. This translates into a funding increase of around $100 per student for government primary schools. These schools will now be even better placed to undertake their vital work. (Time expired)

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Border Protection

 Australian National Academy of Music

Senator JOHNSTON (Western Australia) (3.02 pm)—I move:

That the Senate take note of the answers given by the Minister for Climate Change and Water (Senator Wong) to questions without notice asked today.

For the second day in a row, we have seen a level of disinterest by the government in probably one of our most important public policy areas—that is, border protection. This government is clearly disinterested and, may I say, soft on border protection. Yesterday we saw the minister calling for a report, some four days after the vessel was sighted and apprehended last Thursday. Today, the minister representing the minister for customs disclosed absolutely no knowledge or understanding of or ability to come to terms with any of the issues associated with border protection, given that we are saying to the Navy, ‘Ladies and gentlemen, you can have two months off over Christmas.’

Since August, there have been seven incidents. On 7 October, a group of people was arrested and taken into detention at an oil and gas platform. This is highlighting a massive shortfall and a lack of capacity and capability—

Honourable senators interjecting—

The DEPUTY PRESIDENT—Order! There is far too much audible conversation in the chamber.

Senator JOHNSTON—To have vital strategic assets like oil and gas platforms that form a strong basis to our economy approached by illegal immigrants in vessels, willy-nilly, uncontrolled and undetected, is in fact a scandal. It is a scandal. What did the Prime Minister say in question time yesterday? He denied that there is any issue, notwithstanding seven incidents since August. I wonder, seriously, whether he was consulted about sending the Navy on Christmas holidays. I really do wonder whether he was part of that.

It is not just the fact that we know it is a problem for national security and border protection. Mr Steve Cook, the Chief of Mission of the International Organisation for Migration in Indonesia, is reported as saying that people smugglers are responding to the change in Australia’s immigration policy over the past 12 months with a significant increase in activity. As I said yesterday, our changing disposition to illegal immigrants, asylum seekers and whatever is to simply say: ‘Come on down. You can be released into the community.’ Mr Paulus Purwoko, deputy chief of criminal investigations in the Indonesian National Police, has confirmed their growing concern about people smugglers, who are paid over $18,000 for each passage. It is big money, and it is the wrong message coming from this government.

Again—and I want to underline this—the government and its ministers in this place have disclosed, firstly, no understanding and, secondly, more concerning, no interest in this issue. The West Australian yesterday ran a picture of the boat. It is a 40-foot boat, off Shark Bay, standing three metres above the waterline. We have a massive amount of radar, aerial surveillance and patrol boat facilities, and yet it was undetected. I would have thought that these ministers would have been concerned about that. I would have thought that they would have been asking questions and would be prepared to answer questions in this place yesterday and today as to what has happened in order for this boat to get through, and yet all we get is, ‘I’m calling for a report,’ and no answer as to which boats will be deployed.

There was a very interesting contradiction between Senator Wong and Senator Faulkner. Senator Faulkner admitted that seven of the Armidale class patrol boats would be stood down during the period 1 December to 31 January, but Senator Wong today said that operational intensity will be maintained. So half the boats are going to go twice as far in the same time? I think not. Again, there is no understanding. They are coming into this place unprepared to answer important ques-
tions, when a boat full of people comes into Australia at a latitude equal to that of Brisbane. I must say, if it had been Brisbane, if it had been the eastern seaboard, I am sure they would have been much more concerned. The editorial in the West Australian says it all:

The embarrassing incident has put the spotlight on border protection amid accusations that the Rudd government’s changes to immigration rules announced in July have sent an open invitation to people smugglers.

(Time expired)

Senator WORTLEY (South Australia) (3.08 pm)—Those on the opposite benches must be desperate—desperate to try and gain some credibility, desperate because they do not have policies of their own. They sit there making groundless criticisms of the government’s policies, but behind those smug looks are ingrained the words ‘If only. If only we had done the right thing. If only we had done the right thing on climate change, the right thing on ratifying the Kyoto protocol—if only.’ But what did they do? They shied away, they denied, they put their heads in the sand. If only they had done the right thing on education—primary, secondary and university. If only they had not blundered their way through 18 failed broadband plans. If only they had not stripped away the rights and conditions of Australian workers. Once again, we get back to the important issues of the Kyoto protocol, climate change, workers and Australian families. If only they had acknowledged the pain the past holds for our Indigenous people and apologised for the past injustices. If only they had given more—

The DEPUTY PRESIDENT—Order! Senator Wortley, I am listening very carefully. We do allow wide-ranging subject matter in taking note of answers, but the motion was to take note of answers given by Senator Wong today, and I would suggest that you try and relate your remarks to that issue.

Senator WORTLEY—Thank you, Mr Deputy President. My remarks are related to that issue in relation to the ‘if onlys’ of the former government. If only they had given more thought to dealing with the crisis in the Murray-Darling Basin instead of making that ham-fisted attempt to grab control last year.

The Liberals have shown no leadership on climate change and are not seeking a long-term response to this issue. They look only for short-term political advantages. For 12 years in government, they opposed an emissions trading scheme. On the eve of the last election, they supported an emissions trading scheme. The environment is not on their agenda. Their questions to the minister are questions thought up just for political advantage on the day. They opposed emissions trading. They supported it again. In many areas it has been a case of a new day, a new policy—and on some days, on some matters, no policies at all.

Over the past five or six years we have experienced inflows into the Murray that are worse than the CSIRO’s worst-case scenario for 2050. Just as they did for 12 years in government, the opposition would rather play irresponsible short-term political games than prepare Australia for the tough challenges of the future. We need to act now. Minister Wong provided those answers today. The minister has been working very hard in addressing the issues that were neglected for so long by those opposite when in government—the issue of water, the issue of the Murray-Darling Basin, the issue of the environment. I see the senators across there shaking their heads. They are shaking their heads.

Senator Scullion—Relevance!

Senator WORTLEY—It is relevant to what the minister responded on today, but that was not what you wanted responses on. You want responses on other issues. Water is a crucial issue to the Australian people and it is something that today we have heard the minister provide adequate responses on—and she will continue to do so in the future. We will not waste time like you did in government. We will act on this issue and we will deliver to the Australian people, which is more than those opposite can say they have done in the past 12 years. That is the reality. They are sitting there with all of their ‘if onlys’, and today the minister has provided the answers to the questions, as she has been providing to those questions over the last number of weeks. But, no, they sit there shaking their heads continually, just sit there shaking their heads on the entire issue of water, on the issue of—-(Time expired)

Senator MILNE (Tasmania) (3.13 pm)—I rise today to take note of the answer from Senator Wong pertaining to the decision by the Rudd government to close the Australian National Academy of Music. I want to say at the start that this is a shameful decision. It is an unjustified decision. Ever since the minister made it, he has been hiding in his office and failing to justify to anybody why he made the decision. What is even more disgraceful is that he implied for a long time that it was because the internal reviews of the academy had in some way suggested or recommended that it should be closed, when in fact both internal reviews said the academy should be better funded than it is now and should be expanded, not be closed.

Since the minister announced this, nothing satisfactory has been done. There has been no real consultation with the academy—nor was there any before the decision to close. Minister Garrett did not ever set foot in the place, he did not visit it once, before he made his decision to close it, and now it is to be closed down in favour of what will be an inferior institution. The University of Melbourne will supposedly be taking this
over if it is allowed to close. As I said, we heard the minister say today that there will be a revitalised program. Well, nobody has said that the existing program is not excellent. In fact, they have had expressions of support from symphony orchestras from one end of the planet to the other and, here in Australia, from the Sydney Symphony Orchestra, the Melbourne Symphony Orchestra, the Tasmanian Symphony Orchestra and so on.

I was privileged to be at a concert there last Friday night, where those students played for their lives. They played for their teachers, they played for the love of music and they played for the future of the academy. You had to be sitting there in that audience to know that all that talk about problems in the academy that required it to be closed down was simply false. You would not get students playing in the way that they did, for the love of it, if those allegations were true.

I have to say it had all the hallmarks of Henry V before the Battle of Agincourt. People will remember they had been there that night and will feel incredibly privileged to have been part of a concert where Richard Tognetti, one of Australia’s most incisive and impassioned violinists and conductors, conducted Beethoven’s fifth. For me, it will be the definitive Beethoven’s fifth because I will always see the faces of those young people, knowing full well that Minister Garrett and Prime Minister Rudd shut down their institution and took away the careers and opportunities they had planned for next year, with no replacement. There is no transitional arrangement in place that is appropriate for the level of skills. How can you close down an institution, not provide the transitional arrangements in the time frame and then try to pretend that you are encouraging some sort of excellence?

Let me deal with some of the things the minister said. Firstly, she said they wanted better geographical representation at the school. Number 1: this school is a school of excellence. You audition to get into it. Excellence is not determined by where you live; it is how well you perform. If 53 per cent of the students there come from Victoria, so be it. It is not where they come from; it is how well they play. It worries me that, if this is how their new institution is going to operate, based on geographical quotas, it will not have musical excellence. Secondly, when I pointed out that not one single person on the new board is an internationally acclaimed musician, the minister cited people from various conservatoriums around the world. She actually talked about one institution that does not exist—she cited someone from a school in London that does not exist. They are administrators; they are not musicians. We need the care and teaching of these students to be by internationally acclaimed musicians.

What we want in this parliament is to see this academy stay open for the next 12 months. It is disgraceful to leave these students with nowhere to go in the new academic year, with no appropriate transitional arrangements in place. It must stay open for 12 months. We must be able to negotiate its future and the excellence that it offers Australia’s young musicians. If Minister Garrett and the Prime Minister close this down then the education revolution is bereft because it is one of cultural philistinism. That is all you could say about it, because this is an utter and absolute disgrace. I look forward to seeing what the Prime Minister does.

**Senator CAROL BROWN**—You’re safe In Tasmania, aren’t you? It’s not an issue in Tasmania, is it?

**The DEPUTY PRESIDENT**—Order on my left!

**Senator CAROL BROWN**—Thank you, Mr Deputy President. I can understand how Senator Cormann may be a bit hot under the collar. He has already showed his hand and played the fear factor card, but the Australian public will not fall for it.

As I was saying, the Prime Minister said yesterday, when asked similar questions, that in 2007 five boats with 148 passengers arrived and in 2008 there were four boats, with 48 passengers. Senator Wong said today ‘there is no gap’ in border security. The Australian government is committed to keeping our borders safe, despite the needless and shameless scaremongering tactics by those opposite to suggest otherwise. The Rudd Labor government has enhanced and continues to enhance our border security measures. The government understands that such measures are not only necessary to keep our borders safe but also necessary, and in fact the responsible thing to do, to deter the illegal activity of people smugglers, whose actions put countless lives at risk each and every day. As the Minister for Immigration and Citizenship, Senator Evans, and Senator Wong have already pointed out, contrary to the scaremongering by those opposite, there has been no relaxation of our border security measures.

If those opposite bothered to do their homework and were to actually take a considered interest in this area, they would know that the Rudd government has retained many of the previous government’s border security measures, which remain firmly in place. In fact, we have also taken a range of measures to increase our capacity to build stronger border security. Amongst other things, we have maintained the patrolling of our
northern waters by the Navy, Customs and other agencies, maintained the policy of excision of offshore islands and maintained a system where the mandatory detention of unauthorised arrivals is in place and unauthorised arrivals are processed on Christmas Island. Having said that, I note the government has also stuck to its election commitments in this area and has brought to an end the Pacific solution and temporary protection visas. These were two measures that were allowed to operate under the previous government. They were highly controversial, questionable and regarded internationally as being a stain on this country’s reputation. The abolition of such measures represents a commitment by this government to pursue in this country a tough but fair approach to border protection, an approach that is reasonable and necessary and in no way reflects a relaxation of the government’s stance on border protection.

Interestingly, those opposite have not previously opposed these changes and they have not promised to reintroduce them if re-elected—hardly likely. They seem to have so many policy positions that it is hard to figure out just where they stand on important issues such as border protection. Where do they stand now? If those opposite cannot even decide where they stand on important issues such as this, how can they be trusted to protect our nation’s borders? Indeed, Senator Johnston’s contribution proves that for those opposite it is nothing more than being all about scaremongering. I will quote Senator Johnston’s contribution, which goes to prove that it is all about scaremongering and it is all about playing the fear-factor card. (Time expired)

Senator SCULLION (Northern Territory) (3.24 pm)—It is funny when we come into this place and listen to those on the other side trying to rewrite history. But this is one time when they are simply not going to get away with that because the Australian people are on to them. Take the matter of border control. It is amazing that we have a Prime Minister who clearly thinks denial is a place in Northern Africa. Well, denial is in his mind if he thinks we do not have a border security problem. We have had 108 people attempting to breach our borders over the last four months. If that is not something happening to our border protection, then I do not know what is.

Labor have been winding back our border security from the very first day that they have been in government. They started off on 29 November 2007, when they shelved their election promise, which was pretty pathetic in any event: ‘What we’re going to do is have this new coastguard, so we get the existing vessels and we get some paint and we change their colour.’ There has been no ordering of new vessels and there have been no new personnel, just more spin as they put all of that on hold. The most important aspect of that, homeland security, has been shelved too. But the thing that is terrifying those people who seek to traffic in human misery is of course the big plan of the Rudd government—they are going to have a review! They are shaking in their boots. I can imagine them packing up their bags and closing down business. It all absolutely beggars belief.

Labor claim they are all about border security and they are all about building our borders. But what did they do in the last budget? They said they were going to cut $51.5 million from the budget. That is a pretty clear indication of how fair dinkum those opposite are about border protection. Of course every time you do something like this you send a signal. We have an environment in which communication is almost instant. If you have a policy change in Australia, that is detected and interpreted within nanoseconds. Those people who are in the business of trafficking in human misery are very well in touch with the policies of the Australian government. Whether it is a tough policy or whether it is a policy that is just simply a yawn is something that is of special interest to them.

We know of seven known attempts by people smugglers on 13 August, 30 September, 7 October, 20 October, 11 November, 19 November and 27 November. To all those people in the defence forces who may be listening today, this information is no surprise to you; it is deja vu because the business of border security happens at that time of year. It happens over the Christmas period for two reasons. One of the reasons is the strong south-easterlies that gust up to 40 knots in areas for about 10 days at a time. You can punch your lights out into 40 knots, but if you have not got a particularly good boat you are not going to make it. It is very hard, very ugly and absolutely impossible unless you have a reasonably serious motorised vessel. So the people traffickers wait until this time of year to have people depart.

The other reason is that it is part of Indonesian folklore—and this is well known to people traffickers—that at Christmas time Australians have a very special culture: they all go on holiday and they all have a bit too much to drink and have a good time—a great part of our culture. Whilst we are all quite proud of that culture, it is interpreted to occur at a time when the Navy is distracted by other business. So quite specifically the people smugglers and those who choose to come and steal our sovereign resources leave their shores and come here at that time. So here the government go: ‘Right at Christmas time let’s make a strategic decision to give the Navy a holiday.’ Let me tell you: the Navy do not want a holiday. Navy people love their job. They take their job seriously. They know that they are a fundamental part of border protection. We have the weasel words from Senator Wong when she indicates: ‘No, we’re not stopping. There’ll be no operational difference. We haven’t sold any of the boats.’
We are sending a clear signal that Australia’s borders are now open for business—and that is an outrage.

Senator RONALDSON (Victoria) (3.29 pm)—I rise to take note of the answer given by Senator Wong in relation to the Australian National Academy of Music. I am very pleased to be co-sponsoring the motion this afternoon with Senator Milne. I also acknowledge the presence in the gallery of some of our fine students from the Australian National Academy of Music. Can I say to them and to those many thousands of people who are appalled at this decision: we will continue to fight this on your behalf and on behalf of those students who are yet to start studying and who should be given the same opportunity.

This matter does not pass the political sniff test. What do I want to know and what Senator Milne wants to know is what is actually behind this decision? What has driven this decision? What has driven a decision where there was no consultation, where these fine young people and their teachers were not consulted and were not advised? I will not go through the motion because honourable senators can read that for themselves. But I note that, on 22 October, the Minister for the Environment, Heritage and the Arts wrote to the chair of ANAM advising of his concern that ANAM may not be the most effective or efficient model for the delivery of national programs supporting elite-level classical music training. He then went on to say that he had asked his department to investigate alternative options for delivery of this training.

In relation to that letter of 28 October, in which the minister asked his department to investigate those options, will the minister immediately release whatever outcome there was of investigations which indicated that Melbourne university was the most appropriate institution to be taking over this training? I demand that answer, Senator Milne demands that answer and the young people in the gallery demand that answer. Will the minister immediately release that documentation? I suspect that it will be written on the back of a postage stamp, if it is written at all. I suspect it has not been and that there is a reason for this fabrication out of the minister’s office to justify the unjustifiable.

I also note with great interest that, at the end of August, the minister wrote to ANAM requesting that they introduce significant reforms to the way they conduct their training programs. The board wrote back and said that some of these reforms had been implemented and that they were putting together a working party to address the minister’s concerns, which any reasonable organisation would do once requested by the minister. Before they had even started that process the financial rug was pulled out from under the organisation—no excuse, no reason given, no explanation to the board and no explanation to the students as to why ANAM were not given the opportunity to address these matters by the working party, having been requested by the minister to do so. It was not sent down by carrier pigeon, landing six months after the event but by a letter to the board requesting that they do something about it—

Senator Coonan—It must have been by broadband!

Senator RONALDSON—that is right—and the board offering to do so and to work with the department. This is a political sham, an academic sham and it is a professional music sham. We should be serious about encouraging the very best in this country. And, as Senator Milne said, it does not matter whether they come from Victoria, Tasmania or Sydney, we do not care. We have a fine institution that was training the very best in this country. This notion from the minister that elite classical musicians must be trained at degree level is a bit like telling an Olympian that they have to go back and do a physical education course. That is absolute, patent nonsense. A lot of these young people have already done degrees. This is about finishing off their expertise and enabling them to make their mark in the world. And have no fear: this is about world-trained young men and women. We should proudly go out and laud our Olympians. Senator Milne and I want to know what the answers are to the questions that have yet remain unanswered and, on behalf of the young people in the gallery, we will insist on it.

Question agreed to.

NOTICES

Presentation

Senator Fisher to move on the next day of sitting:

That there be laid on the table by the Minister for Climate Change and Water, by 30 March 2009, in relation to section 86A of the Water Act 2007, a document containing the following:

(a) a comprehensive, practical definition of the term, ‘critical human water needs’ which identifies categories of users of such water and allowable purposes for the use of such water;

(b) a definition of the core human consumption requirements which would satisfy paragraph 86A(2)(a);
(c) a definition of the non-human consumption requirements which would satisfy paragraph 86A(2)(b); and
(d) clear, transparent and equitable criteria the Murray-Darling Basin Authority will apply:
(i) in determining whether the definition in paragraph 86A(2)(a) is met.
(ii) in determining whether the definition in paragraph 86A(2)(b) is met.
(iii) in determining the volume of conveyance water required to deliver water to meet critical human water needs, and
(iv) to monitor the use of such water to ensure it is used for the allowable purposes referred to in paragraph (a) of this resolution.

**Senator Faulkner** to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to amend the Auditor-General Act 1997, and for related purposes. **Auditor-General Amendment Bill 2008**.

**Senator Sherry** to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to amend the law relating to corporations, and for related purposes. **Corporations Amendment (No. 1) Bill 2008**.

**Senator Chris Evans** to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to amend the Therapeutic Goods Act 1989, and for related purposes. **Therapeutic Goods Amendment (Medical Devices and Other Measures) Bill 2008**.

**Senator Hanson-Young** to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) Wednesday, 3 December 2008 is International Day of People with Disability,
(ii) the theme for 2008 is the Convention on the Rights of Persons with Disabilities,
(iii) Australia became a signatory to the Convention on the Rights of Persons with Disabilities in July 2008,
(iv) the Government is currently developing a national disability strategy, and
(v) the recent Council of Australian Governments funding round provided a welcome increase in the rate of indexation and the overall level of funding to the states and territories for the provision of disability services and support; and
(b) calls on the Government to ensure that the national disability strategy:
(i) contains a strong emphasis on human rights, and
(ii) provides a suitable platform through which to address the current lack of consistency between the states and territories in the provision of services, supported accommodation and aids to people with disability.

**Senator Siewert** to move on the next day of sitting:
That the following matters be referred to the Environment, Communications and the Arts Committee for inquiry and report by 25 June 2009:
(a) an assessment of the environmental, economic and community impacts of existing and proposed forestry and mining operations on the Tiwi Islands including compliance with relevant environmental approvals and conditions;
(b) a review of governance arrangements relating to existing forestry and mining operations on the Tiwi Islands, including the examination of consent and approval processes to date;
(c) in respect to forestry operations, an examination of the adequacy of contractual, commercial and legal arrangements between project proponents and operators and the Tiwi Land Council (including examination and reporting on ‘Commercial-in-Confidence’ documentation and land valuations, lease arrangements and royalty payments);
(d) an examination of the economic opportunity costs associated with existing developments including forestry operations;

(ii) look into the feasibility of ensuring fair trade chocolate is available in Parliament House.

**Senator Birmingham** to move on the next day of sitting:
That the following bill be introduced: A Bill for an Act to amend the Water Act 2007 to save the Goulburn and Murray Rivers, and for related purposes. **Water Amendment (Saving the Goulburn and Murray Rivers) Bill 2008**.

**Senator Siewert** to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) Wednesday, 3 December 2008 is International Day of People with Disability,
(ii) the theme for 2008 is the Convention on the Rights of Persons with Disabilities,
(iii) Australia became a signatory to the Convention on the Rights of Persons with Disabilities in July 2008,
(iv) the Government is currently developing a national disability strategy, and
(v) the recent Council of Australian Governments funding round provided a welcome increase in the rate of indexation and the overall level of funding to the states and territories for the provision of disability services and support; and
(b) calls on the Government to ensure that the national disability strategy:
(i) contains a strong emphasis on human rights, and
(ii) provides a suitable platform through which to address the current lack of consistency between the states and territories in the provision of services, supported accommodation and aids to people with disability.
(e) an examination of the prospects for alternative economic development opportunities and impediments for the Tiwi Islands including sale and promotion of cultural products, community development activities, land and sea management, and opportunities for involvement in future carbon trading and emissions offsets schemes; and
(f) any related matters.

Senator Ludwig to move on the next day of sitting:
That the following operate as temporary orders until the conclusion of the 2009 sittings:

(1) Adjournment debate on Tuesdays
On the question for the adjournment of the Senate on Tuesday, a senator who has spoken once subject to the time limit of 10 minutes may speak again for not more than 10 minutes if no other senator who has not already spoken once wishes to speak, provided that a senator may by leave speak for not more than 20 minutes on one occasion.

(2) Divisions on Thursday
If a division is called for on Thursday after 4.30 pm, the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate.

(3) Substitute members of committees
If a member of a committee appointed under standing order 25 is unable to attend a meeting of the committee, that member may in writing to the chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting. If the member is incapacitated or unavailable, a letter to the chair of a committee appointing a participating member to act as a substitute member of the committee may be signed on behalf of the member by the leader of the party or group on whose nomination the member was appointed to the committee.

Senator Ludwig to move on 4 December 2008:
That, on Thursday, 4 December 2008:
(a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to adjournment;
(b) consideration of general business and consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) shall not be proceeded with;
(c) the routine of business from 12.45 pm till not later than 2 pm, and from not later than 3.45 pm shall be government business only;
(d) divisions may take place after 4.30 pm; and
(e) if the Senate is sitting at 11 pm, the sitting of the Senate shall be suspended till 9 am on Friday, 5 December 2008.

Senator McGauran to move on the next day of sitting:
That the Senate—
(a) notes and commends the honesty of the Deputy Prime Minister (Ms Gillard) for saying on ABC TV Breakfast on 7 November 2008, ‘When we put the Budget together in May, obviously we weren’t predicting, and no one was predicting, the global financial crisis which then emerged’;
(b) notes the contradictory statement made by Senator Conroy when during question time of 27 November 2008 he said, ‘In the May budget the government was acutely aware of the risks posed by the global financial crisis’;
(c) notes, with concern, the Rudd Labor Government’s lack of coherent economic strategy in the face of the global financial crisis; and
(d) calls on the Government to level with the people of Australia and concentrate on managing the Australian economy instead of managing the 24-hour news cycle.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (3.35 pm)—I give notice that, on the next day of sitting, I shall move:
That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Nation-building Funds Bill 2008, the Nation-building Funds (Consequential Amendments) Bill 2008 and the COAG Reform Fund Bill 2008, allowing them to be considered during this period of sittings.
I also table a statement of reasons justifying the need for these bills to be considered during this sittings and seek leave to have the statement incorporated in Hansard.

Leave granted.
The statement read as follows—
Purpose of the Bills
The Nation-building Funds Bill 2008 establishes:
• the Building Australia Fund (BAF), to provide a financing source for future infrastructure in critical economic infrastructure in transport, communications, energy and water;
• the Education Investment Fund (EIF) to provide a financing source for future infrastructure priorities in higher education, vocational education and training, and research institutions; and
• the Health and Hospitals Fund (HHF) to provide a financing source for future health infrastructure priorities.


The COAG Reform Fund Bill 2008 establishes the COAG Reform Fund, which will receive contributions directly from the Commonwealth Budget as well as from the BAF, EIF and HHF. Where the investments are to be undertaken by the States, and the Commonwealth has agreed to fund these, the funding will be provided through the COAG Reform Fund in the form of National Partnership payments.

Reasons for Urgency
In the 2008-09 Budget the Government announced the establishment of the BAF, EIF and HHF by 1 January 2009. The Government has also announced that these Funds are part of
its nation-building agenda to help shield Australians from the global financial crisis. This package of bills gives effect to those decisions.

It is highly desirable that this package of bills be passed as soon as possible to ensure that the Government meets its publicly stated commitment to establish and accelerate the implementation of the Funds by 1 January 2009. Passage of the bills will permit funds to be invested and made available for critical infrastructure priorities in the areas of transport, communications (including the National Broadband Network), energy, water, education and health.

If the bills are not passed in the 2008 Spring sittings, the Funds and their governance structures will not be established, delaying critical infrastructure funding and investment.

(Circulated by authority of the Minister for Finance and Deregulation and the Treasurer)

Senator Hanson-Young to move on the next day of sitting:

That the Senate—

(a) notes:

(i) the recent announcement by receiver McGrathNichol that 386 of the ABC Learning’s 1042 centres are ‘subject to further operational review’, with no guarantee that they would remain open in 2009, and

(ii) ABC Learning accounts for more than 100 000 long-day-care places;

(b) recognises that there are less than 30 days remaining until the Government’s $22 million ‘prop-up’ of ABC Learning expires; and

(c) calls on the Minister for Education (Ms Gillard) to immediately table the Government’s contingency plan for beyond 31 December 2008.

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

That the Senate notes that Australia’s native forests and woodlands are a vital carbon bank and biodiversity habitat which should be conserved.

Withdrawal

Senator MILNE (Tasmania) (3.38 pm)—I withdraw general business notice of motion No. 313, standing in my name for today, as the information has now been provided.

LEAVE OF ABSENCE

Senator McEWEN (South Australia) (3.38 pm)—by leave—I move:

That leave of absence be granted to Senator Mark Bishop and Senator Farrell for today, for family reasons.

Question agreed to.

Senator PARRY (Tasmania) (3.39 pm)—by leave—I move:

That leave of absence be granted to Senator Joyce for today, on account of personal reasons.

Question agreed to.

TREES FOR LIFE

Senator HANSON-YOUNG (South Australia) (3.40 pm)—I move:

That the Senate—

(a) notes:

(i) the valuable work of Trees For Life in South Australia, including the management of more than 4 000 hectares of threatened bushland and the training of 2 500 community bush carers, and

(ii) that Trees For Life’s 10 000 members have volunteered approximately 100 000 hours to protect and enhance the South Australian environment; and

(b) calls on the Government to reinstate funding to Trees For Life to provide for the protection of sights of conservation significance in South Australia.

Senator LUDWIG (Queensland—Minister for Human Services) (3.40 pm)—by leave—The government does not support the motion. The government received an application for funding from Trees for Life under the Caring for our Country Open Grants program. All applications were assessed and ranked in terms of how they addressed the priorities and the criteria set out in the application guidelines. The successful projects were those that more strongly demonstrated their ability to deliver outcomes against the Caring for our Country priorities. A great many other very good proposals that were assessed as eligible were ranked lower and unfortunately could not be funded this year.

Question agreed to.

GAZA STRIP

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.41 pm)—I move:

That the Senate—

(a) notes that the Foreign Press Association has grave concerns about the actions of the Israeli Government that have made access to the Gaza Strip inaccessible to foreign media; and

(b) calls on the Australian Government to make representations to the Israeli Government to allow proper access for the media into Gaza.

Question negatived.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.41 pm)—Because the motion was opposed by the opposition and the government, rather than go to a vote I seek leave to make a brief statement.

Leave granted.

Senator BOB BROWN—I thank the Senate. This is an extremely important matter of international press freedom. The borders of Gaza have been closed, in effect, for more than two weeks because the Israeli government has decided, according to defence ministry spokesman Shlomo Dror, that Israel is displeased with news coverage of Gaza and has charged that the news
coverage has overplayed Palestinian suffering without adequate explanation of Israel’s reasons for closing the border.

However, in Israel itself the Tel Aviv based Foreign Press Association has taken action in Israel’s Supreme Court, which has ordered the government to respond within 15 days. Heads of the leading world news organisations—and that includes CNN, the New York Times, Associated Press and Reuters—have written to Prime Minister Olmert demanding that the border be reopened, but Mr Olmert told reporters in Washington he had not read the letter.

Australian journalists are frustrated by this ban on foreign journalists going into Gaza. It is not good enough for the Israeli government to indicate that it does not like the level of coverage. This is an important matter of press freedom. I would have thought that the government and the opposition would stand for press freedom, not least for Australian journalists who want to be able to cover events in Gaza. There is no doubt that it is a horrendous situation in the Gaza Strip for the Palestinian people and a dangerous situation for the Israeli people. But it will be made all the better, not worse, by coverage, and I would have thought that the government and the opposition would have supported the motion.

COMMITTEES

Fuel and Energy Committee

Meeting

Senator CORMANN (Western Australia) (3.44 pm)—I move:

That the Select Committee on Fuel and Energy be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on 2 December 2008, from 4 pm.

Question agreed to.

AUSTRALIAN NATIONAL ACADEMY OF MUSIC

Senator MILNE (Tasmania) (3.44 pm)—I move:

That the Senate—

(a) notes:

(i) the extraordinary expressions of support from around the world for the excellent standard of tuition offered by the Australian National Academy of Music,

(ii) that the Government, having said that the academy must be closed down, has now appropriated its name and reputation for its replacement institution, undermining any credibility in the Government’s claims that the new institution would be a ‘better alternative’ than the existing academy,

(iii) that, as of 1 December 2008, there are still no appropriate transitional arrangements in place for the students from the academy whose plans for 2009 have been destroyed, and

(iv) the extreme distress of some of our most outstanding young musicians, who have no idea what they will do in 2009 or where they will be sent, having already missed the audition deadlines for the great majority of other music schools; and

(b) calls on the Government to:

(i) acknowledge its mistake, and

(ii) immediately impose a 12-month moratorium on the closure of the Australian National Academy of Music with a view to continuing the excellent standards of the academy while undertaking a proper consultation process in 2009 of ways to implement the findings of the two independent reviews which both recommended expansion and increased funding for the academy.

Senator LUDWIG (Queensland—Minister for Human Services) (3.45 pm)—I seek leave to make a short statement.

Senator Coonan—One minute.

Senator LUDWIG—I am not sure I can do it in one minute.

Leave granted.

Senator LUDWIG—The government opposes the motion. The government does remain committed to providing ongoing support for elite-level classical music training. On 18 November 2008, the Minister for the Environment, Heritage and the Arts announced that Australian government funding of up to $2.5 million annually would be provided for a revitalised elite-level classical music performance and training centre operating in conjunction with the University of Melbourne’s Faculty of the VCA and Music. The new centre will retain the Australian National Academy of Music name, in order to build on the significant artistic achievements of ANAM in recent years, and will commence training in July 2009.

The government is keen to ensure continuity of training is provided in the interim. Therefore, additional funding of $0.5 million to boost performance training during the transition to the new program was announced on 28 November. In addition, a working group comprised of representatives of ANAM, the University of Melbourne and the Australian government has been established to oversee a smooth transition. The university has appointed a planning advisory board comprised of leading international authorities on elite music training to develop a truly world-class training program. The training will provide flexibility for a broad range of orchestral roles, including concert master and orchestra section principal, and will include accredited and non-accredited training individually tailored to meet the needs of students.

The university is working to individually tailored training options for each student during the transition period. As at 27 November, more than half of the 2008 ANAM intake has approached the university regarding
their training options for 2009. The government believes that the revitalised Australian Academy of Music will deliver a comprehensive, elite-level professional performance training program that responds flexibly to the training needs of our most talented young musicians and connects strongly to the orchestra and Australian classical music sector.

Question agreed to.

COMMITTEES

Environment, Communications and the Arts Committee

Extension of Time

Senator McEWEN (South Australia) (3.47 pm)—I move:

That the time for the presentation of the report of the Environment, Communications and the Arts Committee on the Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008 be extended to 18 December 2008.

Question agreed to.

MR JOERN UTZON

Senator McEWEN (South Australia) (3.47 pm)—At the request of Senator Hutchins, I move:

That the Senate—

(a) notes:

(i) with sadness, the passing of the architect of the Sydney Opera House, Mr Joern Utzon, on 29 November 2008; and

(ii) the immense contribution that he made to Australia’s architecture and international image;

(b) commends the reconciliation between Mr Utzon and the New South Wales Government following their 1966 fallout; and

(c) offers its condolences to his family, including his wife, children and grandchildren.

Question agreed to.

COMMITTEES

Finance and Public Administration Committee

Extension of Time

Senator PARRY (Tasmania) (3.48 pm)—At the request of Senator Humphries, I move:

That the time for the presentation of the report of the Finance and Public Administration Committee on residential and community aged care in Australia be extended to 29 April 2009.

Question agreed to.

BUSINESS

Rearrangement

The DEPUTY PRESIDENT (3.48 pm)—I inform the Senate that Senator Milne has withdrawn the urgency motion which she had indicated she intended to move today.

MINISTERIAL STATEMENTS

Disability: Access Standards

Senator LUDWIG (Queensland—Minister for Human Services) (3.49 pm)—I table a ministerial statement relating to draft building standards for people with disabilities and their families, together with documentation relating to this matter.

AUDITOR-GENERAL’S REPORTS

Report No. 10 of 2008-09


COMMITTEES

Community Affairs Committee

Additional Information

Senator McEWEN (South Australia) (3.50 pm)—On behalf of the chair of the Community Affairs Committee, Senator Moore, I present additional information received by the committee on its inquiry into children in institutional care.

MINISTERIAL STATEMENTS

Disability: Access Standards

Senator BRANDIS (Queensland) (3.51 pm)—I seek leave to make a brief response on behalf of the opposition to the statement just made by the Minister for Human Services in relation to the draft disability access to premises buildings standards.

Leave granted.

Senator BRANDIS—I thank the government for its indulgence. Today the government is tabling draft disability standards relating to access to premises for buildings. The coalition supports the intent of this document, which is to improve access to public buildings for people living with a disability. The coalition will be interested in looking at the detail of the premises standards and the impacts that the standards could have on people with a disability, businesses and industry. We will also be closely following the committee process and will be interested to see the outcome of the consultations of the Senate Legal and Constitutional Affairs Committee.

National Broadband Committee

Interim Report

Senator PARRY (Tasmania) (3.52 pm)—I present an interim report of the Senate Select Committee on the National Broadband Network.

Ordered that the report be printed.

Senator PARRY—by leave—I move:

That the Senate take note of the report.
Senator FISHER (South Australia) (3.52 pm)—As chair of the Senate Select Committee on the National Broadband Network, I am pleased to have this opportunity to make a few brief comments, together with the tabling of the report, and I understand that some colleagues, fellow members of the committee, will seek to do likewise.

The committee heard from a range of witnesses with a range of concerns about the government’s promise to partner with the private sector to upgrade the existing network to deliver a minimum of 12 megabytes per second to 98 per cent of the Australian population. One of the most compelling concerns about which the committee has heard is that the government thus far has failed to provide guidance to any of the tenderers, potential tenderers or, indeed, the Australian population as to the composition of the 98 per cent national broadband network footprint and, in particular, the extent to which the national broadband network will benefit or not those Australians who are currently under-served or indeed not served at all.

In that respect, we heard evidence from the federal department about the fact that the department have not formulated a method by which to measure the achievement of providing the national broadband network, as promised, to 98 per cent of the population. The department essentially gave evidence that they do not have a formula by which they will measure the achievement of the government’s promise—yet, they attempted to promise that the promise will be met. It was a bit difficult to see how you can achieve a promise if you do not know how you are going to measure that promise. Indeed, through the process, we heard evidence that leads members of the committee very tempted to conclude that the government is conducting this process so that near enough will be good enough in respect of the tenders received. The government is unable to say who will get what, when, for how much and on what basis. It is unable to define the 98 per cent of the population.

The minister has indicated thus far, we think, that he is talking about providing access to 98 per cent of homes and businesses, yet the government and the department have not been able to provide any greater definition around that. Essentially, it was difficult to not conclude at this stage—noting that this report is an interim report of the committee and noting that the committee has until the end of March next year to conclude its inquiries and findings—that the government knows not what its promise will look like until it sees what the tenderers proffer by way of offer. It is difficult to not conclude that near enough will be good enough in respect of providing access to 98 per cent of the Australian population.

A major concern indicated during the inquiry, which is part of the failure to measure this promise, was the lack of clarity and, indeed, the lack of much detail at all about the regulatory environment into which the national broadband network will be taken. Tenderers and would-be tenderers have not been provided with sufficient information by the government about its views of what will be the regulatory environment for the NBN—what will be the rules and regulations. Indeed, one of the witnesses, Mr Michael Malone from iiNet, the country’s third-largest internet service provider, indicated words to the effect that the uncertainty is so great that nobody actually wants to build this and that that was in fact the only thing that the proponents and the stakeholders in the industry could agree upon—no-one actually wants to build this thing. Again, the conclusion we found difficult not to draw from the evidence provided was that those who end up tendering are actually doing it to make sure that no other guy, no other company, gets to build the thing—to keep the others out rather than a genuine desire to build—which is potentially fundamentally undermining the real importance of delivering on this promise to the Australian public.

The committee considered concerns about the time frame for the delivery of the promise and, given the shortcomings in delivering the promise, whether there was a view amongst stakeholders that the time frame for delivering it should be extended. Mr Michael Malone from iiNet essentially said that he would prefer a deferred solution over a stupid solution—and at the moment this is looking like a stupid solution.

As a senator for South Australia, I am particularly concerned to understand what the government is promising in terms of providing access to the underserved or not served at all percentages of the South Australia population. Evidence was provided to the committee by the South Australian government about the fact that almost three-quarters of South Australia’s population reside in metropolitan Adelaide but that South Australia differs from other states in that it has only two regional centres with more than 20,000 people. This clearly has consequences in terms of the ability for a successful tenderer to be able to deliver upgraded national broadband network services to users in those areas. The South Australian government went on to indicate that, in some regional areas in South Australia, the proportion of the population that cannot access broadband at all is as high as 33 per cent. Particularly coming from the South Australian perspective, I am concerned to hear evidence from witnesses and stakeholders about their concerns about the ability of the successful tenderer to deliver this promise—even though we are not quite sure what the promise is and even though it may well end up that the government defines what 98 per cent of the population is to suit the bids received during the tender process rather than on any other empirical and evidence based basis.
Further concerns were highlighted effectively by the minister in question time today, such as his inability to guarantee that, through the national broadband network process, Australian broadband users would not effectively be paying more for the same services they enjoy today. Indeed, during the committee process we heard evidence from some that to some extent it is possible that better services than are provided today could be provided through the process, but they are so much better that no-one will actually want them or need them. And, by the way, they will cost more. The minister today could not guarantee that Australians would not, under the national broadband network, pay more than they currently pay for the same or equivalent services. That is an indictment on the process thus far. The committee looks forward to continuing its considerations so that we can contribute to seeing to it that the Australian government delivers on this promise to Australian broadband users.

Senator LUNDY (Australian Capital Territory) (4.01 pm)—It is my pleasure to speak to this interim report and particularly to advise the Senate that government senators did lodge a dissenting report from the majority report of the Senate Select Committee on the national broadband network. There were several reasons for this, not least of which was there were so many inconsistencies in the expression of the opposition senators in how they reflected on progress to date with the national broadband network. We have heard that this is an interim report and we know, thanks to the advice of the minister in the chamber, responding to questions during question time, that we are mid-process and that the government has in fact received bids that will now be considered by an expert panel. That notwithstanding, I think it is important to go through some of the contradictions and inconsistencies in the opposition senators’ position and then to reflect on some of the broader issues.

With respect to the opposition senators’ claim to support the need for broadband infrastructure investment in Australia, they have done everything possible to obstruct and undermine the government’s NBN process, including the advent of this committee in the first instance. Opposition senators who claim to want to see broadband infrastructure be speedily delivered to the Australian people, particularly, as we have heard today, to those areas underserved, their whole message is completely undermined by their calls for another full round of public consultation. Even today we heard the chair choose to quote witnesses supporting delays in the process in speaking to the report. I would like to refer specifically to clauses in the majority report. Clause 2.127 of the report notes:

The committee questions the appropriateness of the timeline for the evaluation of the RFP, believing it will not permit the necessary level of scrutiny by either the Expert Panel or the ACCC to select the successful proponent for the NBN.

Similarly, clause 3.99 of the opposition senators report states:

Firstly there is the criticism that the timeframe not only for the assessment of proposals, but for the legislative and parliamentary processes required to make the changes to the regulations and legislation, is inadequate.

Yet, clause 3.123 notes:

The committee believes that it is in the interest of the government, the industry and the Australian people to ensure that delays to the timeframe for the implementation of the NBN are kept to a minimum.

You cannot have it both ways. The opposition senators cannot sit on both sides of the fence. Do they want us to get a move on with this proposal—as we have made the commitment—and have a process in place, or do they want to specifically delay it? It is still unclear.

There is also acknowledgement that there are problems, serious problems, with the current regulatory regime. Clause 3.9 of the government senators’ report states:

Government Senators agree with the sentiment expressed in the Majority Report that the NBN provides an opportunity to address the failings of the current regulatory regime implemented by the former Government.

What this demonstrates is that there was broad acknowledgement—I think that is a fair comment by all senators on the committee—that there were failings with respect to the current regulatory regime and they did need to be rectified as part of this process.

Specifically, with respect to the requests for proposals, I would like to take the opposition senators to task about some incorrect information. The majority report is critical of RFP processes and often incorrectly states details of the RFP process. I would like to counter some of that misinformation and incorrect facts in the report. For example, the time frame for the ACCC is acceptable according to the ACCC; the RFP does ask proponents to indicate the extent to which proposals are able to prioritise areas that cannot currently access minimum speeds of 12 megabits per second; the government has taken into account migration issues in the RFP; and stated based solutions are allowed. It is not good enough to misstate the facts as they are, and, looking at the evidence that was received in the inquiry, I felt that it was important to correct the record.

Another major issue is that the process is specifically designed to maximise competitive tension—with six bids the government’s process is completely vindicated—and a lot of the criticism against the RFP would have applied to the previous government’s, the opposition’s, FTTN processes, for example, the regulatory settings definition of open access. Again, the criticism that the opposition is now trying to level at the government about the national broadband network processes could be applied to themselves in spades, because they had far less information available and a far less
rigorous approach to the policy they placed on the table. That is not surprising when you consider that it comes after 11 years and 18 failed broadband plans, about which I know my colleague Senator Conroy has gone into great detail.

The majority report also takes time to try and justify the OPEL approach. OPEL, as we know, did not meet the terms of its contract, with 72 per cent of premises underserved. As I just mentioned, their approach to the FTTN network was very vague. Their FTTN proposal—and this is really important to hear when opposition senators are talking about the needs of underserved areas in rural and regional Australia—focused on metro and major regional areas. It had no speed requirement and did not service the whole of Australia.

The policy of the former government and now opposition was always to create a two-class system for telecommunications in this country, and there is nothing they can do to change the fact that their policy was completely inadequate in this regard. It shows that we are dealing with an opposition that has a spoiling plan, not a constructive plan to support Labor’s comprehensive proposal to get a national broadband network up and running. Labor has a process and it is a sound one. It has been run by a very rigorous process, as we know. Senator Conroy responds to questions about that proposal on a daily basis during sittings. I suspect that the coalition is feeling the frustration of not being able to thwart Labor in its worthy endeavour of building a national broadband network.

Senator MINCHIN (South Australia) (4.09 pm)—I rise to speak in relation to the interim report of the Senate Select Committee on the National Broadband Network. I do so as the relevant shadow minister. I want to congratulate Senator Fisher, the committee and the secretariat of the committee for a very good and comprehensive interim report, and I look forward to the final report. The interim report is a very good examination of all the issues surrounding the quite extraordinary process involved in the national broadband network. I take the opportunity to thank my predecessor as shadow minister, Mr Bruce Billson MP, on his very persuasive advocacy of the need for this committee and his instrumental role in ensuring that the Senate set up this very good committee. I think this committee and the process surrounding it have put the spotlight on the Labor government’s policy and processes. That really is very much needed because this whole NBN process is shrouded in secrecy. I think the committee is proving to be very useful. It has been my pleasure to attend most of the hearings and to hear evidence from across the industry, from consumers, from internet service providers and from the major telcos in relation to this very significant matter.

For me, there are a number of things that really do stand out that are categorised and recorded in the committee’s report. The evidence that has been given before the committee really does expose that the Labor Party’s policy in this area is not much more than a glib one-liner that was presented to the Australian people at the time of the last election to essentially get Labor through the election. They had a very simplistic and quite cynical approach to the very complex issue of broadband services. There was virtually no detail presented to the Australian people and clearly little thought or analysis was done on how we can achieve the desired outcomes—outcomes which we all want but which cannot be achieved by glib one-line policies.

It is also clear that there is enormous criticism throughout the industry of the one-size-fits-all approach adopted by the Labor Party in its policy and, in government, its implementation. I think many would expect that, having got through the election, Labor would revisit this matter and adopt a more sophisticated approach. What the Labor Party has done that has been criticised by the industry is to simply pick a technology—in this case, fibre—and not focus on the outcomes that we all desire and how best to achieve them.

Despite the comments by Senator Lundy and Senator Conroy there is enormous criticism throughout Australia of the Labor Party’s cancellation of the OPEL contract and disbelief in relation to the assertions made that the OPEL consortium could not meet its contractual requirements. Certainly, Optus and Elders categorically reject the assertions by the minister that they could not achieve those outcomes. Indeed, while rural and regional Australia would have had a high-speed broadband service by July next year if that contract had been honoured, with the Labor Party’s NBN process it will be years and years before rural and regional Australians receive any improvement in their service.

The process of the Senate select committee has also identified significant criticism of the Labor Party’s tender process for its national broadband network. Principally, there was focused criticism of the absence of any declaration or guidance in relation to the legislation and regulations that will surround this proposed network. As many have said, the rules are being made up as we go along and will actually be a function of the process itself. Almost everybody who has appeared before the committee has said that the government should have determined the regulatory arrangements first and then everybody would know what they would be bidding towards.

There has also been enormous criticism about the lack of any detail as to exactly what is meant by the government in proclaiming its desire to service 98 per cent of Australian homes and businesses with this national broadband network. There has been no detail at all. People in my state of South Australia in particular fear that most of the state is going to miss out—that most of South Australia and Western Australia will be
part of the two per cent that Labor has ignored in its policy.

There is a complete lack of detail about the extraordinary amount of money involved—the $4.7 billion of taxpayers’ money. The government said at the time of the election that that would be a 50 per cent equity injection. Immediately after the election, that became a possibility of debt—in other words, the government becoming banker to the tender process. It is also apparently open to the government to make this a direct subsidy and just hand over the $4.7 million. Who would know? It has been revealed that there has been no cost-benefit analysis done whatsoever on the extraordinary amount of money, $4.7 billion, that is going into a national broadband network. What benefits will the taxpayer get for the expenditure involved? This is by far the biggest expenditure out of the proposed Building Australia Fund. Every other expenditure out of that fund, we are assured by the government, will have rigorous cost-benefit analysis done. But this expenditure, by far the biggest of them all, will have no such analysis done whatsoever.

It is also becoming increasingly clear that voters were, frankly, deceived at the time of the last election about the timing of the implementation of this promise. Voters were promised that by the middle of this year the tenderer would have been selected—that promise has been broken. Electors were promised that construction would begin by the end of this year. The government has about 29 days to deliver on that promise and clearly that is going to be broken. The government has simply not factored in the processes and complexities of changing the legislative and regulatory arrangements surrounding internet services in this country. That is going to be an extremely difficult and time-consuming process and it is becoming increasingly clear that it will be towards the end of next year before we see any construction beginning on the national broadband network.

It is also quite interesting to note the absence of support for actually having a fibre-to-the-node network to cover 98 per cent of Australian homes and businesses. Nobody says that that is realistic, achievable or makes any sense. That is why the former coalition government’s OPEL contract based on wireless solutions in rural and regional Australia made enormous sense. No-one sees this proposal from Labor as the answer.

As Senator Fisher rightly pointed out, there seems to be a complete absence of any priority given to underserved areas in rural and regional Australia. There is growing concern about the consequences of the government’s remarkable policy of abolishing the Communications Fund, something which we remain opposed to. It is a fund that would have been there to provide funds to rural and regional Australians in perpetuity to ensure they get the best possible service. That is going to be swept away by the Labor Party and rendered obsolete. We have seen from this interim report and from the process the committee has undertaken how hopelessly mismanaged this whole process is.

Now we have this extraordinary process where the ACCC, over the Christmas and New Year period, will have six weeks to examine all the bids and determine the regulatory and legislative impacts. The panel is then expected to report, I think, on 24 January and give the government a recommendation. The public will have no knowledge of any of this as there is no commitment at all to put the ACCC’s report or the expert panel’s assessment of each of these bids into the public arena. The process is completely shrouded in secrecy. And now, with the government snubbing its nose at the Auditor-General and his finding that the RFP would have to be altered for the expert panel to be able to consider non-conforming bids, there must be real probity and legal doubts about the whole process itself.

I congratulate the committee and its secretariat; they have done great work. I look forward to the final report and, regrettably, I think it will be years and years before we see the final evolution of Labor’s ill-fated national broadband network.

Senator NASH (New South Wales) (4.18 pm)—As deputy chair of the committee, I rise to make some remarks on the interim report of the Senate Select Committee on the National Broadband Network. I will just make a few brief comments around some of the issues that arose during the course of the inquiry.

The first issue that was raised is the 98 per cent target for rolling fibre out across the country. There were some concerns as to how that figure was determined in the first instance. The issue of modelling was raised and how that 98 per cent will be measured. This is an issue that goes to the difference between whether the 98 per cent is going to be modelled geographically or is going to be based on population density. Because, using Queensland as an example, if they do the 98 per cent modelling on population we are going to have a significant land mass that is still not covered under the fibre plan just by dint of the nature of the population arrangements in that state. It was raised that the modelling had to be undertaken geographically to make sure that we are going to get those underserved and underserved areas.
Another area that was raised as an area of real concern was that open access arrangements should definitely be more clearly defined. The ability for competition was also an issue. Many people saw that the arrangements that would be in place would be a natural monopoly as a result of this process. It was raised that there should be a requirement of true and open access on the new network. The concerns were that it was not defined clearly enough. There were going to be some real issues around retaining competition under the new network framework if that open access was not very clearly defined.

Senator Minchin quite rightly raised the issue of the regulatory framework. There was a good deal of discussion around that framework and that it should have been put in place by government before the RFP process. The evidence brought to us in the inquiry was that bidders would have had a much clearer picture of what that regulatory framework was going to be if the government had moved to put that framework in place or had at least indicated very clearly what that regulatory framework was going to be before the RFP process took place. We have a situation where there have been a number of bidders who really do not know at this stage how those regulations are going to apply to their bid. This comes back to the issue of having the regulation in place to ensure that competition will be enabled in the event that the successful bidder—who will by all accounts have a natural monopoly—is ensuring that they will provide that access.

There were a number of concerns raised about the need for the ACCC to be given greater powers to ensure that that regulation could be enforced. We need to determine what those regulations are going to be. Given that they had not happened before this process commenced, we still need to get a very clear indication of how those regulations are going to operate. This goes to the very heart of ensuring that we have clear and precise access. There is also the issue of rolling in, not rolling out. I see this to be a very important issue. We need to ensure that the process. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Are there any other committee reports to be presented?

Public Works Committee
Report


Leave granted.

Senator WILLIAMS—I move:
That the Senate take note of the report.

I seek leave to incorporate a tabling statement in Hansard.

Leave granted.

The statement read as follows—

On behalf of the Parliamentary Standing Committee on Public Works, I present the committee’s ninth report of 2008, Referrals made June to September 2008. The report covers four referrals made to the Committee during this time, being:

• The Australian Square Kilometre Array Pathfinder Radio Telescope, or ASKAP, to be built in Western Australia at an estimated cost of $111 million;
• Fit-out for the Australian Federal Police of the Edmund Barton Building, in the ACT at an estimated cost of $115 million;
• Redevelopment of Puckapunyal Base in Victoria at an estimated cost of $41.650 million; and
• The Australian War Memorial Eastern Precinct Development and National Service Memorial also in Canberra at an estimated cost of $19.54 million.

The committee has recommended that all four projects proceed, without qualifications. The only additional recommendation it has made is in relation to the ASKAP project. The committee supports this project and believes it will bring significant benefits to the field of radio astronomy and to Western Australia. However, the committee had concerns that there were some delays in land acquisition and, to mitigate risk to the Commonwealth, has recommended that land negotiations be completed prior to construction contracts being let.

The new Australian Federal Police headquarters is long overdue and the committee is pleased to recommend that the fit-out of the Edmund Barton Building proceed. The committee was assured that this heritage-listed building will meet the AFP’s current and future needs as well as providing a childcare centre and a café, completing the original architectural vision for the building.

The redevelopments for Puckapunyal Base in Victoria will provide much needed upgrades to office and training facilities. In the past nine months this committee has visited a number of Defence bases, and the site inspection of Puckapunyal Base left it without a doubt that the proposed upgrades are badly needed.

Finally, the committee has recommended that the Australian War Memorial Eastern Precinct Development and National Service Memorial proceed. For those senators who have recently visited the War Memorial, you will be aware that the dirt car park in the Eastern Precinct is an eyesore that detracts from this important national monument. This development will place parking underground and behind the memorial, restoring a eucalypt garden in the Eastern Precinct that will be linked to a new, more accessible, café.

This proposal also includes siting for the National Service Men’s Memorial to commemorate those who were called up and served in the forces between 1951 and 1972. The planned memorial is a testament to those who served and is a fitting addition to this region of the memorial.
I would like to thank the members and senators on the committee for their work in relation to these inquiries. I commend this report to the House.

Question agreed to.

Foreign Affairs, Defence and Trade Committee: Joint Report

Senator McEWEN (South Australia) (4.24 pm)—On behalf of Senator Forshaw and the Joint Standing Committee on Foreign Affairs, Defence and Trade, I present the report of the committee, Review of the Defence annual report 2006-07. I seek leave to move a motion in relation to the report and to incorporate my tabling statement in Hansard.

Leave granted.

Senator McEWEN—I move:

That the Senate take note of the report.

The statement read as follows—

The Review of the Defence Annual Report 2006-2007 focused on the activities, achievements and undertakings of the Australian Defence Force (ADF) and the Department of Defence during the period July 2006 to June 2007.

At the end of this reporting period, Defence had over 3,800 personnel deployed on overseas operations and around 450 personnel engaged in protecting Australia’s northern borders and was successfully conducting 14 operations and military campaigns across Africa, the Middle East, the Pacific and Australia. During this period, the ADF also carried out five short-notice emergency relief operations in Lebanon, Tonga, Indonesia and Solomon Islands.

In September 2006, around 400 Australian soldiers of the 1st Reconstruction Task Force (RTF) arrived in Uruzgan Province as part of Australia’s commitment to the reconstruction and stabilisation of Afghanistan. The 1st RTF achieved outstanding success and provided a solid foundation for subsequent RTF rotations. In April 2007, a Special Forces Task Group and an Air Force Radar Reporting Element were also deployed to Afghanistan, taking Australia’s commitment to Operation Slipper to over 800 personnel. Australia’s commitment to the reconstruction and stabilisation of Afghanistan continues today.

In late June 2007, the ADF became a major support agency to the government’s Northern Territory Emergency Response Task Force (Operation Outreach) to provide logistics, communications, mobility and liaison to this whole-of-government initiative.

During the 2006-2007 reporting period, in addition to the significant operational tempo, Defence also maintained a focus on equipment acquisition as well as seeking improvements in the areas of finance, management and accountability.

The review of the Defence Annual Report is an important task and an opportunity for the defence subcommittee to inquire into a broad range of Defence issues as part of the process of accountability of government agencies to parliament. The defence subcommittee takes this responsibility very seriously.

This year, the defence subcommittee selected a broad range of issues for examination at public hearings held on 10 July 2008 and 29 August 2008. The major topics included the Defence Materiel Organisation (DMO); the Joint Strike Fighter (JSF); Personnel issues; and several other issues of interest.

The first topic examines a number of key DMO responsibilities, including significant funding slippages in DMO’s Top 30 Projects list and Australian industry capability.

Topic two JSF examines the Joint Strike Fighter (F35); the background of the project, the progress to date and cost estimates. The issue of future air combat capability was also raised with the CDF and is discussed in this section of the review.

Under the heading of ‘personnel’, the committee examined the progress of the Military Justice Reforms, recruitment and retention, personnel shortages in critical trades and the issue of reportable fringe benefits for selected Defence conditions of service and allowances.

Under the heading of ‘Other issues’, the committee examined the ADF’s preparedness to conduct peacekeeping operations; the current and future role of armour; interoperability of new communications platforms with legacy systems; and the Hardened and Networked Army.


The committee would like to thank all of the individuals and organisations that participated in this review of the Defence Annual Report 2006-2007. We would also like to express our ongoing appreciation to the men and women of the ADF for the outstanding work that they continue to do in Australia and around the world.

Finally, the committee would also like to thank the families for the support they provide and the sacrifices they endure, to enable our service men and women to contribute to Australia’s security.

Question agreed to.

Corporations and Financial Services Committee Report

Senator WILLIAMS (New South Wales) (4.24 pm)—On behalf on Senator Mason and the Parliamentary Joint Committee on Corporations and Financial Services, I present the report, Opportunity not opportunism: improving conduct in Australian franchising, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator WILLIAMS—I seek leave to move a motion in relation to the report and to incorporate my tabling statement in Hansard.

Leave granted.

Senator WILLIAMS—I move:

That the Senate take note of the report.

The statement read as follows—
The Parliamentary Joint Committee on Corporations and Financial Services inquired into the operation of Australia’s Franchising Code of Conduct (the code) with a view to identifying justifiable improvements to the code. The committee has made eleven recommendations which are consistent with its overall aim of raising the standard of conduct in Australian franchising.

Franchising is an ongoing relationship between two separate commercial parties, a franchisor and a franchisee. The franchising relationship is based on a prescribed business model which is offered by the franchisor and carried out under their guidance and oversight by franchise owners (franchisees). The nature of franchising dictates that each party’s obligations are ongoing and variable, forming an interdependent contract that is fundamentally based on an ongoing relationship.

Variable contracts underpinning the franchising relationship can impair the viability and success of individual franchise agreements for the following reasons:

- differing expectations about the obligations of each party to the agreement; and
- an asymmetric power dynamic within franchise agreements, with potential to lead to abuse of power.

The time during which a prospective franchisee is considering entering into a franchise agreement represents the best opportunity for both franchisee and franchisor to make an accurate and informed assessment about whether this is the right agreement for them. Undertaking unbiased pre-agreement education is important, but even more critical is obtaining sound legal and business advice before entering into a franchise agreement.

Although many franchise agreements result in successful and profitable ongoing business relationships, issues arising during the term of the agreement can cause tensions with the potential to escalate into disputes.

Franchisee expectations about renewal need to be better managed, and the financial implications of non-renewal better understood, before fixed term franchise agreements are initially signed. Franchise agreements should clearly stipulate what the end of term arrangements and processes are, and these arrangements should be fully and transparently disclosed to prospective franchisees. To specifically reduce disputation around end of term arrangements, the committee also recommends that disclosure provisions in the code be amended to increase transparency before the start of a franchise agreement about what processes will apply at the end.

To assist the Australian Competition & Consumer Commission in its enforcement role, the committee recommends the introduction of pecuniary penalties for code breaches. Such penalties would act as a deterrent to unacceptable conduct. The committee also recommends enhancing the ACCC’s proactive investigative powers in relation to potential breaches of the code.

Due to a lack of sound data, the true extent of disputation in the franchising sector is difficult to determine. When disputes do occur and cannot be resolved through internal processes, parties may choose to enter into formal mediation. If mediation fails, litigation is an alternative (but generally expensive) avenue for pursuing settlement.

Suggestions for improving dispute resolution outcomes included: an increased focus on pre-mediation strategies; the creation of a tribunal to make determinations; or the introduction of a franchising ombudsman. But inserting another layer into the resolution process between mediation and the courts would most likely add another layer of complexity and expense to the process without achieving materially improved outcomes.

Instead, many of the issues which lead to franchising disputes, and hence the need for mediation or other alternative dispute resolution mechanisms, may be mitigated by the introduction of an explicit obligation into the code for all parties to a franchise agreement to act in good faith.

The committee is of the opinion that the optimal way to provide a deterrent against opportunistic conduct in the franchising sector is to explicitly incorporate, in its simplest form, the existing and widely accepted implied duty of parties to a franchise agreement to act in good faith.

Senator WILLIAMS—I seek leave to continue my remarks.

Leave granted; debated adjourned.

Senator BOYCE (Queensland) (4.25 pm)—I would like to speak very briefly in relation to this report from the Parliamentary Joint Committee on Corporations and Financial Services which we entitled Opportunity not opportunism: improving conduct in Australian franchising. The report is a bipartisan result of the committee’s inquiry into the current Franchising Code Of Conduct. We began this inquiry on 25 June this year. I would like to speak on behalf of our deputy chair, Senator Mason, and the other members as someone who was involved in the inquiry for its entirety.

We set out to identify improvements that could be made to the code and to look closely at the sometimes very fraught relationships that exist between franchisors and franchisees. I make the point at the outset that, as in so many cases, it is the minority of relationships between franchisors and franchisees that cause the most problems and that are the most talked about. In the vast majority of cases, we found that people on both sides acted honestly, openly and in the best interests of both parties.

I would particularly like to thank the secretariat for the work they did on this inquiry. There were some changes during the inquiry which made this very complex task that much more complex. There were a variety of very polarised views from various witnesses in regard to the functioning of the code and what should be done about it, all of which were handled with very great grace by the secretariat. I thank them for that.

The report defines franchising as an ongoing relationship between two separate commercial parties and sets out that this relationship is based on a prescribed business model offered by the franchisor to the franchisee, who buys the right to use a provided business system. I think that setting that out is important because it is, in some way, still a bone of contention. There are a number of models of franchising, such as motor dealerships, which do not naturally fit within the framework...
but which are required to function under the Franchising Code Of Conduct and which, in the view of the committee, should do so.

We made 11 recommendations in regard to the conduct of franchising in Australia. Many of the issues that were raised with us relate to the power imbalance between the system’s owner, the franchisor, and the system’s user, the franchisee. At every stage of the process along the way—before a contract is signed, during the resultant business relationship and then at the end of the contract—the franchisor is in a stronger negotiating position than the franchisee. We have one franchise system for every 20,000 citizens. That is five times the density of the USA, where, of course, the franchising industry was born. Given the size of the franchising industry in Australia, the growth of the Australian franchising industry has also been extraordinary. But, given both these facts, we have very little statistical information about the sector. We have made recommendations that the Australian Bureau of Statistics should take on the task of working out how we will define the size of this industry.

Some of the other recommendations we have made are designed to ensure that franchisees go into contracts with their eyes wide open. There was very little appetite in the committee for evidence that was brought to us of people who had gone into contracts unaware of what they were doing. The code very clearly states that this should not be happening. It is, in the end, up to individuals to look at the contracts they are about to sign and ensure that they understand them, particularly given that in many cases franchisees may well be mortgaging their family homes to enter these businesses. We believe the code should be amended so that franchisees also have a very clear understanding of the liabilities and consequences they could suffer in the event of franchisor failure. We heard evidence of franchisees who not only were left without a business when the franchisor went bankrupt but also lost their premises, so they could not even continue in a similar business, because an entity related to the franchisor was also their lessor. There are some very difficult issues there, and we have suggested not only that the issues should be made clearer under the code but that the government should examine ways to better balance the rights of parties in the situation where the franchisor business fails.

In recommendation 5, we are suggesting that the code should be amended so that, before they enter into an agreement, franchisees understand what the process would be at the end of the agreement, having due regard to whether there is an equity in the business or whether there is not. We had views that went from one extreme to the other, from one view which said that every contract is a closed-end contract—it finishes when it says it finishes—to people who wanted an automatic right of renewal. Obviously, the franchisor is in quite a powerful position as the contract comes up for renewal, and we believe that this is a situation where a lot more work needs to be done.

I would particularly like to concentrate on our recommendations 8 and 11. Recommendation 8 suggests that all parties, the franchisors, the franchisees and the people who wish to be franchisees, must act in good faith in relation to all aspects of a franchise agreement. The committee had a particularly lengthy discussion to arrive at this outcome. We were of the view that ‘in good faith’ is certainly implied within most negotiations under the Trade Practices Act and within the franchising code. We heard evidence from franchisors who did not want the term ‘in good faith’ included in the code and yet told us that they included it within their own contracts with franchisees. Our view is that, whilst the current provisions in sections 51AC and 51AD of the Trade Practices Act on unconscionable conduct leading to misleading or deceptive conduct assist, that is not sufficient to cover the areas before contracts are entered into and when people begin to negotiate the potential end of the contract.

The other area I would like to talk about briefly relates to the ACCC and the way it was viewed by submitters to the inquiry. In relation to franchising, the ACCC has the role of ensuring compliance with the Trade Practices Act in conjunction with the Franchising Code of Conduct. The ACCC gave evidence that it deals with franchisee complaints at three levels: situations where a complaint has been lodged but the complainant does not want to take the complaint any further, situations where a complaint has been lodged but insufficient evidence is available to the ACCC to substantiate the claim and situations where the complainant can provide evidence that substantiates the claim and it goes ahead. Nevertheless, we heard evidence from submitters that the ACCC was a toothless tiger. One witness told us that she had been advised by the ACCC that the franchisor she was complaining about had told the ACCC that they were not engaging in misleading conduct. As this witness pointed out, what company is going to fess up voluntarily to the regulator that they have been engaging in misleading conduct? This witness pointed out, what company is going to fess up voluntarily to the regulator that they have been engaging in misleading conduct? Recommendation 11 is designed to give the ACCC greater power to proceed to investigate a franchisor when the franchisee may be too frightened or unwilling to assist with the inquiry. I recommend the report.

**Senator McEWEN (South Australia)** (4.35 pm)—I seek leave to continue my remarks.

Leave granted; debate adjourned.
Senator McEWEN (South Australia) (4.36 pm)—On behalf of the Joint Standing Committee on Migration, I present the report of the committee *Immigration detention in Australia: a new beginning*, together with the Hansard record of proceedings and submissions received by the committee and I seek leave to move a motion in relation to the report.

Leave granted.

Senator McEWEN—I move:

That the Senate take note of the report.

On 29 May 2008, the Joint Standing Committee on Migration determined to inquire into immigration detention in Australia. After calling for submissions, of which 139 were received, the committee conducted seven hearings in Canberra, Sydney, Melbourne and Perth. The committee also visited detention facilities in Sydney, Melbourne, Perth, Darwin and Christmas Island. After this extensive examination of the current immigration detention system in Australia, I am pleased to be able to table the committee’s report today.

This is the first of three reports against the inquiry’s terms of reference. This report addresses the criteria that should be applied in determining how long a person should be held in immigration detention, the criteria that should be applied in determining when a person should be released from immigration detention following health and security checks, review mechanisms for ongoing detention, removal practices and detention debts. The second and third reports of this inquiry, to be tabled in 2009, will address alternatives to detention, financial costs, service provision and the infrastructure required to support the immigration detention framework for the future.

This comprehensive report makes 18 recommendations, all of which will help to inform the government and stakeholders in the forming of new legislation to be introduced next year which will give force to the change in the government’s detention policies. One of the key recommendations in the report is that the Department of Immigration and Citizenship establish time frames for various aspects of immigration, in particular to establish an expected time frame, such as five days, for the processing of health checks for unauthorised arrivals. The committee recognised that it was not practical to impose a definitive time frame on health checks but felt it important that the Department of Immigration and Citizenship had a clear directive from government and incentive to complete health checks quickly.

In another measure to reduce time in detention, the committee has recommended that, in line with a risk based approach and where a person’s identity is not conclusively established within 90 days, the Australian government develop mechanisms such as a particular class of bridging visa to enable a conditional release from detention. Conditions could include reporting requirements to ensure ongoing availability for immigration and/or security processes.

The committee spent much time hearing evidence from people who had been detained, from their advocates, from their lawyers and from the non-government organisations that support those people. The committee’s objective was to address the terrible effects of unnecessary long-term detention and to come up with recommendations to deal with that. The committee has recognised, though, that it is important to establish the identity of people coming into our country. However, we acknowledge that identity checking can be a slow and drawn-out process in some cases. The committee was very concerned that, if people had to wait for the conclusion of this process before they could be eligible for release, this criterion could potentially discriminate against asylum seekers who may have come from countries without secure identity systems or who may have had to leave their country quickly, without documents.

As we know, the Rudd government has already begun implementing changes to immigration detention based on new detention values approved by the cabinet earlier this year and announced on 29 July 2008 by the Minister for Immigration and Citizenship, Senator Evans. Those values are set out in detail in the report and they make a clear statement of a change in the principles underpinning immigration in this country and a change of direction by this government compared to the previous government.

While the government is still maintaining mandatory detention for those unlawful people who are not Australian citizens and who present an unacceptable risk to the community or who repeatedly refuse to comply with their visa conditions, the government’s objective is to ensure that people are moved out of the detention system as quickly as possible. Unauthorised boat arrivals will still be subject to mandatory detention for health, identity and security checks, but let me be clear that the government’s position is that we will only use detention centres as a last resort and for the shortest practicable time.

The government is committed to protecting our nation from the potential dangers posed by some unauthorised arrivals or unlawful noncitizens. We are also strongly committed to treating people with dignity. The findings in this first report of the committee into immigration detention will assist the government to achieve a balance between the protection of Australia and treating people with respect and dignity, people have come to this country seeking asylum and safe haven.
Senator HANSON-YOUNG (South Australia) (4.41 pm)—The Joint Standing Committee on Immigration’s report Immigration detention in Australia: a new beginning makes a number of very important recommendations to improve the fairness and transparency of Australia’s immigration detention policy. One of the recommendations in the majority report is the recommendation to stop charging former detainees for the cost of their detention. This is something that the Australian Greens have been calling for for a very, very long time. I am thankful that it has finally been picked up in this report as a recommendation. I urge the Minister for Immigration and Citizenship to act on it as soon as possible. I acknowledge that, throughout the year, the minister has indicated that he has been concerned with this as well, so I am hoping that, now we have a clear recommendation in this report, it can be picked up ASAP. The sums can be very substantial and well beyond the means of people to repay, and this can cause great stress. This is a fair and sensible recommendation and I encourage the government to act on it.

The committee’s recommendation relating to reviews by the Department of Immigration and Citizenship and the Ombudsman will improve the current framework, although I do believe there are significant weaknesses that will remain, which is why Liberal member of parliament Petro Georgiou, Senator Eggleston and I proudly joined forces to outline the areas of concern that we feel were overtly dismissed. In particular, we feel that the proposed changes fall short of ensuring rigorous and timely assessment of whether detention is necessary in accordance with the new policy. While I take the comments of the minister and the chair of the committee on board—that there is a desire to do things differently for the future and leave the dark days of the Howard immigration regime behind—we should not simply be relying on the goodwill of an individual minister. The idea of having judicial oversight and judicial review of detention is something that came out very, very strongly throughout the committee process. Much of the evidence that was presented said that this is clearly the one thing that we should be doing. Regardless of what policy we change, we need to ensure that it is strengthened and upheld by independent oversight. That of course would be the process of having a judicial mechanism to determine whether the detention of somebody is actually lawful or not.

The committee majority believe that, given factors such as the potential impact of lengthy detention on a person’s mental health and the legacy of maladministration, there is justification for access to independent merits and judicial review, but that this should only be available for people once they have been detained for 12 months. If it is okay and sensible to allow people to access a review through a judicial process after 12 months, why should it not start at the beginning of somebody’s detention? I do not buy the logic in this argument. It simply does not stand. If we think this is an important mechanism to have in place to ensure that people are not wrongfully detained, it should be accessible as soon as a person is detained and the department has made a decision that, in their opinion, the detention must take place.

We are concerned that under this framework DIAC officials will continue to have the power to decide whether it is necessary and reasonable to detain people for six months without any external scrutiny of their decision whatsoever. After six months, under the majority report recommendations, the Ombudsman will review the detention decision but can only offer advice. It is important to understand the role of the Ombudsman in all of this—he is simply there to review and to hand over reports with his advice. There is nothing in his role that gives him any type of authority. There is no element to compel the minister or the department to act on the advice they are given. That position simply lacks the teeth to ensure we are upholding the new policy framework that the minister so proudly speaks of.

We strongly disagree that public servants should have the power to detain for 12 months without independent external scrutiny which can ensure the release of people whose detention is assessed as being unnecessary with respect to the specified criteria. As I outlined just before, if it is seen as important and reasonable to review a department’s decision to detain somebody after 12 months, surely the same argument exists for reviewing the process once the initial decision is made. No-one should be detained without the ability to have a court review their case and determine whether their detention is lawful or not. A mechanism for judicial review must be available from the moment a department makes the decision to detain a person.

Just for interest’s sake, as of 21 November 2008, there were 22 children—that is, people aged under 18—in immigration detention. Eighteen were detained in the community under residence determinations, three were on Christmas Island in alternative temporary detention in the community, and one was in immigration residential housing. In total, as of 21 November, there were 322 people in immigration detention, including 48 in community detention.

As the committee heard in evidence provided by Julian Burnside QC, in other circumstances when a person is deprived of their liberty their situation is reviewed at regular, short intervals and judicial oversight is available at all times. Yet, for some reason, the committee majority and the government see that the immigration detention regime should somehow be immune from this general rule. The committee received strong evidence that the lack of available merits and judicial review for people detained in immigration detention has resulted in people being held wrongfully.
unlawfully and for a period of years on the basis of contested departmental decisions.

I remind people that this is the department that has wrongfully detained 200-odd people and delivered us the cases of Vivian Solon and Cornelia Rau. If we had had an independent oversight mechanism where people could have a court determine whether or not their detention was lawful, perhaps we would not be facing the numbers of people unlawfully detained that we are now and the compensation cases that I believe will continue to be brought forward in courts of law because people have been detained unlawfully.

Detention can be a very damaging experience for people, particularly asylum seekers who have suffered trauma and torture, and this can happen well before 12 months have lapsed. Psychologists with substantial experience and expertise in the area advised the committee that some asylum seekers have very adverse reactions to detention within the first few months. Limiting the ability to access judicial review to people who have been detained for at least 12 months is simply illogical if the point is to try and eliminate suffering and trauma and to decrease the numbers of people who continue to be held unlawfully.

One of the first things I called for when I took my seat back in July was for the government, as part of their proposed immigration changes—and the minister and I have spoken about this on various occasions—to conduct a royal commission into the psychological impact that immigration detention has had on children and their families. While I understand that this was rejected by the Rudd government, the committee heard overwhelming evidence on the adverse affects of detention, suggesting that only allowing a detainee access to a court after 12 months has lapsed could continue trauma and the psychological impact of detention for many people, and let’s not forget the mental state of individuals that we know have been held in detention for upwards of seven years.

Many submissions strongly argued that the merit of detention decisions should be subject to independent oversight without indicating a view as to when that should be available or should occur as a matter of course. The inference of this evidence was that once a person is detained they should be able to access a review of whether or not their detention is lawful.

I know the Greens signing on to a dissenting report with two members of the Liberal Party might be a strange occurrence, but I must say I am very proud to have my name on that report.

Senator EGGLESTON (Western Australia) (4.51 pm)—I rise to speak on the Joint Standing Committee on Migration’s report, Immigration detention in Australia: a new beginning. My interest in this matter concerns the provision of external review of the status of and complaints by detainees, a review by a body other than the immigration department to deal with these issues. On this I have associated myself with remarks made by the member for Kooyong, Mr Georgiou, who proposed that detainees should be able to access external judicial review. As has been said, in the criminal legal system people can only be detained for limited periods of time after a review by a judicial officer. I feel the proposals in this report are a step forward. They retain the policy of mandatory detention of unauthorised arrivals while they are subject to checks of their identity and criminal history and checks as to security issues and health. The proposals retain that system while making the process more equitable and fair.

Question agreed to.

WATER AMENDMENT BILL 2008
Consideration of House of Representatives Message

Message received from the House of Representatives returning the Water Amendment Bill 2008, informing the Senate that the House has: agreed to amendments Nos 1, 9, 12 and amended amendment No. 16 made by the Senate, and disagreed to amendment Nos 2, 3, 4, 5, 6, 7, 8 10, 11, 13, 14 and 15; and requesting the reconsideration of the bill in respect of the amendments disagreed to and the concurrence of the Senate in the amendment to amendment No. 16 made by the House.

Ordered that consideration of message No. 220 in committee of the whole be made an order for a later hour of the day.

COMMITTEES
Economics Committee
Report

Senator McEWEN (South Australia) (4.54 pm)—On behalf of Senator Hurley, I present the report of the Economics Committee on the joint marketing arrangements on the North West Shelf project, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator McEWEN—by leave—I move:
That the Senate take note of the report.

Senator XENOPHON (South Australia) (4.55 pm)—This referral to the Senate Standing Committee on Economics came as a result of a second reading amendment to legislation in relation to taxation of the North West Shelf Joint Venture partners. I believe it was an important referral given the concerns expressed by DomGas, the domestic gas users alliance, about a lack of competition and a lack of transparency and the unfairness for consumers in the context of the North West Shelf gas-marketing arrangements. I must say that I am disappointed that the government’s view is effectively to keep the status quo, to keep the joint marketing arrangements. I believe that is a bad out-
come for consumers. I am also disappointed that the coalition took a similar view, that there would need to be a very comprehensive evaluation of all relevant factors before any decisions are made to change the joint marketing arrangements.

It was the position of a number of witnesses who gave evidence to this inquiry that the joint venture reduces competition. I refer in particular to one of the witnesses, Associate Professor Frank Zumbo from the School of Business at the University of New South Wales, who is an expert on competition law. He said this is so. Associate Professor Zumbo gave evidence that, in his opinion:

…there is a breach of section 45 of the Trade Practices Act. It can be through price fixing—and we know there is price-fixing conduct. Also there is conduct that is likely to have the effect of substantially lessening competition.

It is my view that the venture clearly has the effect of substantially lessening competition in the Western Australian gas market because of the lack of import competition, the very high barriers to entry of the market, high levels of market concentration and the lack of countervailing power of gas buyers. That sums up quite neatly the opinion of Associate Professor Zumbo. The joint venture also reduces the number of significant sellers from seven to two. In terms of whether its purpose is to substantially lessen competition, I agree with the question posed by Associate Professor Zumbo:

…you have to ask: what is the goal they are seeking to achieve by engaging in joint marketing? I would submit that there is only one goal, and that is to maintain or raise prices above competitive levels.

There is the whole issue of what other markets do. Associate Professor Zumbo cited the Norwegian and Danish gas markets. The European Commission settled cases involving the joint marketing of gas in those markets where the markets were opened up.

It is arguable that the joint venture was justified when it was first introduced as the producers were effectively facing the government as a vertically integrated monopsony buyer. But the subsequent deregulation and privatisation of the domestic gas market means this justification no longer holds. The individual companies in the joint venture are all large and profitable. Collectively they would be making tens of billions of dollars of profit through their operations around the world. The profitability of the joint venture project itself was not disclosed. At one point, the joint venture’s CEO said:

… the joint venture is not an incorporated entity. It does not have profits per se …

That appeared to be inconsistent with other comments made later that in the nineties ‘this project was far from highly profitable’. I do not believe there is any convincing reason to keep the joint venture arrangements. They are bad for DomGas, the domestic gas users alli-
these types of arrangements, whether in Western Australia or indeed in any other state, and I believe that consumers are worse off with these sorts of arrangements, and it is high time the joint venture arrangement is scrapped.

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

Leave granted, debate adjourned.

NATION-BUILDING FUNDS BILL 2008
NATION-BUILDING FUNDS (CONSEQUENTIAL AMENDMENTS) BILL 2008
COAG REFORM FUND BILL 2008

Report of Economics Committee

Senator Hurley (South Australia) (5.02 pm)—I present the report of the Senate Standing Committee on Economics on the Nation-building Funds Bill 2008, the Nation-building Funds (Consequential Amendments) Bill 2008 and the COAG Reform Fund Bill 2008 together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

COMMITTEES

Agricultural and Related Industries Committee

Report

Senator Heffernan (New South Wales) (5.03 pm)—I present an interim report of the Select Committee on Agricultural and Related Industries on the pricing and supply arrangements in the Australian and global fertiliser market.

Ordered that the report be printed.

Senator Heffernan—by leave—I move:

That the time for the presentation of the final report of the Select Committee on Agricultural and Related Industries into pricing and supply arrangements in the Australian and global fertiliser market be extended to 30 June 2009.

Question agreed to.

Senator Heffernan—by leave—I move:

That the Senate take note of the report.

The timing of the Senate Select Committee inquiry into the fertiliser industry could not have been better, because farmers could not have been under more pressure from what is perceived to be a serious monopoly of the fertiliser industry in Australia. The committee members were me, Senator Farrell, Mary Jo Fisher, Christine Milne, Fiona Nash, Glenn Sterle, with participating members, Ian Macdonald, Barnaby Joyce, Richard Colbeck and Russell Trood. There were good presentations of evidence, but the committee considered the market dominance of large players in the fertiliser industry seriously compromised effective competition. For that reason we were able to take a lot of evidence, some of which was taken in camera. Most of the evidence given in camera was given by people who felt seriously intimidated by the industry, either as a supplier or a reseller, who obviously had to continue to do business with what is virtually a monopoly in eastern Australia. You have one player who has 70-odd per cent of the market and 100 per cent of the production, and you have another player in Western Australia, CSBP. We took the view that these players have serious market share. We heard evidence of fertiliser being withheld from the market in the lead-up to last season’s supply. A lot of farming communities were very distressed by increasing fertiliser prices, for which there seemed to be no good reason other than that is what the market would bear. In fact, an American consultant presented in Sydney to a fertiliser industry forum, at which I was present, and he used very blunt language, by saying, ‘Last year, we got away with it. We had several price rises of $100 a ton that weren’t justified by increasing prices; it was simply that the market would bear it.’

The committee’s view is that we should continue to look at the fertiliser industry. We will be doing so next year. Obviously some of the major players will respond to this report, and we look forward to their responses. We also had the ACCC in. We will be recommending in due course that the ACCC be given the powers to make the fertiliser industry more transparent and have more competition in it.

I declare an interest in this. I am a worn-out farmer, wool classer and welder. The experience of farmers was that last year fertiliser was held in stores, awaiting the price increase that was coming. The market intelligence said the price was going to go up. This time last year, or a bit before, there was a lot of fertiliser in sheds that could have been supplied at $700 a tonne. By one means or another, that was withheld from the market till the selling season in the new year and it came out of the stores at between $1,200 and $1,700 a tonne. You cannot blame some of the resellers, who, when they got it into their stores, would have been able to resell at it at $700 but found they could put $300, $400 or $500 in their pocket by hanging on to it.

The observation has been made that there is a collapse in the global fertiliser cartel. The Russians have caused that to happen in part, to the point where, on the Black Sea at the present time, DAP, which is priced at US$245—which would be A$368 FOB—is still being priced in Australia at $1,700 a tonne because the same companies are saying, ‘Now we’ve got all this expensive fertiliser inventory.’ The same goes for urea. The committee has taken evidence from a lot of people who feel very distressed that they got done over as the price rose and now they are going to get done over as the price falls. Bear in mind that the price of products like anhydrous ammonia, which are not stored, has not fallen as the world global price has. To the people who are saying that they got serious inventory at higher

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prices: if it was good enough on the way up to with-  
hold it from the market and cop the price rise then it  
ought to be good enough on the way down for growers  
to get the benefit of the price fall.

In due course we will report further to the Senate.  
The committee have a lot of work to do. A lot of people  
have given us evidence which flies in the face of what  
the ACCC was able to report. I look forward to working  
cooperatively with other members of the committee  
and the professional secretariat. The professional se-  
cretariat, Jeanette Radcliffe, Peter Short and Rosalind  
McMahon, have done a fantastic job and we would like  
to thank them as well. Thank you very much.

Question agreed to.

PROTECTING CHILDREN FROM JUNK FOOD  
ADVERTISING (BROADCASTING  
AMENDMENT) BILL 2008

Report of Community Affairs Committee

Senator CROSSIN (Northern Territory) (5.10 pm)—On behalf of the Chair of the Senate Standing Committee on Community Affairs, Senator Moore, I present the report of the committee on the Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator CROSSIN—by leave—I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

EDUCATION LEGISLATION AMENDMENT  
BILL 2008

SCHOOLS ASSISTANCE BILL 2008

Second Reading

Debate resumed.

Senator KROGER (Victoria) (5.11 pm)—I will resume from where I left off earlier on in the day in mak- 
ing some observations about the Education Legislation Amendment Bill 2008 and the Schools Assistance Bill 2008. I was referring to an article published in the Canberra Times on 6 November 2008. The author was Rabbi Kennard, who is the Principal of Mount Scopus Memorial College in Melbourne—a very well known school. He made some very pertinent observations. He said:

Does the “compulsory” nature of the curriculum mean that Australia will follow the (no doubt caricatured) French model, whereby the minister of education could look at his watch and know what each child throughout his country would be studying? Will it follow the English system, where teachers were told exactly how to spend each minute of the daily “Literacy Hour” and could expect school inspectors to check-up that the first 20 minutes was spent in direct teach- 
ing, followed by the correct amount of group work and summation?

Or will the curriculum be closer to the Victorian system, which schools highly support? The Victorian Curriculum and Assessment Authority has devised the Victorian Essential Learning Standards, a “curriculum framework” which in detail describes the areas that students must be taught and the standards that they are expected to reach, while still allowing principals and teachers the right to exercise their professional judgment as to how best to achieve these results.

Rabbi Kennard, may I proffer, is only one of many principals of independent schools that are mightily concerned about the Schools Assistance Bill 2008.

Despite Minister Gillard’s claims of an education revolution in the last 12 months, I have to confess that I am an education revolution sceptic. What she has demonstrated in the last 12 months has been anything but an education revolution. In its first budget, Labor cut almost $400 million in specific programs targeted at improving standards and literacy and numeracy—something that parents are more concerned about than anything else. They scrapped the An Even Start—National Tuition Program, a program providing vouchers for tuition to the value of $700 for students who failed to meet the minimum literacy and numeracy benchmarks. They scrapped the $70 million Summer School for Teachers program, which was all about raising the level and quality of teaching that is offered to our children. To top it off, Labor also scrapped the $50,000 rewards program for schools that improve literacy and numeracy test results. May I suggest that the Rudd Labor government has bitten off more than it can chew when announcing an education revolution and promising to deliver a world-class education for every Australian student in every community.

As we have seen only recently, the promised ‘computer on every desk’—which has been amended to a computer on every second desk—for those students in years 9 to 12 was a flawed process and a flawed suggestion from the start. We have now seen, thanks to FOI, that the cost for that program has blown out another $800 million. I would suggest that Minister Gil- 
ard, as education minister, is seriously challenged in this portfolio. The Schools Assistance Bill 2008, in combining both appropriations and standards, is actu- 
ally holding all principals of independent schools to account. I strongly suggest that there is much that needs to be considered to look at this and improve it for all students.

Senator IAN MACDONALD (Queensland) (5.15 pm)—I am keen to participate in this debate on the Education Legislation Amendment Bill 2008 and the Schools Assistance Bill 2008 but I only become aware of the debate earlier today. I am not one of those who follows education matters closely, but I fear that the government is going to make an enormous blunder that they do not fully appreciate. I am pleased that the min-
ister at the table is Senator McLucas, who comes from Far North Queensland, and I am very pleased that the departmental officials are here because, if I am wrong in what I am about to say, I want them to explain it to the minister so that she can respond in her summing up of the second reading debate.

I want to indicate that unless I and the Catholic Education Commission, particularly in the diocese of Townsville, can be certain that the bills as they stand will not bring huge financial disadvantage to them, then I think the shadow minister will be introducing amendments—which might be all that is able to be done from the Senate. I do want Senator McLucas and the officials to listen very closely to what I am going to say. I know that the officials gave evidence to the Senate Standing Committee on Education, Employment and Workplace Relations, and the committee appeared to be satisfied with the assurances by the department that the Catholic Education Commission in Queensland would be better off as a result of this legislation.

I might add that, strangely for me, I am not entering into this debate in a political sense. I am trying to address a wrong that the diocese of Townsville came to see me about and which I passed on to my colleagues who are more intimately involved in education matters. To put the background in place, the diocese of Townsville Catholic system looks after 391 Indigenous students, which is 59 per cent of Indigenous students who attend Catholic schools in Queensland. So, quite clearly, what happens to Catholic education in Brisbane, Rockhampton, Cairns and Toowoomba is not nearly as important as what happens to Catholic schools in the diocese of Townsville, because most of the students are in the Townsville diocese. They are either in Townsville itself, or at Abergowrie College near Ingham, or at Columba College at Charters Towers, or at Good Shepherd College at Mt Isa.

The problem is that this government is trying to change the current system, for reasons which everyone accepts are honourable. The current government says that there are too many buckets of funding for Indigenous students. They say, ‘It is too difficult and complex in an administrative sense, so we want to wipe the slate clean and make it a much simpler arrangement that will look after Indigenous kids. In doing that, we will put in some more money and we will guarantee that no Indigenous kid is worse off.’ That is a laudable goal. But as I understand the current situation, the schools are funded with a per capita grant—the SRA grant. I do not even know what ‘SRA’ stands for, but I am told that SRA is the per capita funding grant which all schools get. Then there are other buckets of money that go to various schools, depending on the different programs that the previous government, in their wisdom and experience, initiated over the years. There is one called ITAS, which I believe is related to homework, and one called RIS, which is another bucket of money. The end result, as I understand it—and I hope the officials will tell me if I am wrong—was that students received money not according to where they went to school, by remoteness or otherwise, but according to by where they came from.

One of the problems with the new arrangement is that, as I understand it, schools in remote areas are allegedly being paid better money—not students from remote areas. The situation that occurs in the Townsville diocese is that the Indigenous students come from remote and very remote parts of North Queensland—the Torres Strait out in the north-west, up in the gulf and the cape country. They are from very remote areas, but the schools are actually situated in almost city areas. The schools are not deemed to be remote and so the funding has fallen. In the old days, everyone would get a payment under the SRA scheme but then these extra buckets of money could be drawn upon for very remote students to assist them in their schooling in boarding schools in Townsville. This applies right throughout.

I understand the officials have indicated to the Catholic Education Commission in Queensland, ‘You will, overall, get more money’—and I think everyone accepts that. The schools in Brisbane will do very well out of this. They will get increased money per student. Some might say that the Catholic Education Commission, within itself, can say to Brisbane schools, ‘You’re getting a bit more than you should have got, but the Townsville ones, where all the problems are, are getting less than they would otherwise have got; so we will take some money off you and shove it up there.’

Senator McLucas—Your logic is wrong on that, Ian.

Senator IAN MACDONALD—You say that, Minister—and you can tell me about that later—but this is not my logic; this is from the Catholic Education Commission and the Townsville diocese. Perhaps they are wrong. Minister. You may know more than them. The difficulty is that that might be able to be done within the Catholic system, but can you imagine a principal of a school in Brisbane when the Catholic Education Commission comes along and says to them, ‘I know you thought you were getting this money, but we’re going to take it off you and give it to Townsville because they are more deserving.’ They may be able to work that out, but it is going to be difficult.

I will talk about the situation of St Patrick’s College on The Strand in Townsville. This is a stand-alone school run by the Order of the Sisters of Mercy, as I understand it. Because it is not in the Catholic education system, it has no-one to share its funding with. So it will be down, according to the college’s figures, by over $100,000 in any one year. So St Pat’s on the Strand, because it is not part of the Catholic education
system—it is a stand-alone Sisters of Mercy school—is going to be down by that amount. Abergowrie College and the Columba Catholic College at Charters Towers are both within the system but I am told that they will also lose money.

The Catholics have also mentioned to me the question of Shalom College in Townsville and a number of Lutheran and independent boarding schools in the Cairns region who also take a great number of Indigenous students. They indicate to me that those schools have no other system that can share the larger payments that go to the capital cities. There is also Mount St Bernard College in Herberton and St Augustine’s College in Cairns. Even the Good Shepherd in Mount Isa—which is not a boarding school but which has a large group of Indigenous students—will also be down by about $40,000. These figures have been given to me by people who should know.

People who gave evidence to the committee thought they had a very good hearing from the committee but were then disturbed by what the officials said. I have got some of the record here. For example, ‘Mr Smith said that there is a guarantee that will fix them all up.’ I again repeat that this is not an area in which I have a lot of involvement normally. I saw the bill for the first time today, so I have not been able to go through it and work out exactly how what was said at the committee hearings relates to the position before us. But those schools in the Catholic diocese of Townsville feel that they are going to be substantially disadvantaged. Those within the Catholic education system may be able to get recompense from the system by taking it off Brisbane schools and paying it to Townsville schools—though it should not be put on the organisation to have to make those decisions—but schools like St Patrick’s, which are not in the system, and schools like Shalom College, which do not have a system that can help them out, stand to lose very considerable amounts of money.

The work that those schools do with Indigenous students is beyond question. Everyone accepts that the Catholic schools and also those non-Catholic schools that I have mentioned—and I am sure there are a lot of others that I have not mentioned—do great work. But they seem to be being penalised, and I am sure this is unintentional. When they first came to see me, I said: ‘Not even the Labor Party would be this mean. I do not think that that is what they intended would happen; I think it is an unintended consequence that needs to be addressed.’ I know that my colleagues have also raised this issue, and I think Senator Milne and Family First raised this same issue in the committee hearings. To a degree, they were assured by the comments of officials that everything would be okay, but I am told that that is not the case.

The new arrangement talks about ‘remote schools’, ‘very remote schools’ and ‘non-remote schools’; whereas the previous arrangement used to talk about ‘remote students’ and ‘very remote students’. When those very remote students came into schools in a locality that was not remote, they were entitled to the higher payments because, in many instances, coming from very remote communities, they needed a lot of extra attention. Some of them need a lot more tuition in English and a lot more help with homework. Those other buckets of money under the old scheme allowed the schools that looked after these children from very remote areas to be properly funded so these children could be properly taught, because they had the money to do it.

In the notes I have been scribbling—and I cannot at the moment put my hand on them—I have written down the actual costs that will be incurred by individual Catholic schools in the diocese of Townsville. The schools stand by those claims, notwithstanding the assurances given by officials at the committee hearings. I am very concerned by what I see is happening, and I again repeat that I think it is an unintended consequence. I would like the minister, in his summation speech, to please address these issues. I will certainly be participating in the committee stage, where we can get more of a running commentary on the issues that have been raised.

As I said, since I became aware of these issues, and after talking with people in the Catholic school system this morning, the shadow minister has very helpfully prepared some amendments. Senator Mason, who represents the shadow minister in this chamber, will be moving those amendments in the committee, more or less to provide for regulations that would provide assistance to address the problems before us. In my limited understanding of this bill, not having had the chance to read it before I got up to speak, I would have preferred some major renovation of the bill to be included to make sure that these schools do not miss out. I am sure that the government does not want them to miss out. There is reference to clause 70, which relates to a guarantee.

If I am wrong in what I am saying and if the information I have been given is not correct, or alternatively if perhaps I have misunderstood the information given to me and people are going to say to me, ‘No school will end up with less money than they had previously’, then I would like the minister to name the schools by name and give me an assurance that, over the next funding period—which I think would be four years—none of those schools will get less than they got previously. The schools I mentioned are Abergowrie College at Ingham, Columba Catholic College at Charters Towers, St Patrick’s College on The Strand, which is not part of the system, the Shalom College in Townsville...
and those other colleges in North Queensland. I am speaking as a North Queenslander here and these are the schools that have contacted me. Also, I think everyone accepts that the North Queensland area schools more Indigenous children at boarding schools than any other location in Australia, so it is important for North Queensland.

My information is that the act does not provide for that. I am sure that that is not the government’s intention either. That is why, if the officials, with their much greater knowledge of the bill—and of course they drafted it—are going to say to me, ‘No, no; you’ve got it wrong, Senator Macdonald; you and the people who have been talking to you haven’t understood this particular provision of the bill’—or that provision, or that I didn’t understand quite what the section 70 Indigenous Funding Guarantee meant—then you can explain that to me in the committee stage. But in any case, I want someone to put on the record in this chamber that those schools that I have specifically mentioned will not, under the new scheme, do worse than they would have done under the old scheme. In many instances, Indigenous young people get the best education possible by leaving their home communities and coming into these schools and colleges that are closer to the bigger towns. It is essential that the schools continue to have the funding necessary to enable those children to be taught properly and to be given some chance in life.

I hope I have explained that in a way that the officials can understand. I just repeat, though, that those involved were not assured by departmental officials in the committee hearing. Everybody seems to agree on what we want to achieve but there is a genuine concern that the bill, as it now stands, will achieve that. There is a real fear that these schools, which do so much work for Indigenous young people up in the North Queensland area and the Catholic diocese, and also the Protestant and independent schools that deal with Indigenous boarding kids, will not do so well. Nobody wants to cut them back but there is a real concern that the new arrangements inadvertently will shaft them, and we want to make sure that that does not happen. So, in the second reading reply from the minister and then in committee I would ask for those assurances. (Time expired)

Senator HUMPHRIES (Australian Capital Territory) (5.36 pm)—I want to make a brief contribution to this debate because I believe it needs to be said that these bills, the Education Legislation Amendment Bill 2008 and the Schools Assistance Bill 2008, place the Senate in a very difficult position and, in my view, undermine the accountability function which the Senate performs by scrutinising legislation. By that I mean that these bills are vehicles, simultaneously, for an extremely large and important sum of money for the operation of non-government schools over the coming quadrennium—some $28 billion worth of funding for those non-government schools. They are also the vehicles for a series of significant but as yet not fully articulated changes in policy that affect those same non-government schools.

I refer in particular to the changes with respect to the new national curriculum framework and the changed and enhanced reporting requirements for non-government schools. What the Senate is being asked to do is to accept that, to achieve one objective, which is the funding of those schools from 1 January 2009, it needs to accept—in part, sight unseen—the other reforms which this legislation gives rise to. That, in my view, is quite an insidious position in which to place the Senate. We are being asked, in effect, to approve one at the cost of the other. There is obviously a game of brinkmanship going on between the government and the opposition as to who will blink first in delivering this important sum of money to non-government schools while at the same time allowing the Senate to properly scrutinise the details of the government’s changes in this area. I think that is quite unacceptable. There is no reason why the Senate should be held hostage to that tactic. I think the issues which the government has placed on the agenda through these bills, with respect to reforming the structure and reporting requirements of education, need to be properly debated. They should be debated in the full light of the detail of the government’s proposals, particularly with respect to the national curriculum, and that should be separated from the question of the money the schools need to operate from 1 January next year. Having said that, I will now comment on some of the detail of those changes.

The national curriculum is, in concept, a worthwhile development which needs to be explored as a platform from which to provide a standard of education which Australians can be proud of and which will sustain a brighter future for education in this country. Setting common standards between the states and territories is a worthwhile idea but, as to whether it actually benefits or disbenefits Australian education, much depends on the execution of that idea. I say that because, if, by achieving a certain foundation of common standards through a national curriculum, we destroy the great strength of diversity in Australian education—the great benefits which are provided to parents in being able to choose the style and kind of education they want for their children by sending them to, say, a Montessori school, or a school with a particular religious background or foundation, or a school which offers the International Baccalaureate or something of that kind—we will have lost a great deal of value. We do not know whether the new national curriculum will place at risk those important elements of our diverse education system. I personally would prefer to see more detail of the curriculum on the table before the Senate is asked to
sign a cheque to deliver that to the Australian government.

I also record my apprehension at the enhanced reporting requirements for Australian non-government schools in particular. At one level, you might say that it is axiomatically a good thing to have more information on the table, but greater scrutiny of that proposition reveals that there are significant potential downsides. As we know, non-government schools operate on the basis of requiring significant support from the Australian community. Some schools are able to encourage and receive private donations, endowments, gifts and donations in kind. It is possible that some of those benefits and donations to non-government schools may be placed at risk where the donor needs to disclose that. Again, we do not know the detail of how this will work, what exactly will be required, what exactly will be reported and in what form. That, I think, adds to the concern which a number of non-government schools put on the table very clearly during the recent inquiry into this legislation by the Senate Standing Committee on Education, Employment and Workplace Relations.

I note that the Labor Party, certainly at the state and territory level and to some extent at the federal level, historically has been opposed to more transparency with respect to the operation of schools. Reporting on schools’ educational outcomes and things of that kind have been matters which the Labor Party has resisted at both those levels of government in the past. Apparently, they now want more of it, so I am suspicious and I think the Senate needs more information about how these things will work.

I want to record my support for the concerns raised by Senator Macdonald. At the hearings conducted the week before last, the government’s representatives offered very strong assurances that the unintended consequence of potentially affecting adversely the funding levels at boarding schools, especially for Indigenous students, would be addressed in the implementation of this system. But, like Senator Macdonald, I would like to be assured again today by the minister in the chamber that non-government schools offering boarding facilities will not be adversely affected vis-a-vis their present position by the passage of this legislation.

Finally, I think it is quite unacceptable for the Senate to be held hostage by the linking of these as yet partially unexplained reforms to the granting of $28 billion worth of funding for the coming years. It is an exercise in undermining the accountability of the Senate, which I think is quite unacceptable but which we have come to expect from this government. I personally wish to see much more of the federal government’s agenda for non-government education clearly explained in this place and to the Australian community. It has not been explained; it has not been articulated. We do not know what the long-term prospects for this sector are. We do not know, for example, what will succeed the SES funding model when it expires and how the federal government proposes to proceed with its philosophical underpinning for its approach to non-government education. Until I know the detail of that, I remain concerned at the blank cheque which legislation such as this offers to the Australian government.

Senator CROSSIN (Northern Territory) (5.45 pm)—I seek leave to incorporate speeches by Senators Bishop and Arbib.

Leave granted.

Senator MARK BISHOP (Western Australia) (5.45 pm)—The incorporated speech read as follows—

I rise in support of the Schools Assistance Bill 2008. The bill is a new mechanism to deliver Commonwealth funding to non-government schools from 2009 to 2012. It replaces the Schools Assistance Act 2004 which provided funding for both public and private schools. Public schools will now be funded under the National Education Agreement now agreed by COAG.

Briefly, this bill honours our commitment to continue the Socio-Economic Status (SES) funding and index arrangements to non-government schools over the next four years.

As we are aware SES funding is linked to the education and income levels of parents within a school district. Funding to the private sector is therefore based on the local community’s ability to give financial support to the school. The bill also provides recurrent funding in the form of supplementary assistance for Indigenous students at private schools.

Funding was previously appropriated under the Indigenous Education (Targeted Assistance) Act 2000. The aim of this measure is to streamline assistance payments for each eligible student. The assistance payments will be indexed at the same rate as general recurrent school funding. It’s all about reducing red tape for schools and allowing them to get on with the job of educating students. Quite simply, this bill is part of the building blocks for a modern, high quality education system.

In total $28 billion will go to the non-government school sector over the next four years. Along with the National Education Agreement it represents an investment of $42 billion in our education systems. I believe the current debate surrounding the Schools Assistance Bill misses the point. The debate has moved on from public versus private. It’s moved on from how much funding should come from where.

It’s moved on from naming and shaming schools. It’s moved on from blaming educators.

Today it’s where it should be and that is—about student performance. Today it’s about standards and outcomes. Today it’s about transparency and assessment of educational institutions.

For too many years the Howard Government’s agenda was limited to cultural wars and naming and shaming schools. It was part of a political plan to play the blame game with State Labor Governments. Clearly their agenda was all about politics with little concern about educating our next generation.

Private schools are now concerned that new accountability measures will bring an unwarranted degree of media scrum—
tiny. Whether public or private, media interest is driven by concerns—concerns of parents and the wider community about the performance of our schools. The fact is we need to commit new resources to make a difference. In order to identify schools most in need, we need information.

We need information on student performance. We need information on the schools resources. Our education system is now out of sync with the rest of the world. We are falling behind the countries we compete with as reflected in the 2008 OECD Education at a Glance report.

In 2005 when OECD spending on pre-primary education averaged 0.4 percent of GDP, we spent just 0.1 percent. It ranked us in spending at 24th out of 26 countries. It shows there is a consequence in failing to invest in education.

The story in the tertiary sector is much the same. Our expenditure was 1.1 percent of GDP. Again, less than the OECD average. If we want to compete globally we need to invest in education.

The aim of this government is to ensure every child has access to the highest quality education. Regardless of where they live or what their parents earn. We know young people from low socio-economic families are less likely to go onto vocational training or higher education. Should we accept this as the norm? No—we should not.

Today, too many young Australians leave school early and don’t make a transition to work. They end up unemployed or in casual jobs. Business as usual for these children isn’t good enough. Until we have a policy of transparency and assessment in schools, children will continue to be left behind. So what do we need to do to improve the quality of what goes on inside a classroom?

Firstly, we need to get back to basics. In order for our children to reach their full potential they need the tools and the tools are literacy and numeracy skills. Over the last twenty to thirty years there has been an intense debate about teaching methods. As a parent, I have followed the debate closely. I have come to the view that the teaching method known as phonics is fundamental to early literacy. This method allows children to be taught in a structured and comprehensive way. There is in fact a great deal of concern about the teaching of literacy and numeracy.

In a recent national telephone survey of parents, 92 percent wanted more information on their schools’ approach in this critical area. I, along with many other parents believe there should be a strong emphasis on grammar, punctuation and spelling. There is a difference between reading what is written and understanding what is written. But you can’t put the cart before the horse.

Secondly, we need a national curriculum that sets national standards for each child. The Australian Curriculum, Assessment and Reporting Authority Bill 2008 passed the Senate last week. The new national authority will manage the development of a National Curriculum and a national system of assessment and reporting. A curriculum and assessment system that will be in used in every school in Australia.

I would enter one word of caution and that is national curricula should be about national standards. It should also be about minimum standards. Some children, some schools, some parents and some communities want to focus on effort, achievement and high outcomes.

In short, they aim by constant work to improve over time and achieve that mythical thing called excellence. It’s a worthy aim, a fine purpose and it should be encouraged.

We should be pushing up, dragging up and forcing up in terms of educational outcomes the bottom and the middle. So they can achieve the same results as some of the fine independent, catholic and state schools in this country.

It’s also important our best and brightest are not forgotten. We must continue to challenge exceptional students so they achieve their full potential, which brings me to centres of excellence and their importance in our education system.

In my home state, Perth Modern is a fully selective public school. That means entry is by academic test. The school has a proud history. It can boast of educating fifteen Rhodes Scholars, a prime minister, a governor general and numerous luminaries. Part of the purpose of national standards, national curricula must be to aim for excellence in academic achievement.

Thirdly, we need rigorous testing. Testing that measures a student’s performance against the performance of their peers, then measures the performance of their school and compares that performance of other schools in the area.

Finally, performance should be measured against students and schools around the state and nationally. Parents as well as government want this information. Teacher assessment while valuable as a guide is no substitute for peer comparison. Information on school performance is a national priority. Our system will compare like with like. That is it will compare schools within a geographical and socio-economic cluster. It will inform parents on the progress of their child and the progress of their school. It will also inform government on which schools need help.

We all recognise that education is a partnership—a partnership of parents, schools, community and governments. For the partnership to work effectively we need to know where we are doing well and where we can do better. It’s not about ranking schools or creating league tables. It’s about providing information to parents on how their child is performing within their peer group. Their child’s strengths and whether there is room for improvement.

Parents also want to know if their school is meeting national standards. If not—parents want to know the government is willing and able to provide additional resources. Investing in education is critical. Not only to provide our young people with opportunity but to drive growth and to build a prosperous economy for the future.

The Rudd Government’s priorities are,

- raising the quality of teaching in our schools;
- ensuring all students benefit from schooling, especially in disadvantaged communities and;
- improving transparency and accountability of schools and school systems at all levels.

We want a school system that supports learning for every child, whether they attend private, public or remote schools. To achieve these priorities, we need a framework that is consistent for all schools.

The 2009/2012 funding agreement for private schools will require;
The incorporated speech read as follows—

I rise today to support the Schools Assistance Bill 2008 and The Education Legislation Amendment Bill 2008.

It’s great to have an opportunity to speak about education, which is as I have mentioned often is a top priority for the Rudd Government and a personal passion of mine.

After 12 years of Howard government rule, our education system is in need of major reform.

New Limited CEO Rupert Murdoch said it best in his recent Boyer Lectures:

“In short, we have a 21st century economy with a 19th century education system, and it is leaving too many children behind.”

That is why we are undertaking an education revolution and that is why this bill is so important. Not only is it providing more funding for all our schools, it is also delivering new measures to improve accountability, transparency and teacher standards in the education system.

And this is not to be pessimistic about our education system. We are lucky in this country to have some of the best schools, teachers and administrators in the world. Our schools and our educational standards are of the highest order, but we must make the jump; taking our education system into the future.

Australian families need to know that their children are getting a modern education of the highest international standards, and should be confident that no matter where in Australia they choose to live they can send their kids to a top quality school.

It is also essential to move away from the social divide between public and private schools, something that this bill provides. Instead we need to move to a landscape where quality of education, a focus on individual educational needs, and transparency of educational institutions inform parental choices and more importantly each school’s performance.

The Deputy Prime Minister and Minister for Education, Julia Gillard, describe the twin goals of excellence and equity. Both are achievable and most importantly we should demand no less for our children.

Education is the best way of fighting inequality, providing opportunities for all children to lead fulfilling and productive lives.

These opportunities should not be limited by geographical or socio-economical particulars. All children, whether they live in the country or city and from whatever background, should have equal access to the same great education.

And in Australia we have the opportunity and the resources to make this equality and standard a reality.

What we have lacked has been national leadership in this area. What the past 12 years has taught us is that without strong direction at the national level, standards can drop, comparisons with other countries can worsen and our children can be short changed by the education system.

The Rudd Government promised at the last election to modernising our education system all the way from early childhood to higher learning. We have been working at it for a year and we are continuing today to deliver on that promise with this bill.

This bill links funding agreements to schools to certain requirements for a greater, more open education system.

Division 3 of the bill highlights the need for independent schools to participate in national student assessments. This will include an assessment against national standards in reading, writing, language conventions and numeracy for students in years 3, 5, 7 and 9.

It also includes requirements for non-government schools to participate in preparing a national report on the outcomes of...
schooling. This will help greatly to inform the community about schooling across the country.

The implementation of a National Curriculum will ensure that across Australia no student is left behind on important minimum standards of knowledge.

And non-government schools will also be required to make reports relating to students and financial operations of the schools.

For the first time, there will be consistency and transparency across all recipients of government funding. It is important to note that there is no requirement placed on non-government schools by this bill that will not also apply to the public school system.

Firstly this bill continues to fulfil the Government’s election promise that no school will lose a dollar. Public Schools will continue to have their funding indexed to make sure levels do no drop below 2008 levels and the Socio-Economic-Status funding allocation will continue to ensure that funding goes to those areas and schools where it will have the biggest impact.

Independent schools, just like all Australian Schools, are committed to providing the highest level of education they can for their students. They will therefore receive $28 billion in funding for non-government schools from 2009-2012.

Despite comments from the Liberal Party, the vast majority of Independent Schools in Australia want this bill to go through. Who wouldn’t with $28 billion in funding at stake, but it is more than that: The Liberals claim that the reporting measures and national standards are onerous and unwanted; this is wrong.

Let’s just look at some of what the Dr Geoff Newcombe, Executive Director Association of Independent Schools of NSW has to say about the concerns raised by those opposite:

On the issue of the $28 billion funding:

“It is absolutely critical that this bill is passed without delay so that independent schools have enough funds early in 2009 to pay their teachers and staff.”

On the concerns about the national curriculum:

“Deputy Prime Minister Julia Gillard has now indicated that the new Australian Curriculum Assessment and Reporting Authority will be asked to look at ways in which the national curriculum can provide flexibility and allow for differences that still meet the required standards. This is reassuring and represents a commonsense approach to implementing a national curriculum that takes into account the diversity that is a feature of our existing school education system.”

On the concerns about financial disclosure:

“The implementation of the proposed national curriculum and the new reporting framework were raised at a Senate Standing Committee inquiry into the bill. However, most independent school groups are confident that these issues will be satisfactorily dealt with in consultation with the Government.”

And he concludes that:

“These, however, are matters best dealt with when the details of the Regulations associated with the legislation are known.”

On the obviously politically motivated objections of those opposite:

“There are times when political differences must be put aside to allow for critical pieces of legislation to be passed for the benefit of the community.

The Schools Assistance Bill 2008, which provides for the funding of nearly 1.2 million Australian students in more than 2,700 independent and Catholic schools, is one such piece of legislation.”

And he goes on:

“What we don’t want is a situation where proposed amendments delay the bill until next year. This would be disastrous for many independent schools”

Finally:

“Attempts to amend the bill in the Senate may put at risk funding for non-government schools for the commencement of 2009. Certainty has been replaced with uncertainty…”

The sector knows that allowing transparency of performance and funding makes for a better more open education system.

They also know that national standards do nothing but benefit students. These are minimum standards but they are not low, they ensure that all schools that receive Commonwealth funding offer education that delivers for our children. Such an arrangement does not impede the operation of different approaches to school but simply ensures minimum standards.

This arrangement is fair, equitable and what our children deserve.

Accountability and transparency in our government and non-government schools can only benefit students.

What we are seeing from the opposition today is the inadequacy of the Shadow Minister for Education Mr Pyne. Bent low under the shameful legacy of the Howard government and facing the vision of the Deputy Prime Minister, those opposite have responded with an argument against accountability and transparency.

We should never forget the Liberal’s record on education.

Between 1995 and 2004 public funding of tertiary education increased by an average of 49% across the OECD but declined by 4% in Australia. This makes Australia the only OECD country where the total level of public funding of tertiary education decreased during that time.

The Rudd Government’s Education Revolution is well underway:

We are:

(1) Investing in Trade Training Centres in Schools, with a $2.5 billion injection to build new infrastructure to develop vital skills.

(2) The Digital Education Revolution has already delivered more than $116 million for almost 117,000 new computers in 896 secondary schools.

(3) We have spent $500 million under the better universities Renewal Fund to facilitate the rebuilding and repair of campus infrastructure.

(4) For early childhood learning the government is investing $114.5 million over four years, establishing 38 early learning and child care centres.
(5) $577.4 million has been allocated to develop a National Action Plan for Literacy and Numeracy. 29 pilot programs for two years will guild reform and development into the future.

(6) The Education Investment Fund with already 8.7 billion to provide future capital for education investment.

(7) Phasing out of domestic Full-fee paying places to ensure that merit is the only driver of access to higher education.


(9) Establishing a national Curriculum for the first time to ensure that no student misses out.

(10) $62.4 million for the National Asian Languages and Studies in Schools Program.

(11) $28 billion to non-government schools in this bill.

This bill delivers on the Rudd Government’s election promises to undertake an education revolution in this country. It moves the Australian education system forward and away from the traditional private sector public sector divide and ensures that all schools that receive government funding commit to certain standards of performance, transparency and accountability.

By blocking this bill the liberal opposition is denying non-government schools 28 billion dollars in funding. But more importantly they are holding Australian children back from a truly modern and progressive education revolution.

A revolution that I believe we need in Australia. Once again I add my support to this important bill.

Senator XENOPHON (South Australia) (5.45 pm)—The education of young people is one of the most important responsibilities facing every nation. While many decisions we make in parliament are focused primarily on the here and now the decisions we make about schooling form the foundation for the future of our nation and so it is with the Education Legislation Amendment Bill 2008 and the Schools Assistance Bill 2008.

The Schools Assistance Bill 2008 has been described by some as a simple change or an interim measure until a full review of funding is made by 2011. However, this bill is much more than that. It contains within it an indication of what this government’s policy is going to be both for public and non-government schooling in coming years. Broadly speaking government schools are funded by the states while non-government schools are funded by the Commonwealth. However, some federal money does go to government schools and currently these funds, along with those for non-government schools, are handled together under the arrangements of the Schools Assistance Act. These arrangements end at the end of this year.

This bill seeks to stipulate funding arrangements for the period 2009 to 2012. However, it also represents a significant change in the way that Commonwealth funding is delivered to schools. The future funding for government schools will be provided through the National Education Agreement, or NEA, which is currently being negotiated with COAG, and I note the agreements reached at the COAG meeting last Saturday. Meanwhile the future funding arrangements for non-government schools are to be separated as stipulated in this bill. The main features of the bill are new reporting requirements, which will include information on performance, finances and programs. The government claims that the bill aligns the requirements for both government and non-government schools, which will allow for greater transparency and accountability across the sectors.

The bill also makes non-government school funding conditional on the implementation of the national curriculum. New funding arrangements for Indigenous students attending non-government schools are provided through the Education Legislation Amendment Bill. Essentially the new funding arrangements will tie funding to the student rather than to programs. The government estimates that this will result in approximately 1,200 more Indigenous students receiving additional support in school. Senator Macdonald has raised some concerns in relation to Indigenous students as to how the funding model is treated. I am very sympathetic to those concerns and I think they need to be adequately addressed in the course of the committee stages of this bill so that those students are not in any way disadvantaged.

The government has also decided to continue the current system of general recurrent funding for non-government schools. This model allocates funding according to the socioeconomic profile of a school community with more funding going to schools in poorer areas. Together, these measures are estimated to provide around $28 billion to non-government schools over the forward estimates period. Let me say at the outset, I believe that with public funding comes public accountability. Schools cannot accept taxpayers’ money without having responsibility back to the taxpayers. However, what this bill highlights is the tension between the independence of non-government schools and the growing dependence of these schools on Commonwealth government funding.

This bill has resulted in more correspondence to my office than any other bill during my short time in this place. In short, the concerns put to me have centred around three clear themes. Firstly, changes in the bill that are tied to recurrent funding for the start of next year, which makes schools fearful that if the bill is not passed promptly they will not be able to pay their teachers to run their schools. Secondly, the requirement for non-government schools to disclose in detail all their funding sources is unnecessary and will result in a greater gap between the sectors. Thirdly, the implementation of a national curriculum will severely restrict the flexibility, diversity and independence of non-government schools.
Let me firstly address the issue of public disclosure of funding sources. This bill, as I read it in its current form, requires non-government schools to disclose all sources of funding and empowers the minister to block funding to schools on a range of grounds including a lack of financial viability. I have reservations about these changes and I had a very good meeting with Deputy Prime Minister Gillard, the minister in charge of this bill, earlier today. I think it needs to be made absolutely clear that, in relation to the sources of funding, whilst the aggregate amount ought to be disclosed—and I think that is fair enough—disclosing the individual sources is something that goes beyond the pale. The unintended consequences of that could be quite severe and I do not believe that is the intention of the government, and I think it is important that that is something that is made clear in the legislative sense during the committee stage.

The lack of confidentiality, for instance, may discourage some donors who prefer discretion, while, on a practical level, the publication of donations may present a hit list for other schools in their fundraising efforts. I feel uncomfortable about these provisions that could potentially penalise schools for being more effective fundraisers. Instead of rewarding effort it may result in pressure to reduce school fees or make it harder to raise funds in the following year. While I do understand and respect the position of the minister in relation to this, in order to ascertain what the aggregate sources of income are—and I think that is the general intent of the government in relation to that—I am looking forward to the committee stage for that to be clarified. I am all for transparency but I am against unintended consequences and, as the legislation currently stands, those requirements with respect to sources, as I read and as others have read the bill, could lead to these unintended consequences. I believe that this issue of privacy of the disclosure of sources is something that needs to be dealt with in the committee stage.

The second issue that concerns me is the implementation of a national curriculum. Like all Australians, I believe it is vital that every student has the basics of reading and writing, of counting and calculating and of thinking and reflecting as well as the skills needed to learn for oneself. However, I also believe that there is need for caution when governments seek to standardise and set a curriculum. There are many headmasters placing demands on our schools and curriculum. Our curriculum needs to be responsive to the demands of the global economy as well as to the demands of local employers. Our curriculum needs to help our young people live in today’s rapidly changing society as well as to prepare for life in a yet unknown future. Our curriculum needs to underpin active democracy as well as to reflect the growing diversity of our citizens. Our curriculum needs to be detailed in its demands but flexible in its delivery.

What concerns me most about the government’s moves to implement a national curriculum is quite simply that we do not know what it will be. Students learn best when they see connections between subjects and the real world but, as yet, we do not know what the subjects will be, let alone what connections will be emphasised. While four initial disciplines have been identified, there is still no detail of what will be taught within them. I can understand the concern of a number of my fellow senators as to why schools should sign up to something that does not yet exist. How can the government make their funding dependent on schools adhering to the unknown?

This has been the subject of ongoing correspondence to and discussion with the Deputy Prime Minister’s office. I have been grateful for the information that has been provided by the Deputy Prime Minister’s office in relation to this but, in essence, the government’s response has been: ‘We will collaborate with the states on government schools and we will consult widely, as we have in the past, and this will take shape.’ I think that is a fair summary. I believe, however, that there ought to be more detail about the manner of consultation. For instance, it is important that, in the absence of providing the curriculum itself, the government crystallise its position on the principles of assessment, the expansion of national testing, the draft guidelines for formulating the national curriculum, the method for this formulation and exactly who is involved and how they are representative of the diverse range of non-government providers. These are the sorts of things that I believe ought to be crystallised in the context of the debate on this bill.

I am concerned that this could undermine the purpose of the non-government schooling sector: to allow for diversity in teaching approaches, choice by parents and differences in curriculum. It should not be the role of any minister for education, bureaucrat or academic to be reaching down into the classroom with a big ruler and whacking teachers that do not teach whatever is in fashion in a standardised curriculum. There ought to be some flexibility there. I am not suggesting that that would be the approach of this minister, but I am concerned about giving that sort of power to a particular minister. I think Senator Carr will remember the debate of a few months ago on the issue of the national protocols for higher education. I was convinced by the government’s arguments there that you ought not to penalise higher education institutions if they stray from a one-size-fits-all governance model. It was not about curriculum, but I think there are some parallels with the principle there.

I note the view of the South Australian Primary Principals Association that one of the biggest challenges facing teachers is that the curriculum is already too crowded. I am aware of complaints by teachers...
that, with every new public crisis, ministers feel required to introduce a new schooling initiative to address it. If enough headlines say: ‘Dog bites child’, it is not long before teachers are required to find time to teach the new ‘dog safety strategy’. I do not say that flippantly; it is an example of the way in which curriculum can be driven.

Whether it be for religious, cultural or philosophical reasons, I believe independent schools need to have the space to teach creatively and diversely. But with public funding comes public accountability. No school should accept taxpayers’ support and then foster religious intolerance, teach homophobia or encourage racism. Neither should they ban computers, neglect basic literacy and numeracy or inadequately prepare students for future citizens. But I also do not think we should be forced to sign schools up to an unknown curriculum. There should at least be some guidelines with respect to that. We need to know what is going to be taught and why. It seems a strange argument to state that what is being taught can be separated from how and why it is being taught. To argue this is to argue for a model of curriculum where a teacher could be replaced by 30 laptops and a sheepdog. If one accepts the argument that a national curriculum will not prescribe ideology or constrain teaching principles, it still raises issues for different curriculum approaches, such as the International Baccalaureate.

My son is currently doing year 11. He is doing an IB course at a non-government school. He is working incredibly hard at it and is finding it very satisfying. It should be noted that my home state of South Australia has been acknowledged as a leader in the take-up of the International Baccalaureate. I think it is a world leader in terms of the number of students that have taken it up, and I have real concerns about the unknown and unintended consequences for the IB and other teaching approaches. I note that the Deputy Prime Minister has publicly stated that courses such as the IB should not be concerned. But I do not think we should be forced to sign schools up to an unknown curriculum. There should at least be some guidelines with respect to that. We need to know what is going to be taught and why. It seems a strange argument to state that what is being taught can be separated from how and why it is being taught. To argue this is to argue for a model of curriculum where a teacher could be replaced by 30 laptops and a sheepdog. If one accepts the argument that a national curriculum will not prescribe ideology or constrain teaching principles, it still raises issues for different curriculum approaches, such as the International Baccalaureate.

I have been assured by the Deputy Prime Minister’s office that the Australian Curriculum and Assessment Reporting Authority will recognise well-established curriculum frameworks, but I believe that there needs to be a crystallisation of the matters that I have raised previously. We need to know how a national curriculum will integrate with an international program that has a broad range of learning areas, including areas of interaction, such as the IB. Does this explain what the implications will be for the international moderation and assessment components of the IB? Does it explain whether IB schools will effectively have to run two curriculums simultaneously? At the moment, we do not have the answers to these questions, other than some broad principles. Again, it has been very useful to have obtained the outline of those principles from the Deputy Prime Minister’s office, and I am grateful for that, but I believe there needs to be further crystallisation.

The final matter that I wish to note is the concern that has been raised about the speed of these changes—about whether it is necessary to deal with this curriculum issue now, in the context of this bill, as well as the basic impact of funding. If the bill does not go through, the funding of non-government schools will be compromised. Basically, it will be cut. In the communication that my office has had with school communities and with independent school associations, it is evident that they are in a bind. They want this bill to go through because of the funding—that is a primary concern—but also some of them are concerned. If this bill requires them to implement a national curriculum that is unfair or that somehow impedes their independence or their ability to deliver the best outcomes for their students, they are not happy about that. It is important that they are not put under that sort of pressure and that they have some comfort and certainty on the issue of a curriculum.

I think we could have had an alternative approach that would have balanced public accountability with independence and flexibility. I refer to a possible resolution that could be found through schools that receive public funding being required to demonstrate adherence to a public charter for schooling. That is something that is being looked at by Professor Alan Reid, a former dean of education at UniSA as well as the head of a recent review of the South Australian Certificate of Education. His current research with the Australian Research Council, as well as his 2003 discussion paper for the Australian Council of Deans of Education, puts forward the notion of a public commons for education. This public commons concept explores the responsibility of government and non-government schools to conform to public values of diversity and inclusivity in return for government funding. While I do not necessarily agree with Professor Reid’s views, the idea of common resources being used for the common good around common public values is one that would have been worthy of further exploration had there been the time to do so in the processes involved in this bill.

There is a real concern that this bill, by tying funding to a national curriculum, is fundamentally unfair. I have said publicly that, if there is a crystallisation of what the curriculum will be in broad terms, what the processes will be and what time lines are involved, I believe that will give an adequate framework to allay the concerns of those private schools and those private school organisations that have expressed their concern.

I also note the claim made by the government—whether it is fair or not I suppose can be dealt with in
the committee stages—that in February 2005 the coalition signed up schools to statements of learning linked to funding and that, at the time, no detail was provided. That is something that no doubt the coalition can reflect on or comment on in terms of what has been put by the government.

I believe that education policy should be about the long-term conditions of schooling, not short-term conditional funding. Education policy should be about better skills, not better spin. Education policy should be about good processes, not old ideology, and education policy should be about planning. I believe that the current bill, in relation particularly to the issue of the curriculum, needs to be better. There should be clarity in relation to the sources of funding. I believe that the government understands those concerns and that it was not the intention of the government to disclose private sources of donations.

Also, in relation to the whole issue of the qualified audit process, there ought to be some criteria by which a qualified audit, which could impact on a school’s funding, should be determined. That is why I believe a fair and equitable mechanism in the circumstances would be for the grounds or the criteria for a qualified audit to be the subject of a disallowable instrument—that is, a legislative instrument that could be the subject of disallowance by the Senate. I believe that would be an adequate and good safeguard in relation to the audit process.

I support the second reading of this bill. I reserve my position in relation to the third reading, but I believe that there are a number of reforms that the government is proposing that have significant potential for increasing accountability and for increasing transparency. These are good things, but I also think we need to be mindful of the concern of the non-government schools to ensure that there are fair outcomes in relation to this bill.

Senator FIELDING (Victoria—Leader of the Family First Party) (6.04 pm)—The Schools Assistance Bill 2008 provides $28 billion of funding to non-government schools for the years 2009 to 2012. Let me say at the outset that Family First supports a national curriculum and Family First supports a strong public and a strong independent school education system. Family First wants a curriculum that lifts education standards in Australia. We want a curriculum that encourages children to have a love of learning. We want a curriculum that challenges, inspires and enriches the lives of children.

However, Family First has a number of concerns with this bill. Of major concern to Family First is the degree of bullying being displayed by the federal government. The Rudd government is behaving like a bully in the schoolyard: ‘Give me your homework and hand over your lunch money or you’ll cop it.’ The government is trying to ram through this $28 billion school-funding scheme in the last sitting week of the year in an effort to bully schools into signing up to the government’s proposed but unseen national curriculum. How can you sign up to a national curriculum when no-one knows exactly what it looks like?

Many representatives from schools and schools associations that I have had discussions with believe that they are being held to ransom by the Rudd government over this bill. They say it is a case of being pressured to sign up to the unseen national curriculum if they want to see a cent of government funding. They say the Rudd government’s line is: ‘Trust us; we’ll give you the detail of the national curriculum eventually. Just sign up first.’

The government’s decision to refuse funding unless schools agree to the national curriculum has left independent schools stranded. The end of the school year is looming, and these schools still do not know if they will have the funding they need to maintain their programs next year. If the government really wanted schools to support its national curriculum, it would stop standing over schools like a schoolmaster from the 1940s and stop threatening them with the strap if they do not sign up to something they cannot even see. In case the government has not realised or noticed, education has moved on since the 1940s.

No wonder schools and parents are anxious. Let us think about what we tell our kids: ‘Don’t sign anything without reading the fine print. Don’t sign up for a mobile phone deal and don’t put your name to any contract without knowing the detail.’ So how can independent schools be expected to sign up to an unseen national curriculum without reading the fine print?

Family First is also concerned at the references to funding sources in this bill. Under section 24 of this bill, independent schools will have to declare publicly all the sources of their funding. Where does that leave the benefactor or company who wants to contribute to the school’s art room or music program and is not seeking credit and does not want to be hassled in the future? Bad luck—under the government’s scheme, he or she or their company is being named and identified as a target for every group and every individual seeking funding of their own. That generous benefactor faces being hounded by those after a quick buck.

Independent schools, like any organisations, are already bound by disclosure processes. They already have significant existing reporting requirements to government and they are happy to provide that information. Independent schools registered as companies limited by guarantee for administration purposes, like all other companies, already abide by existing reporting and auditing regulations. According to the Commonwealth programs for schools quadrennial administrative guidelines 2005-2008, under the Common-
wealth funding agreements for non-government schools, all non-government schools and systems must:

... provide electronically a statement ... to the Department by 30 April in the year following the program year ... which contains particulars ... such as all income received (gross) and expenditure incurred (gross) in operating the school and/or system and providing activities for students ...

Information from the financial questionnaires completed by schools is published in the National report on schooling in Australia and other reports. So this information is already publicly available. Why does the government insist it needs more disclosure from these schools? The government knows that schools cannot commit to offering services to their students and parents from the start of next year unless these billions of dollars of funding are provided. That is why the Rudd government is holding independent schools to ransom, by threatening to withhold that funding. This would be a joke if it were not so serious.

Family First is serious about supporting education, both public and independent, and giving parents the option to make a choice about quality education for their children, whatever sector they choose. If the Rudd government were serious, it would allow the $28 billion to go through immediately, then deal with the curriculum and disclosure elsewhere. This would ensure children at independent schools are not deprived of programs next year. It would also allow time for independent schools to be fully briefed on the detail of the proposed national curriculum and for any concerns about the scheme to be addressed without the threat of funding cuts looming over schools. But it will not. For those reasons, Family First is standing up for schools and especially for the parents and students who choose to attend non-government schools.

Family First will move in the committee stage to split the bill, so that the $28 billion of funding can go to the schools without delay, while we wait for the Rudd government to do its homework—to bring back for marking—and develop the detail of the national curriculum next year. Family First’s amendments will also ensure the schools provide adequate reports on the programs they provide from government money, while removing the unnecessary detailed disclosure of other funding.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (6.10 pm)—I will take this opportunity to sum up and to thank everyone for their contribution to the debate on the Schools Assistance Bill 2008 and the Education Legislation Amendment Bill 2008. These bills provide an estimated $28 billion over four years for schools, beginning on 1 January 2009. They are an essential step forward in the government’s education revolution agenda, combining investment with transparency and accountability. They provide certainty for schools across this country. We should be clear about precisely how many schools we are talking about and how many students. We have 2,728 schools directly affected by this legislation. Enrolments in non-government schools, according to the latest figures I have available, are in excess of 1,148,000 students. They are the people we are talking about here. When we talk about the future and we talk about certainty, we should squarely focus on those people that are directly affected by this legislation.

What we are seeking here is a new era of transparency, of quality, of better resourcing, for both government and non-government schools. In the debate, we heard some mention of resourcing. I think it is important to draw the Senate’s attention to precisely how much money we are talking about. I have mentioned the $28 billion for these two bills over four years from 1 January 2009. But that has to be seen in the context of the overall commitments this government has made to school education, which are now in excess of $58 billion over a five-year period. There has been an increase in resourcing for school education, as part of the education revolution, of some 29 per cent. So we are moving from a situation where, under the old quadrillion, there was some $32 billion to a situation now where, as a result of all the various funding arrangements that have been announced and through various legislative measures, there is a figure of $58 billion over five years.

Senators in this chamber, therefore, will be obliged to make some pretty stark choices. I am sure Senator Mason is only too well aware of this proposition, and I trust he has communicated it to his colleagues. We have some stark choices before us. It is in the power of this chamber to make the decision as to whether or not this $28 billion goes to those students that I mentioned, the 1,148 million students, from 1 January next year. That is a stark choice.

From what I have heard from the debate today, it is quite clear to me that the Liberal Party are opposed to the transparency, opposed to the accountability and opposed to the development of a national curriculum. They have been arguing this position right throughout this year, so the question of timing that has been raised in the debate is of course quite fallacious.

What we have is a situation where the government has sought to see an education revolution, a revolution in transparency and in terms of a quality curriculum, and it is part of our intention to bring more resources to the education of children right throughout this country to lift standards and ensure that we strive for excellence in every school in this country. We have heard from the Liberal Party that their actions in this matter are being taken in the name of the rights of parents. We say that the program that the government is advancing as part of its education revolution is very much about the rights of parents—the right of parents to know what...
is going on so they can make informed choices about the future of their children’s education. That is precisely what this legislation does. It allows parents to know what is going on in their local school, as is their right.

The Schools Assistance Bill 2008 and the Education Legislation Amendment Bill 2008 are an integral part of the Labor government’s education revolution, and these bills are being introduced in conjunction with the new financial arrangements negotiated between the Commonwealth and the state and territory governments through the Council of Australian Governments. They are a very important part of the funding arrangements to ensure the future of quality education in this country.

Senator Macdonald has raised some questions. He started by saying he had not actually read the legislation. He then went on to say he did not know much about the legislation but he wanted assurance about their operation. It is his right as a senator to do that. We will give him the assurances that he is seeking in the committee stages of this bill.

Senator Xenophon has also raised some issues with the government. The government gives its firm commitment to the non-government sector that they will continue to be included as active and equal partners in the development of a national curriculum and in the process to recognise well-established alternative curriculum frameworks and reporting authorities once it is established in early 2009. The Australian government will ensure the development of this national recognition process is a priority through ACARA and that representatives from the non-government sector will have a seat at the table with the government sector during the development of this recognition phase. The Australian government gives a further commitment that, until such time as ACARA is established, the non-government sector will continue to be included as an equal and active partner in the development and specification of the national curriculum that is being led by the Interim National Curriculum Board. I understand a series of amendments to that effect have been circulated standing in my name.

The interim board has also released its framing papers from each of the learning areas of English, mathematics, the sciences and history—they are available for public comment until 28 February 2009—and it has indicated that it will release its final recommendations on the specifications of the national curriculum in term 1, 2009. The interim board has indicated that it will establish drafting teams across the government and non-government sectors to establish the content and achieve standards for each learning area. This means that those in the non-government sector will have the opportunity to directly participate in the drafting teams that develop the specifications of the content of the national curriculum. They will have a hands-on role in the development of the curriculum.

The interim board has been very clear in the 10 principles that it set out on page 4 of its scoping paper The shape of the national curriculum: a proposal for discussion.

1) The curriculum should allow jurisdictions, systems and schools to implement it in a way that values teachers’ professional knowledge and reflects local contexts.

2) The curriculum should be established on a strong evidence base on learning, pedagogy and what works in professional practice and should encourage teachers to experiment systematically with and evaluate their practices.

It goes on to say, in relation to the national curriculum, that:

There will be scope, as there is in state and territory curriculum, for teacher professional judgement about what to cover and in what sequence, about how to reflect local and regional circumstances and about how to take advantage of teachers’ special knowledge and teachers’ and students’ interests.

As the Deputy Prime Minister has said before, the national curriculum will not be a straitjacket for schools. It will not specify down to the very last lesson. Clearly, we actually have a higher opinion of teachers and the professional quality that they bring to the task than the opposition does. The system will leave the decisions on how the curriculum is delivered to the judgement of schools and teachers. It will not interfere with the ability of schools to incorporate the content of the national curriculum into their own educational philosophies or their pedagogical approaches. They will be able to continue to offer local curriculum arrangements within the requirements of the national curriculum.

The development of the national curriculum provides an opportunity for the curriculum and the national assessment program to be properly aligned. There is clearly an appetite amongst those in the education community for that alignment. Consideration of aligning the national curriculum with the national assessment program will be a matter for the Ministerial Council on Education, Employment, Training and Youth Affairs. It is possible that the council will seek advice from ACARA on how best to achieve that alignment. The representatives of the non-government sector on ACARA’s board will ensure the non-government sector is well placed to communicate its views on any kind of alignment between the curriculum and the assessment. So, as a matter of and as per the arrangements of all governments, the final national curriculum will be signed off by the Council of Australian Governments after it has been endorsed by the Ministerial Council on Education, Employment, Training and Youth Affairs. ACARA will have responsibility for recommending the national curriculum to MCEETYA. This is an important point because it reminds us of where the driver of the national curriculum
has come from. It was back in April 2007 that the states and territories agreed that the Council for the Australian Federation report *The future of schooling in Australia* was to commit the development of a national curriculum. This commitment to the national curriculum has been reiterated by the states and territories through the national education agreement announced at COAG on 29 November 2008. It was also agreed by MCEETYA through the national declaration on the educational goals for young Australians that will be released in the next week or so.

It has taken us some 30 years to reach this historic agreement—you could hardly say we have rushed into this! It has taken 30 years of discussion, but at last we are there. The interim board has indicated that the review of the national curriculum should be initiated in about 2013 or 2014, to ensure that its content remains relevant to students. This is in keeping with the usual good practice of curriculum renewal cycles operating in the states and territories and internationally. A curriculum does not remain static or fixed in time, no matter how many politicians say that it does. It must grow and must evolve. As such, the Australian government will be strongly supporting such a review of the curriculum.

Let me restate for the record the way in which the non-government sector can be assured about its equal and active participation in the development of the national curriculum. The non-government sector is currently represented by three members of the non-government sector on the interim national curriculum board. This provides an assurance that the non-government sector will have the opportunity to participate as active and equal partners in all—and I emphasise ‘all’—of the process that the interim board uses to develop the national curriculum. The non-government sector is specifically represented on the board of the new authority, ACARA. It will be a partner in whatever is developed in relation to curriculum and assessment and reporting. As we have already seen, the development of the national curriculum is being conducted in an open and transparent manner. Many members of the non-government sector have already participated in the national and regional forums that the interim board has held across this country to shape its early advice on the national curriculum. This is the kind of open consultation process that we would expect, and of course it will continue.

The Australian government has committed itself to ensuring a strong relationship between the Department of Education, Employment and Workplace Relations and the non-government sector during the development of the national curriculum and the national recognition processes—and you would expect nothing less. This will ensure that the non-government sector knows it can speak openly and frankly to government officials who will work with the non-government sector to ensure that there are processes and protocols in place for ensuring that there is in fact a two-way communication on these issues. This will build on the strong existing relationships that have already been in place between this government and the national peak bodies of the non-government sector. We have heard their testament to that effect throughout the Senate inquiry into the Schools Assistance Bill.

I would like to conclude by saying that this government, unlike the previous government, genuinely recognises and respects the role of the non-government sector as an equal and active partner in the development of the national curriculum. We are committed to working with the non-government sector on the issues. We are committed to listening to the non-government sector on the issues. We committed to ensuring that all young Australians receive the best quality education and have the best equality of opportunity that this country can possibly provide. We are putting forward a total of $58 billion to back up that commitment.

**The ACTING DEPUTY PRESIDENT** (Senator Parry)—The question is that the Greens amendment on sheet 3681 moved by Senator Milne be agreed to.

Question put.

The Senate divided. \[6.30 pm\]

(The Acting Deputy President—Senator S Parry)

Ayes………….. 6

Noes…………. 32

Majority……... 26

**AYES**

Brown, B.J. 
Hanson-Young, S.C. 
Milne, C. 

**NOES**

Arbib, M.V. 
Boyce, S. 
Cameron, D.N. 
Cash, M.C. 
Crossin, P.M. 
Ferguson, A.B. 
Humphries, G. 
Hutchins, S.P. 
Kroger, H. 
Lundy, K.A. 
Mason, B.J. 
McLucas, J.E. 
Parry, S. 
Pratt, L.C. 
Troeth, J.M. 
Williams, J.R. *

Fielding, S. 
Ludlam, S. 
Siewert, R. * 
Bilyk, C.L. 
Brown, C.L. 
Carr, K.J. 
Collins, J. 
Feeney, D. 
Furner, M.L. 
Harley, A. 
Johnston, D. 
Ludwig, J.W. 
Marshall, G. 
McEwen, A. 
Moore, C. 
Payne, M.A. 
Ronaldson, M. 
Trood, R.B. 
Wortley, D. 

* denotes teller

Question negatived.

Original question agreed to.

Bills read a second time.
Situated at the beginning of this debate in the committee, I would like to repeat the assurance that I want. The assurance is that these institutions will not receive less funding over the next four years than they are currently receiving: the Abercornic College in Ingham, which is part of the Catholic education system; the Columba college in Charters Towers; St Patrick's College, which is on The Strand in Townsville—it is not part of the system and, as I understand it, is a school run by the order of the Sisters of Mercy—who believe that if this bill goes through they will be down by over $100,000 annually; the Shalom College in Townsville, run, I think, by the Uniting Church; Mount St Bernard’s in Herberton; St Augustine’s College, in Cairns; certain Lutheran colleges in Cairns, whose names I do not have with me; independent colleges—these are boarding schools—both in Cairns and Townsville; and also the Good Shepherd hospice, which is not a boarding school, but which I am told on the current formula will receive about $40,000 less than they are currently getting.

Can I broaden it out to ask for an assurance that every boarding school in Queensland, which is my state—but perhaps I should be more broad—and every boarding school or other school in Australia dealing with Indigenous children will not receive less over the next four years than they are currently receiving. When I say less, I mean indexed for inflation. If the minister can give me that assurance, I will happily retire. I can assure the minister that many in the Catholic education system in particular—who are the people who have been speaking to me—and others who also have those concerns, will be very happy tonight.

I will only ask one other question, if you can give me that assurance, which you indicated earlier in the debate that you would be giving me. I ask you—or the officials, through you—to indicate how, under this particular bill, you get to be able to give that assurance. I want you to give the assurance. I will be very happy if you can give it, but I would like a little bit of explanation about how you get there through the bill. The bill does seem to me to be written in the way that the Catholic schools think it might be.

Firstly, I will table a supplementary explanatory memorandum relating to the government’s amendments to be moved to this bill. The memorandum, as I understand it, has already been circulated.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (7.38 pm)—Firstly, I will table a supplementary explanatory memorandum relating to the government’s amendments to be moved to this bill. The memorandum, as I understand it, has already been circulated.

The TEMPORARY CHAIRMAN (Senator Moore)—The memorandum has been circulated. Thank you, Minister.

Senator CARR—Senator Macdonald made some injudicious comments about unions and various other
things. They were inappropriate, I would have thought—

Senator Ian Macdonald—Just get on with it. I was just paying you back for your injudicious comments.

Senator CARR—I do not know if you will be able to pay me back. You are pretty poor at that sort of thing.

Senator Williams interjecting—

Senator CARR—I am not, ‘Basher’. I am not.

The TEMPORARY CHAIRMAN—Minister, address your comments through the chair.

Senator CARR—What I am able to point to, Senator Macdonald, is clause 70, on page 61 of the bill. It is entitled ‘Indigenous funding guarantee—funding determination’. It actually makes it very clear what that funding guarantee involves. You asked me about the situation of a number of specific schools. In general terms, following changes to support for Indigenous education, I can assure Senator Macdonald that through the Schools Assistance Bill non-government schools and independent schools will be better off or will attract equivalent recurrent funding entitlements to those that they receive in 2008.

School systems can still choose to allocate funding in particular ways. Therefore, systemic schools always need to seek assurances from their systems about the level of funding that they receive, in the knowledge that the Commonwealth recurrent contribution to the system is either better than or no different from that received under the previous government. This assurance applies to systemic and non-systemic boarding schools, as they also receive significant funding through Abstudy. In particular, the removal of the cap for Indigenous education enrolments under this bill—that is, the minimum floor of 20—has seen a situation where some 19,000 Aboriginal students will receive funding that they otherwise would not have received. That is the effect of the removal of the cap. I trust, Senator, that that assists you with regard to your inquiry.

Senator IAN MACDONALD (Queensland) (7.41 pm)—Minister, not at all, and it reinforces the fear I have. You assured me in your response in the second reading debate that you would give me the assurance I sought. You were to assure me that, over the next four years, the schools that I have named would not receive less. If you are confident in the response you just gave to me, you will have no problem whatsoever in giving that assurance. But I can tell you, before your advisers tell you, that you will not be able to give that assurance because the bill does not say that. You referred to clause 70. It starts off by saying:

(1) The Minister may make a determination authorising payment of financial assistance to a State …

That is going to be useful for independent Catholic schools! It continues:

... for recurrent expenditure in relation to Indigenous students receiving education at a non-systemic school, or at schools that are members of an approved school system, in the State, for a program year.

It goes on:

(2) In making a determination under subsection (1) for a non-systemic school, or an approved school system, the Minister may consider—

he does not have to—

the following amounts of financial assistance received (or to be received) by the school, or all schools in the system ...

How does that work for St Pat’s and Shalom? It continues:

(a) financial assistance authorised for the calendar year 2008 under either or both of the following:

(i) Division 2 of Part 6 of the former Act;

(ii) the Indigenous Education (Targeted Assistance) Act 16 2000;

(b) financial assistance to be authorised for the program year under this Part (apart from under this Division).

Quite frankly, Minister, you made a snide comment about me confessing that I had not read the bill until 11 o’clock this morning. That was because I could not believe that you and your department would not have been trying to take up the obvious flaw that the Catholic education system and I were trying to point out to you for your own benefit. But you clearly have not read the bill, Minister. I do not want to have a fight about that. I do not care whether you have read it or not, but your advisers have.

What I want you to tell me, or for your advisers to tell me, through you—unfortunately, your advisers cannot talk here—is the answer to those questions. If the funding is paid to the state, how does that help Shalom College? If it is paid to a systemic school I can understand that the school itself can make the decisions. It says ‘may consider’, not ‘will’, not ‘must’, not ‘will guarantee it’, not ‘will give Ian Macdonald the assurance’, but ‘may consider’ what they received before.

Minister, you have not read it, but I will go on to clause 71. It is headed ‘Indigenous funding guarantee—funding amounts’, and it says:

The sum of the amounts paid to the States under section 70 for a program year must not exceed:

(a) the funding amount specified in the following table for the program year ...

Then you have some tables there.

What happens if, by acting on the assurance you have given me, the funding amount in the program year exceeds $5,500,000, which clause 71 says is the upper limit? What happens if, according to the minister’s determination, he thinks it should be more than
that but he is constrained by this bill to a maximum amount of $5½ million in 2009 and the different amounts that are mentioned—amounts that are going down? I would just draw that to the attention of the Senate. In 2010 it is down to $4½ million, in 2011 it is down to $4.1 million and in 2012 it goes down to $4 million. So it has gone from $5.5 million down to $4 million over the funding term. And that is the maximum that can be paid under clause 70—which you were very keen to point out to me gave the schools some guarantee. It does not give them a guarantee, Minister.

I again invite you to give me the assurance that those schools that I have named will not, over the next four years, get less than they are getting in the current year, indexed, as I indicated. That is what you have been telling everyone in the committee. That is what you have been telling the Catholic Education Commission. So it will not hurt you, Minister, to tell the Senate, and we will put it on the record so that everyone will know that—subject to you bringing in an amendment later on, because I do not think this bill covers it—we have your assurance as an honourable senator and an honourable minister that none of those schools will receive less. You should not be worried about saying—if you are confident, as I am sure you are and as I am sure your officials are—that these schools will not get less.

Senator MASON (Queensland) (7.47 pm)—I rise to support Senator Macdonald. I note for the benefit of the Senate that the issues that Senator Macdonald refers to are on our running sheet on page 2, the second last point there—clauses 66 to 69. We will be addressing this issue directly later on. In essence, Minister, I accept, and I think Senator Macdonald accepts, that the quantum of money. The concern that I have identified and which has been identified to your officials—but which they have not, apparently, taken up. Clause 69 talks about ‘Indigenous secondary students at remote and very remote school campuses’. It is talking about the location of the school, not the location where the students come from.

This is the problem with St Pat’s on The Strand in Townsville. It is not a remote school; it is in the centre of the biggest city in Northern Australia. It is not a remote school. But clause 69 refers to the assistance going to ‘remote and very remote school campuses’. St Pat’s is not a remote school campus, but a lot of the children that they get funding for come from very remote parts of North Queensland, the Torres Strait and I think even from the Northern Territory. That is the flaw in the bill that the Catholic Education Commission have been trying to point out to you and your officials, but the officials have not been able to respond. That is the issue.

I have asked a number of questions now—firstly, in relation to clauses 70 and 71, which you have not answered, and, secondly, in relation to clause 69, which is underlying the whole problem. Believe me, Minister, I am trying to look after these schools. I am sure you did not mean to shaft them, and I am trying to help you and your officials to make sure that there are not unintended consequences of this bill. I know you do not want to shaft them, and I am trying to help you fix it up.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (7.51 pm)—I will try to explain to the senator, first of all, the way that the education programs work and have worked for as long as I have been in this parliament, through all the bills that I have been associated with in this parliament, throughout a Labor government, a conservative government and now a Labor government again. The term that is used in all of these bills—and consistently used throughout this bill—is that the minister ‘may make’ determinations. That is the standard form of the draftsman’s work. The proposition that I have advanced to you in response to your question, Senator Macdonald, is that the funding goes to the system. Their funding is maintained. Why we cannot say that individual schools within the systemic system can be able to determine their funding is that the Commonwealth does not allocate the money; the systemic system allocates it.

Senator Ian Macdonald interjecting—

Senator MASON—Potentially, the quantum. You keep talking about the quantum of money. The concern that Senator Macdonald has raised and that the Catholic Education Commission has raised is that remote Indigenous students studying in regional boarding schools will be worse off. In your earlier remarks, Minister, you mentioned that thousands more students will be receiving benefits. That generally means that others will be receiving less. So I accept that the quantum may be the same, but these particular students and these particular schools—some of them outside the system, as Senator Macdonald has referred to—will be receiving less. That, in essence is our concern.

Senator IAN MACDONALD (Queensland) (7.49 pm)—I rise to support what my colleague the shadow minister said in relation to this. However, the amendments which we will be moving relate to clauses 66 to 69. I am now talking about clauses 70 to 71, and I am inviting the minister to explain.

I will have a look at clause 69, which talks about secondary education for Indigenous children. This is the problem that I have identified and which has been identified to your officials—but which they have not, apparently, taken up. Clause 69 talks about ‘Indigenous secondary students at remote and very remote school campuses’. It is talking about the location of the school, not the location where the students come from.
Senator Ian Macdonald—Go and argue with the Townsville diocese about that.

Senator CARR—I am sorry, Senator, but you have asked me a direct question and I am trying to give you a direct answer about how the education funding arrangements have worked. The SES system was a system introduced by your government and funding was made to systemic schools through their respective systems. The systems then determined allocations. Of course, the Catholic education system, in particular, were insistent on that arrangement. They were opposed to the SES model to begin with, on the basis that they were concerned that they would be bypassed. The previous government made arrangements with the Catholic Education Office to ensure that the authority of the system itself was maintained. The funding guarantees that were presented by your government were allocated on that basis.

It is custom and practice for the system to manage itself with regard to its funding allocations. The Commonwealth is guaranteeing the funding arrangements. The systems take responsibility for the management of their systems. We do not appoint the principals, for instance; the system does. The Catholic Education Office takes responsibility for the management of Catholic schools—and it is the same for the Lutherans and so on. If we are talking about a non-systemic school—which is the case that you have referred to—then we are guaranteeing them funding. It is a different set of circumstances but the same principles apply, as outlined in section 70 of the bill. What the schools in remote and very remote areas are able to call upon is special assistance—

Senator Ian Macdonald—I am not talking about schools in remote areas, Kim.

Senator CARR—I am just trying to indicate to you that there are special payments for schools in remote and very remote areas that have higher costs associated with their location and they are less able to access the infrastructure that can be utilised by schools in a metropolitan area. They are protected under this bill.

Senator Mason interjecting—

Senator CARR—For students who move from a remote region to a city location, Senator, under the applications of the SES formulas, their home address is what is utilised for the purposes of the allocations of funding—even though they are in a boarding school. So the principle remains at the higher rates.

You asked me a question with regard to the funding guarantees and the figures in the bill. The figures in the bill highlight the fact that, because of the application of the AGSRC, which is an index, it is at the very highest rate. It is, in fact, at the highest rate of all the Commonwealth grants programs—which, from memory, was 6.2 or 7-point something; better than the WCI 1s, WCI 2s, WCI 3s or WCI 4s or any of the other education indexation programs. The fact remains that the AGSRC is the most generous funding formula of any of the grants programs that are run by the Commonwealth, in my experience—certainly in education. Compare the AGSRC with the vocational education system or the university system or even other aspects of the grants programs that operate within the school system. If you apply the AGSRC, you are at the top of the pile—and that is what this bill provides. As a consequence, there are variations in the figures because of the need for the programs to be indexed at that higher rate. Senator Macdonald, you can shake your head and you can be as indignant as you like, but all I can do is come back to the same points—and I will do so over and over again, no matter how many times you ask the same question.

Senator MILNE (Tasmania) (7.57 pm)—I just need some clarity on this as well. I actually thought I was clear on it and now the minister has confused me again. I would like to go through my understanding of it and see if that correlates with what we have got before us. My understanding is that, previously, an Indigenous student from a remote community who travelled to a boarding school in an area like Townsville or some other city like that, would be funded at a higher rate than an Indigenous student who lived in Townsville and attended the school as a day scholar. That is my understanding.

That is why the concern of the Catholic system was that, with the changes that the were proposed, they would receive less funding. The point they have made quite clearly is that Indigenous students from remote communities frequently need greater levels of support in order to achieve the levels at which they can then engage and go on to further achievements in the system. They also need to have support facilities so family can come and visit them and there are a whole range of other associated costs to do with supporting them in being able to achieve at school.

My understanding of the new system and what has come out of COAG this weekend is that the payment differential between what a remote student in a boarding school in Townsville would get before under the SES model and what they would get now under the new model means that there would actually be a reduction in the amount of money per student but that the cap would be removed and, with a collapse of a whole range of different funding allocations, there is a more generous amount. It is also my understanding that, whilst every Indigenous student—whether they attend as a day scholar locally or whether they come from a remote community—will be funded the same, the level of funding will be higher than it is now; that, averaged out across the system, there will be more money in the system for Indigenous students per capita than there
was before; and that, because systemic schools do average and spread it on a needs basis across the system, those systemic Catholic schools will actually be better off than they were before because of the removal of the cap and the collapse of the number of payments into a more simplified arrangement.

The point that Senator Macdonald is making is not in relation to the systemic schools but in relation to those non-government schools which are one-offs, which are not part of a system-wide capacity to average out the funding across the system. What I would like to know from the minister is how many of those schools we are talking about. I do not know how many non-government boarding schools there are that are not in a systemic arrangement. It seems to me that under the new arrangement those schools which are non-government schools but not part of a systemic system might well be better off. I would like to understand how many of those schools there are and, at the moment, what the approximate number of students attending those schools is. I would like some confirmation from the minister that I have actually got this straight and that that is the issue that we are now talking about.

Senator IAN MACDONALD (Queensland) (8.01 pm)—On the same point, I would like to explain to the minister that he said that it goes to the systemic school and that they can spread it around. That causes them difficulties which they should not be put to, but let us avoid that. Minister, this is not a political argument. I am trying to help people. While you say that you do not appoint the principals of these schools and you do not determine their curriculum or whatever, in the Catholic education system in Queensland they can even it across on what is currently their SRA payment. But where the individual school does not go through the Catholic system, they used to get the ITAS and IRS payments, which went directly to the school involved; they did not go through the Catholic system. Now they will go through the system and they might get the payment but all the evidence given to me says they will not.

I am sorry, Senator Milne; you asked a question. I just wanted to make it clear that it did go to individual schools, even within this system, because there were these other buckets of money under the old system. If you want to get rid of the old system, that is fine. You are in government; you do that. But do not make those schools worse off. I think Senator Milne’s understanding—which is not for me to confirm—is that the Catholic education system can broaden out, but not without embarrassment because a school in Brisbane will see the figures and think they are entitled to it and then the Bishop will have to come along and say, ‘Sorry, we are going to take some of this off you and give it to Townsville because it is better.’ In the past they did not have to do that because it went straight to the school involved under these buckets of money. That is the difference. It is related in the legislation. I am sure the government does not intend this to happen. I am positive of that. Why would they? But I am trying to point out to them, in the most helpful way that I can, that there is a problem with their legislation that has been identified by others and that I am trying to help them to fix. The problem is that, in section 69 and others, you talk about the school campuses rather than the school children. That is the problem.

I apologise to Senator Milne. I am pretty certain the minister will not have the answer. In Townsville, at least, there is St Patrick’s on the Strand which is a Sisters of Mercy school; there is the Shalom College, which I think is a Uniting Church school; and, I am sure, St Augustine’s in Cairns; and I think there is a Lutheran church in Cairns. I do not have those figures and I doubt that the minister would have them, but there are many independent schools which are not part of the system. I am saying that even if they are part of the system, it does not really matter for the reasons I have mentioned—but there are quite a number. Shalom College has a lot of Indigenous boarding kids from a long way away. St Patrick’s, I am told, had the biggest number of Indigenous boarding kids of any school in Australia, and it is not a systemic school; it is run by the Sisters of Mercy.

Senator MILNE (Tasmania) (8.05 pm)—Again, on the same point, to flesh this out a little more in relation to the non-systemic schools, it is my understanding that the Catholic system has always operated by averaging on the basis of need. That has been fundamental to their acceptance of the funding guaranteed, funding maintained. The whole SES system has been across averaging. That does not bother me particularly because that is the way they are expected to do things, but I do want to know how many remote students are attending non-systemic schools—even if we can get the big picture on that.

The second point that I make in relation to this is that, with the announcements at COAG at the weekend, there is going to be a substantial bucket of Commonwealth money which will go to funding clusters of schools in low socioeconomic areas. That money will be available and contestable between public and non-government schools in the cluster area. I do not know if any of these non-systemic schools are going to be in a low socioeconomic cluster so that they may be able to access additional funding.

The third point is that I have seen in the media a number of reports of scholarships being made available through the private sector to students from remote Indigenous communities to attend non-government schools. How much money does that bring to the school? On paper, it looks as though the schools will be disadvantaged, but I do not know how that scholar-
ship system actually works in relation to this. Perhaps the minister could also comment on the system for the placement of scholarships in non-government schools for Indigenous students in those boarding schools. To what extent does that impact on supporting those students? Is it just fees or is it other support?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (8.08 pm)—It is my understanding that St Pat’s will actually get an increase in funding.

Senator Ian Macdonald—Not according to them.

Senator CARR—That is the problem, Senator; if they are talking to you, I can understand why they might be confused! Systemic schools—and most of the schools you have spoken of, Senator, are systemic schools—have received support through the Commonwealth in the manner contained in this bill. Under our government, it is as it was under your government. Nothing has changed. There is a funding guarantee that schools will be maintained, or do better, if they are non-systemic. In the case of the school in Townsville that you have mentioned, it is my understanding that they will do better.

Senator Milne, some Catholic boarding school providers believe that, in addition to receiving Abstudy, the additional remote funding should follow the student to the schools in non-remote locations. That has led to claims that students will be worse off. But that is not the case. That is not what the bill actually says. What it does is provide a funding guarantee. Furthermore, with regard to Abstudy entitlements for secondary students approved to live away from home to attend a boarding school, in 2008 prices, students are entitled to one or more of the following Abstudy allowances: a means tested living allowance of up to $5,085 per student per year; a school fees allowance at a boarding rate, part of which is income tested, of up to $8,694 per head; a temporary absence. There is a pharmaceutical allowance of $18 per fortnight, or some $291 per year. There is also an under-16 boarding supplement of $4,206 per student per year, and fares or actual costs can be approved for transport or motor vehicle allowance. There is a whole series of allowances under Abstudy, which students are entitled to. Combined with the funding guarantee in the bill, it strikes me that it is not possible to realistically argue that schools or students are worse off under this legislation. Any fair reading of clause 70 of the bill and any understanding of the way in which education legislation has been written for probably the last 25 years would show that the claims that are being made are incorrect.

The TEMPORARY CHAIRMAN—Senator Macdonald, I am intending to move on to the amendments.

Senator IAN MACDONALD (Queensland) (8.07 pm)—Madam Chair, under what provision are we not able to carefully consider the clauses that are not being amended?

The TEMPORARY CHAIRMAN—None at all.

Senator IAN MACDONALD—Well, that is what I am doing.

The TEMPORARY CHAIRMAN—I have given you the call, Senator Macdonald.

Senator Carr—There are specific amendments on these issues.

Senator IAN MACDONALD—I do not see any amendments to clause 70, Senator Carr. I will restrain myself from making the obvious comments, because I am genuinely trying to fix an issue here.

Senator Carr—You did not listen to a word I said!

Senator IAN MACDONALD—I listened to every single word you said, Minister. Regrettably, you have no idea what you are talking about, and I am disappointed that your officials cannot get it through your thick skull what the issue is! I did not want to do that, because I am trying to help these people. Minister, if you and your officials are so confident in what you are saying, it is very easy for you to rise and say, ‘Senator Macdonald, I’ll guarantee you that all of the schools you’ve mentioned won’t get less in the next four years, indexed, than they got last year.’ You are arguing that they are okay. I am accepting your argument that they are okay. So you will suffer nothing by getting up and naming the schools or just saying, ‘I’ll guarantee that all of the schools you have mentioned, Senator Macdonald, won’t get less over the next four years.’ Isn’t that reasonable? We are with you. You have convinced me they will not, so get up and say it.

I want you to do that, Minister, because the bill does not support you. I know, having given your word, your officials will bring on an amendment bill early in the new year and we will all be happy. That is what I want to achieve. I do not want to achieve any political points. I just said to Senator Mason: ‘Why am I bothering? Why don’t I sit down and let you stuff it up?’ All the Catholics in Townsville will vote against you and it will be a good political thing for us. I do not want to do
that; I want to fix the problem. I know you do not mean them to have difficulties.

You made a passing comment, ‘If St Pats were talk-
ing to you, no wonder they did not understand.’ I have not been talking to St Pats; I have been talking to peo-
ple in the Catholic education system who have given me a list of figures on how much each school will lose if this bill goes through. You do not want that, you do not intend that. That is not what this bill is all about.

You want to give them more and I accept that. So why won’t you just guarantee it, and I will guarantee you that we will pass the amending bill when it comes in in February. There is an extra bonus to my invitation to you, Minister. If I can get that assurance I will leave

Senator MILNE (Tasmania) (8.16 pm)—

Indigenous funding is the other issue I wanted to raise because it has come up in COAG. Contrary to what the minister thinks, there is an amendment that has been circulated. When we get to the amendment this discus-
sion will take place again. I hear what the minister is saying about a funding guarantee and funding being maintained for non-systemic schools, and I am taking it from what the minister is saying that none of the non-

systemic schools are going to be worse off because of the changes. On that basis I understand the minister is telling Senator Macdonald that those schools in Townsville are not going to be worse off, in spite of what those schools are telling Senator Macdonald. So that is going to be something that we are going to have to watch.

I was distressed about the government’s decision to split these bills between the public education and the non-government component because I recognise that the Commonwealth is changing the formula but putting additional funding into Indigenous education in non-
government schools. And I think that is a good thing as we desperately need to have more money in Indigene-

ous education. The problem is that 80 per cent of Aus-
tralia’s Indigenous students attend public schools—that is, government schools.

Education in government schools is the responsibil-
ity of the states. So it does not make one iota of differ-
ence to the Indigenous child whether it is the state gov-
ernment or the federal government that is responsible. The end result is that, if you are an Indigenous child, you are better funded in a non-government school than you are in a government school and 80 per cent of Indi-
genous children are in government schools. The problem here is that the Indigenous children are subject to the vagaries of state budgets.

I know the Commonwealth is going to say, ‘Our only responsibility in terms of education is predomi-
nantly the funding in non-government schools.’ But I want to be assured here, Minister, that there are some performance criteria, some requirement that the states actually fund Indigenous students in government schools at the same rate so that collectively, between Commonwealth and state finance, an Indigenous stu-
dent—whether they go to one system or the other—is funded at the same level. I would like to know from you, Minister, at COAG this weekend what require-
ment there is on the states to actually fund Indigenous education? Otherwise we will have a situation where inevitably you are going to have some Indigenous stu-
dents much worse off because they are subject to the vagaries of state governments.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (8.19 pm)—All I can indicate to you is that the same accountability require-
ments apply to both the public and private sectors in regard to the education system. Of course each of the states provides different levels of support for an Indi-
genous education, therefore there are going to be disparities across the country. The Commonwealth, however, provides the same level of support to students no matter where they live. The arrangements in regard to the accountability provisions for public education are dealt with through the COAG processes and the arrangements for private education provisions are dealt with through this bill.

Senator MILNE (Tasmania) (8.20 pm)—I very well aware of that—and that is the point. That is why I am so disappointed that the government has split fund-
ing for public education from funding for private edu-
cation. It is very difficult for people in a parliament to make sure that there is equity across the system. My understanding of the Constitution is that the Common-
wealth has responsibility to ensure the well being of Indigenous people. I want to make sure that the states have some obligation to make up the funding to the same level that the Commonwealth is funding Indigen-
ous students in non-government schools. Otherwise we are going to have a situation where the equity gap is widen-
ing, and that is not just. I accept the minister is telling me that we are just dealing with non-
government schools and that is precisely why, as a symbolic issue, I have an amendment saying that the title should be ‘non-government schools assistance’ because that is what this bill is about. At the same time, before I am prepared to support one bill, I want to know that Indigenous students in non-government schools have some chance of access to equal levels of support.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (8.21 pm)—I will try my best to answer your question. Clearly, there are philosophical differences in the approach that you are taking compared to that of the government. I say that without rancour. Clearly, the Greens are taking a dif-
ferent position to the government. We are clearly say-
ing that there are quite specific requirements in the new education agreement for states to demonstrate improvements in Indigenous education. The Prime Minister has acknowledged that the Closing the Gap targets are tough. If we are to have our best shot at meeting these targets, there will need to be a fundamental shift in the view that one size fits all within our education system. We will need to ensure that the individual needs of students are properly catered for.

The per enrolment allocation mechanism under the National Education Agreement is intended to provide an average cost across all students. Jurisdictions will be expected to utilise the funding strategically by focusing support on those students that need that assistance the most. It is the fundamental principle of a needs-based approach. All the states and territories have agreed that halving the gap in educational outcomes between Indigenous and non-Indigenous students is a key priority under the National Education Agreement. As such, it is expected that states and territories will utilise specific purpose payments funding, GST revenue—not just education funding through these schools bills but also GST revenue—and their own sources of revenue to prioritise appropriate support for Indigenous students in order to achieve these targets. You are actually seeing an improvement in the level of support; we have seen some 29 per cent improvement in the levels of funding across the whole school system—specifically, in closing the gaps in education requirements, literacy and numeracy results, low socioeconomic status provisions and teacher quality provisions.

In my judgement, the Commonwealth, under this government, is moving to establish a new era of educational funding much more closely aligned to the achievement of student results. That is why I made the point earlier. People talk about the rights of parents. This is about defending the rights of parents. It is the parents of the students you have asked to see who do not come. It is the parents of the students you have not asked to see who want to come along and talk to you, because they are interested and their children are doing well. It is the parents of the students you have asked to see who do not come.

My second point is that I am so tired of hearing in this place time and time again the notional view that schools are somehow withholding information from parents. Let me tell you, from the point of view of a school, that schools are desperate for parents to take an interest in the school. It is not actually the other way around. Schools are desperate for parents and communities to get involved and to support them in every which way, from reading classes through to sports days to camps to everything. The problem schools have is that they have not only a small number of parents who are vitally interested and want to be involved but also a large number of parents who are not. Frequently, on parent/teacher nights, it is the parents of the students who you have not asked to see who want to come along and talk to you, because they are interested and their children are doing well. It is the parents of the students you have asked to see who do not come.

Let’s not keep accusing schools, Senator Carr. Please stop accusing schools of being some little closed shop that is trying to keep the community out and implying that we are somehow forcing the doors open for some sort of accountability. I can tell you that in the public system—and I am sure it is the same in the non-government system—schools are falling over themselves to involve parents and the community in the school. That is why I made the remarks I did in the second reading debate about improving educational outcomes. It is about getting the whole of society to value education more, to want to support schools more and to appreciate teachers more. It is a mindset that has developed: ‘Teachers are bad. Schools are holding out on parents. Parents cannot find out.’ I do not know of a single school where parents cannot find things out if they go to the school and get involved with positive interaction. Can we please stop this notional view that there is some sort of secret society going on in schools? We have the problem of a high level of community disengagement with their schools, and that is why they very often do not understand the results or the reports that are sent home. They have not had that level of engagement. I think it is great that we can improve that. I hope we can improve that. I would be happy to improve that, but let’s actually value what schools are doing and stop this accusatory nonsense
that suddenly the community is desperate to break down the doors of schools. The doors of schools have been wide open. It is just that people have not been coming through them.

Senator IAN MACDONALD (Queensland) (8.29 pm)—I will just go back to the minister’s assurance to me. I am told that Abergowrie College will be $250,000 worse off. I am told that Columba college will be $100,000 worse off. I am told that the Good Shepherd Catholic College, at Mount Isa, will be between $30,000 and $40,000 worse off. I am told that St Pat’s at Townsville will be down by over $100,000 in any year. I do not have figures on the others, but I mention Shalom College, which would be in that line. I mention Mount St Bernard’s. I mention the Lutheran boarding schools in Cairns and the independent boarding schools. Minister, you are assuring me—and I will leave this on your assurance—that all of those schools will not be worse off under this system.

I just mention that, to my knowledge, in Queensland—and Queensland is the biggest state for Indigenous children who board—all of the schools that take boarding students are non-government. I am not aware of any government school that has boarders. The reason the children come from remote and very remote areas—and Senator Carr thinks this is funny—is that it is very difficult for young people to get an education in very remote parts of Queensland. That is why they come in to these schools around Townsville, Cairns, Charters Towers and Mount Isa. I repeat that there will be an amendment that my colleague will move, which I hope will achieve support, which will give the government power to make regulations, which they do not have in relation to this aspect.

I leave this debate now on the basis that Senator Carr has assured me that Abergowrie College will not lose $250,000—in fact, it will not lose anything; that Columba college will not lose $100,000—in fact, it will not lose anything; that the Good Shepherd school at Mount Isa will not lose between $30,000 and $40,000; and that all of those other schools that I have mentioned will not lose money over the next four years under this bill. The minister has not been able, nor have his officials been able, to show me where in the bill there is provision for that. His officials at least should understand—I do not expect Senator Carr to—that the provisions of the bill do not provide for that. They should well know that. I leave the debate on the basis of Senator Carr’s assurance as a minister of the Crown that none of those schools will be receiving less under this bill than they have received in the current financial year.

The TEMPORARY CHAIRMAN (Senator Barnett)—The question is that the bill stand as printed.

Senator MILNE (Tasmania) (8.33 pm)—I move Greens amendment (1) on sheet 5654:

Previously, the Schools Assistance Bill incorporated the funding for both government and non-government schools. This year, it has been split. The bill before us is precisely a bill for non-government school funding, so I am moving to amend the short title of the Schools Assistance Act to be the ‘Non-Government Schools Assistance Act’, because it is a matter of fact that that is the case. That is exactly what we are doing, and I think it is important, if we are going to split the bills and we are going to deal with public education separately from non-government education funding, that we be specific about what we are doing.

Senator MASON (Queensland) (8.34 pm)—The opposition will not be supporting the Greens amendment. I understand why Senator Milne is doing it, but we do not agree that it takes the debate any further and we will not be supporting it.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (8.34 pm)—We are not supporting it.

Question negatived.

Senator MILNE (Tasmania) (8.34 pm)—by leave—Could it just be noted that it was only the Australian Greens who supported that. All of the others opposed it.

The TEMPORARY CHAIRMAN (Senator Barnett)—I think that is noted. Thank you, Senator Milne.

Senator MILNE (Tasmania) (8.34 pm)—by leave—I move Greens amendments (2) to (4) on sheet 5654 together:

(2) Clause 3, page 2 (line 9), omit “2012”, substitute “2010”.

(3) Clause 4, page 8 (line 11) (definition of program year), omit “, 2010, 2011 or 2012”, substitute “or 2010”.

(4) Clause 71, page 62 (table items 3 and 4), omit the table items.

These are very important amendments, and they are basically to look at the funding period. The issue here is that the funding bill before us is for a four-year period and it locks in the SES model and the funding-maintained-and-funding-guaranteed model for four years. When Labor came to power, they said that they were going to bring in an education revolution. The minister had said on many occasions that the SES system was flawed, and even the Howard government’s internal review of the legislation acknowledged that it was flawed and that there was a substantial overpayment to non-government schools. That was acknowledged, as I said, in that internal review, which was leaked to one of the newspapers, and it was subsequently acknowledged that that was the case. It was very clear that, had the SES model been applied in the
manner in which it was meant to be applied, there would have been $2.7 billion less for non-government schools and that almost half of non-government schools would have been in this category of overpayment. So this came as quite a shock to people around Australia, the Labor Party—particularly the minister—having in opposition been so critical of the SES model. Minister Gillard in 2000 and 2001 was very outspoken in her opposition to the SES model. She at that time said that it was unjust and so on and so forth. Now we are seeing the Labor Party move for this model for four years.

The thing about four years is that it takes us beyond the 2010 election. In the meantime, the Labor government is going to have a review of non-government school funding, but that review will not start until 2009 and will not be completed until 2011, in time for the next quadrennium, starting in 2013. The Labor government is locking in for four years a system which it knows to be unfair and unjust in terms of equitable distribution of funding to non-government schools. In my view, it is cowardice to do this in a way that means that at the 2010 election the Australian community will not have the ability to vote on what might be the outcome of a review of non-government school funding. I think everybody, regardless of which side of the debate they are on, would like to think that that internal review would occur in 2009 and 2010 and at least the recommendations would be available so that parties could go to the 2010 federal election with a position on what is going to be the funding model for non-government schools thereafter.

The second point I make is that the global financial downturn is going to mean that state governments will have less revenue in the next three or four years than they otherwise would have had. We have seen that already in the resource based states, particularly in Western Australia, but we are also going to see reduced GST payments to the states as a result of the downturn. That means that, whilst the Commonwealth is now guaranteeing non-government school funding at this rate for four years, state governments are not going to be guaranteeing anything to public education in the next four years and they will determine it year by year, according to what the allocations under state budgets are.

I know that people here will say, ‘We’re just dealing with non-government schools and Commonwealth funding for non-government schools and it is not relevant what the states might do,’ but it is highly relevant because the reason that the funding of non-government and government schools has become such an issue in recent years is equity—the gap in funding has become wider and wider. There is a strong argument to say that, whereas the Commonwealth over the last decade did increase funding to schools, the states allowed the funding to fall backwards, which meant that the gap between government schools and non-government schools widened.

What I indicated before with regard to Indigenous students is pretty much the same with regard to all students—their parents are not really fussed about the argument of whether it is state governments or federal governments that give the funding. What they want is an equitable arrangement so that education is adequately and equitably funded across the board. My concern here is that we are locking in an incredibly generous funding model for four years to non-government education, in which we acknowledge that there is an overpayment in that period of $2.7 billion under the SES model, and at the same time we are not giving any guarantee to the states whatsoever as to what public school students might expect. I do not think it is fair to give a funding guarantee to non-government schools for four years when there is no guarantee of equity in terms of state government funding of education over that period.

I looked at what happened at COAG over the weekend, and I have been briefed to some extent by the department in relation to this, and I do acknowledge that the government has indexed the funding to government schools and there will be an increase of about $1 billion to government schools—which is an indexation increase, so it is not going to make that much difference in that sense. I do acknowledge there is another bucket of money for special-purpose payments, but again that is contestable and it will be divided between government and non-government schools.

It is my view that it would be irresponsible to lock in funding for non-government schools when there is no equivalent provision of locking in funding for government schools, especially because we know the way the economy is going. I know the government of Western Australia is not going to have the money in the next four years it had in the last four years, and neither are the governments of Queensland, Tasmania and so on. Whilst the Commonwealth is saying these special-purpose grants that were made at the COAG meeting are dependent on the schools meeting certain educational outcomes before they get the ongoing funding and so on, frankly I have not seen state governments behave very responsibly in terms of public education funding for a very long time, and I am not persuaded that they are going to start now. When the pressure comes on from their electorates as they face state elections, I am not persuaded that they are going to put money into public education.

So what we are setting up here is actually a process for making the gap between non-government and government schools wider. Whilst some people might say, ‘That’s not our worry,’ it is our worry because, as was very clear in the committee hearings in relation to this...
matter, the wider the gap, the more inequitable the arrangements, the higher the tension in the community, the higher the conflict that arises and the less the ability to get cooperative arrangements in education delivery in communities in clusters between government and non-government schools. It is in everybody’s interests, in terms of community harmony, justice and fairness, to reduce the gap in funding between public and non-government education.

My argument is that government schools around Australia only ever get one year’s certainty and they get it each year in the state budget. They might talk about triennial funding, but in reality they are subject to the vagaries of state governments, redundancies and whatever else happens—closure of schools and so on. With the current financial situation in a global context and the state governments’ financing arrangements, it would be unfair to lock in four years guaranteed funding to one part of the system when there is only a year-by-year arrangement for government schools.

I come back to my other point, and this is critical. The community is not going to thank us for delaying, until after the 2010 federal election, the recommendations of the review that Minister Gillard is going to conduct. People want to know beforehand and they will feel once bitten, twice shy because the Labor Party went to the election promising an education revolution. Promising to lock in the SES funding for another four years was a huge disappointment to people who were looking for a genuine education revolution which would have seen a huge bucketload of money going into public education. So I think there is a very strong reason for it.

There are other arguments that pertain to some of the issues that were mentioned here earlier. Some of the non-government schools are very concerned about what the curriculum provisions and the accountability provisions might mean. I happen to think that it is perfectly reasonable to require the accountability provisions that are being talked about, including for all sources of funding in specific terms that go to non-government schools. I think that is reasonable. If non-government schools do not want to disclose that, fine: they are not eligible for government funding. It does not mean to say they cannot operate; they just have to find all the funding themselves.

But the issue is that they are concerned about what those provisions might mean and about the national curriculum. The national curriculum will not be applied in the next two years because in that two-year period there will be discussion et cetera about what the national curriculum will be. It will be there in principle, there will be discussion et cetera about what the national curriculum will be. It will be there in principle, but a consultative process is going to go on. If we guarantee the funding for two years, it means that the non-government schools get their funding and we all know what they are doing for the next two years and coming into the 2010 election. Then we go to the 2010 election with an ability to see where everyone is going to go on this funding formula. We go into it with a clearer understanding of what the national curriculum and the accountability provisions for private or non-government schools might mean and a much clearer view about what the states have done in response to the Commonwealth’s education partnerships and to the Commonwealth’s requirements of the states to deliver under some of those educational outcomes in improved literacy, numeracy, teacher training and so on. I think it makes a great deal of sense to limit this to two years, for a range of reasons, and I think the community would see that as a reasonable compromise.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (8.47 pm)—The government made a firm election commitment to four-year funding. Certainty is important to schools no matter where they are. We are honouring our election commitment.

Senator MASON (Queensland) (8.48 pm)—The opposition will also be opposing the Greens’ amendments, although I note Senator Milne’s comments regarding the operation of the national curriculum. It certainly is not urgent in that sense, and we will be getting to that debate a little bit later on, but I note her comments on that. Certainty is required for the non-government school sector. In particular, the government’s ongoing commitment to the SES funding model is not assured, and I think it is fair to say that non-government schools would rather have assured funding for the next quadrennium than for any shorter period. So the opposition will be joining with the government in opposing these amendments.

The TEMPORARY CHAIRMAN (Senator Barnett)—The question is that Australian Greens amendments (2) to (4) on sheet 5654 be agreed to.

The committee divided. [8.53 pm]

(The Temporary Chairman—Senator G Barnett)

AYS

Ayes............ 5

Noes............ 42

Majority....... 37

AYES

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

NOES

Arbib, M.V. Barnett, G.
Bilyk, C.L. Birmingham, S.
Boswell, R.L.D. Boyce, S.
Brown, C.L. Bushby, D.C.
Cameron, D.N. Carr, K.J.
Cash, M.C. Crossin, P.M.
Eggleston, A. Evans, C.V.
Feeney, D. Ferguson, A.B.
Fielding, S. Fierravanti-Wells, C.
Fisher, M.J.  
Humphries, G.  
Hutchins, S.P.  
Lundy, K.A.  
Mason, B.J.  
McGauran, J.J.J.  
Moore, C.  
Parry, S. *  
Ronaldson, M.  
Stephens, U.  
Trood, R.B.  
Wortley, D.  

* denotes teller

The TEMPORARY CHAIRMAN (Senator Barnett)—Order! There is still a very high level of noise in the chamber and I draw that to the attention of senators.

Senator CARR—as far as we are concerned, there has to be equality in the approach that is taken at government and non-government schools when it comes to the issue of performance and reporting. Therefore we have argued that there needs to be a more transparent set of arrangements. Nonetheless, we accept that in fact the current wording of the bill could be clearer, particularly in relation to the requirements regarding financial viability and qualified audits and the requirement to report sources of income. The Deputy Prime Minister has met with Senator Xenophon and listened to his concerns on these matters. He has proposed some technical improvements to the bill which clarify its intent and do not amend its substantive commitment to transparency and accountability. With clause 15, concerning the minister’s power to refuse to authorise payment or to delay payment if an audit of a school or a school authority ‘is expressed to be qualified’, the government recognises that the decision to delay or refuse payment to a school is a highly significant decision and should be only be taken in the most serious of circumstances. For this reason the government is prepared to make it clear in the legislation that the power to delay or refuse funding will be a disallowable instrument. By requiring any determination of the minister in relation to such a decision to be tabled in both houses, an appropriate level of parliamentary scrutiny is assured in regard to this legislation.

Senator XENOPHON (South Australia) (8.58 pm)—I indicate that I support these amendments. I thank Senator Carr for his comments. My concern was that, with the bill as it stood, there were real concerns as to the scope of what a qualified audit could be. I believe that having this safeguard, making it a disallowable instrument, provides a level of scrutiny and a level of accountability. It still gives flexibility with respect to the extent of a qualified audit. Therefore I am pleased to support these amendments.

Senator MASON (Queensland) (8.59 pm)—The opposition also supports these amendments. I congratulate Senator Xenophon for his intervention and the government for its amendments. In relation to qualified audits, proposed section 15(c) of the bill provides for new reasons upon which the minister may refuse to authorise or delay a payment to non-government schools. An audit may be ‘expressed to be qualified’. The problem, insofar as non-government schools are concerned, is this: there may have been grounds for an audit that do not go to financial viability. With these amendments the Senate will be able to disallow a qualified audit where that audit does not go to financial viability but instead go to hesitation about a school model or other reasons. For that reason there were great concerns, among those in the non-government school sector, that potentially a minister may be of bad faith, and I am certainly not implying that the current one would be.

Senator Carr interjecting—

Senator MASON—Yes, I’m saying that. We wanted to ensure that there is no way that a qualified audit could be used for grounds other than as to financial viability. With these amendments the Senate will be able to disallow a qualified audit where that audit does not relate to financial viability. In other words, there will be parliamentary oversight of any qualified audit that does not go to financial viability—and the opposition supports that.

Senator FIELDING (Victoria—Leader of the Family First Party) (9.00 pm)—Family First also supports
this common-sense amendment. It will bring peace of mind to many schools that were concerned about qualified audits. It takes away any uncertainty that was there. Family First supports this common-sense amendment.

Senator MILNE (Tasmania) (9.01 pm)—The Greens also acknowledge their support for this amendment and note with interest the government’s willingness to negotiate in relation to this amendment and its apparent inability to negotiate in relation to any others.

Senator MASON (Queensland) (9.01 pm)—Mr Temporary Chairman, I should therefore just indicate for the benefit of the chamber that the opposition will withdraw amendment (1) on sheet 5647.

The TEMPORARY CHAIRMAN—The question is that government amendments (1) to (3) on sheet QF314 be agreed to.

Question agreed to.

Senator FIELDING (Victoria—Leader of the Family First Party) (9.02 pm)—Family First oppose clause 22 in the following terms:

(1) Clause 22, page 25 (lines 3 to 11), TO BE OPPOSED.

This amendment looks at a national curriculum and I think most Australians would support a national curriculum. But what we are doing here is tying schools to an unseen national curriculum, which I think is a bit rich. This amendment will untie—or, to put it another way, split the bill so that $28 billion of funding proceeds without forcing schools into a national curriculum that they have not seen. There is big concern out there. I think this is a common-sense amendment. I acknowledge that it is also the same as the opposition’s amendment, which is to follow. I commend this amendment to the House which will ensure that schools are not forced into an unseen national curriculum.

Senator MASON (Queensland) (9.03 pm)—The opposition supports Family First’s position on this for three reasons. Proper parliamentary scrutiny of a national curriculum will not, in any case, be possible until it is detailed in regulations to be made in the future by the minister. In other words, as Senator Fielding touched on, it will be impossible for the parliament to assess the ins and outs and the workability of this program until such time as it is detailed in regulations. I just do not think that we can take that on trust. It is not a matter of bad faith in terms of the government at all. It is a matter of workability, and it is very hard for senators of any party to assess the workability of a national curriculum until such time as the program is ordained in regulation.

In addition, there has been some concern and the concern remains, even though I understand Ms Gillard, the Minister for Education, has touched on this in recent times. I know some schools are offering alternative educational philosophies such as Steiner or Montessori schools. They believe they may face great difficulties in meeting the requirements of this clause. I know that Ms Gillard has tried to meet those concerns, but they certainly remain. Thirdly—and Senator Fielding touched on this as well and it is a very good point—the opposition does not believe that there is any need for a national curriculum to be attached to the bill at this stage. A national curriculum will not, in any case, commence until about 2012 and to argue it has to be done here tonight in relation to this bill, I think, is incorrect. For that reason, the opposition will be supporting Family First’s position.

Senator MILNE (Tasmania) (9.05 pm)—The Greens will not be supporting this amendment. The government has made it very clear from day one that it intends to introduce a national curriculum. I think there is merit in having a national curriculum. I think there is merit in standardising things across the country and getting some sense across the country. I agree with the private schools when they say that there is no clarity about what the national curriculum will be. At this stage, though, I reiterate, again, that Steiner education or Montessori education or any of those educations, it is a way of teaching—it is a philosophy, a pedagogy. It is not a curriculum as such. So it is a very different scenario, if you like. You are not saying, ‘In a Steiner school they will teach this, that and the other; therefore they can’t adhere to a national curriculum.’ It is the manner in which they approach the teaching of a national curriculum that defines the nature of the school, the nature of the philosophy and so on. Frankly, I think it is a beat-up. I do not think that is the major concern. The reason, as I said before, that I moved for two years is that that would give people two years from hence-forth to be part of an ongoing negotiating process. A committee has been set up for this purpose. That committee will be negotiating in the next couple of years. Had we just gone for two years, at that point schools could have determined what is actually in the curriculum.

However, that is not the view of the House. I think it is completely unreasonable to say that private schools want the funding but they want it without the conditions which the government have made very clear and which I think are very appropriate, one being the national curriculum and the other being the accountability measures. Again, for a long time the community have said that they want to know exactly what the financial scenarios are for various schools. That includes all sources of funding to private schools because people want to know about the equity issues. As I said before, the tension and division in the community is because they can see inequity when they drive past a school, let alone go into it. You can see exactly what is going on.
So I support the national curriculum being part of this bill and a condition for funding.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (9.07 pm)—We are discussing a fundamental principle here—and remember it is $28 billion worth of public money. This measure will commence, we hope—that is, if the opposition does not seek to block this legislation and deny over 1.1 million Australian children access to their funding—

Senator Mason—Don’t scare everyone, Kim!

Senator CARR—I think you should be aware of the consequences, Senator. Quite glibly you make these claims, but the consequences of your actions have to be understood. We are talking here about a bill that affects, across the Commonwealth of Australia, 2,728 schools, over 1.1 million students and, as I said, involves expenditure of $28 billion. The principles that have been outlined in this bill highlight the government’s commitment to ushering in a new era of transparency and accountability for both—and I want to emphasise this, Senator Mason—government and non-government schools. We are not asking anything of the non-government sector that is not being asked of the government sector.

This is about parents’ rights. It is about parents’ rights to know what is going on. It is also about children’s rights to a decent education, no matter where they live in Australia. It is an expectation that I think the parliament has a right to assert when we are spending $28 billion of public money. The amendment is being proposed by Family First and the Liberal Party—

Senator Mason—The coalition.

Senator CARR—Not in this instance.

Senator Williams—Yes!

Senator CARR—Oh, so it is the National Party as well. Do not let me forget the National Party when it comes to backward thinking. Senator Mason, you are quite correct. If there is a retrograde party in this parliament then of course it is the National Party. But we are talking about Family First. I am sorry. Family First have now proposed to do the dirty work for the Liberal Party. That is what they are doing—the dirty work for the Liberal Party on this issue. Clause 22 of the Schools Assistance Bill requires, as a condition of funding, the implementation of a national curriculum in all non-government schools by 31 January 2012. The same provisions apply to the arrangements that have been made for the national education agreement. The implementation of the national curriculum, once it is known and agreed, will be mandatory for all schools in Australia. It will not be an optional extra.

Senator Mason—When it is known. We don’t know what it is.

Senator CARR—Senator Mason, you seem to think that quality is an optional extra for those with the ability to pay. That seems to be the model that you are proposing. The process of developing the national curriculum is one in which representatives of the non-government sector have been directly involved. The national curriculum will detail the content and the achievement standards that all young Australians should have access to, regardless of their socioeconomic background. So the quality of the education you get should be based not on your postcode but on your access to the very best resources this country can provide and the very best teaching. It should be based on the fundamental principle of equality of opportunity for every child in this country.

This is a fundamental principle of equity that the Liberal Party has historically walked away from. We are seeing it here again tonight. Very much at the centre of debate here is the failure of the Liberal Party to face up to its responsibilities to ensure that every child in Australia gets access to a quality education, no matter where they live, no matter who their parents are and no matter how much money they have in the bank. That is the principle that I think this parliament has to focus on.

There are requirements in terms of both content and achievement standards. They will, however, continue to provide for flexibility in terms of innovation and creativity for the development and delivery of the curriculum at the local level by individual schools. The national curriculum will not mandate the practices that schools or teachers use to deliver the content that they teach. What it will provide, though, is the capacity to ensure that we can get proper standards right across the country. We can ensure that schools and teachers will continue to use their professional talents, their professional judgement about the ways in which to cover the material and in what sequence and how best to reflect local and regional circumstances and philosophies in the learning environment.

I was a schoolteacher for 10 years. I will say this to you. Senator Mason: I know something about the difficulties of teaching in a working-class district in the north of Melbourne. I can say this to you on the basis of my experience: the fact is that in this country the levels of inequality are unacceptable.

Senator Mason—This is about curriculum, Kim.

Senator CARR—It is very much about curriculum. It is about the standards of education. It is about the quality of education. It is about the capacity of this country to provide $58 billion across the full range of programs and the right of parents to know that there is a decent education system operating in every school in this country.

Senator Mason—It is $28 billion.
Senator CARR—It is $28 billion for this bill. The principles apply right across the board. That is the point I am making: $58 billion.

Senator Mason—Government and non-government.

Senator CARR—Yes. That is a 29 per cent increase in the level of support for schooling in this country. The government say that we have a right as a parliament to say to the schools of this country, ‘You must participate in a quality educational program’. We are in the business of ensuring that schools participate in the development of that program, that the professional judgement of teachers is used fully and that they reflect the local communities in which they live. The Australian government recognise that some specialist schools have specialised curricula. For example, Steiner and Montessori schools have educational philosophies that involve a particular approach and delivery of the curriculum. We recognise that existing curriculum frameworks, such as the International Baccalaureate and the University of Cambridge International Examinations, are appropriate. Clearly, these approaches and these frameworks are internationally recognised, educationally recognised, and used by schools.

We have also said that, with regard to the development of the Australian Curriculum Assessment and Reporting Authority, there has to be provision for the most effective method of confirming the recognition of well-established curriculum frameworks in line with existing curriculum accreditation arrangements that operate within the states and territories. The recognition of this is outlined in the regulations to this bill and the way in which the national curriculum will be developed. We are also saying, though, that we have to ensure that the non-government sector is represented through that authority.

This bill recognises the proper processes, including the draft administrative guidelines—which have already been carried through and have been sent to the Independent Schools Council of Victoria, the National Catholic Education Commission and other non-government stakeholders for their comments. The previous government imposed 16 different sets of conditions on its schools through its schools bills. There are six in this bill. There is a fundamental difference in the approach. The level of quality, the level of transparency and the level of accountability is much greater but it applies equally to public and private systems. Therefore, we will be opposing this amendment strenuously.

Senator XENOPHON (South Australia) (9.16 pm)—I will be brief. We have a lot of legislation to get through, and I want to confine my remarks to the issues. I say to Senator Carr, with the greatest respect, that gratuitous remarks are not helpful—for example, calling the National Party backward-thinking. There are many in the community who would think that they are forward-thinking for their votes on the carbon sink legislation last night. And suggesting that Senator Fielding is in some way doing the dirty work of the coalition is, I think, quite a gratuitous and unnecessary remark.

The issue is this: should the national curriculum be tied to funding? I think there is consensus that it should be, but the point of difference is: should funding be tied to the national curriculum in the absence of the curriculum being available? That is what I understand the issue to be. I understand that the amendment moved by Senator Fielding has been moved with a genuine intent. There is not any malevolent intent to it. I understand the coalition’s position as well. I cannot support the amendment for these reasons: I believe that there are sufficient safeguards built in, given the statements that have been made by the government in relation to this. I would have preferred that there be further statements to crystallise it further, but we have got a broad outline and a framework of what will occur.

I think that private schools are in a dilemma. The many private schools and organisations my office has spoken to have varying views and I think a fair consensus is that they would rather see the national curriculum, but they do not want to see their funding held up. Is this good policy? Is this good practice? Maybe not, but in the context of this particular bill, in the context of what we have to deal with here, I am satisfied that there is a sufficient framework in terms of the information provided by the minister earlier and in terms of what has been on the public record about the processes involved.

Rather than saying that the coalition and Senator Fielding have a different view, I think it is a question of a difference of opinion rather than suggesting that there is anything malevolent or sinister in it. I will support the government and the Greens in relation to this. I note their position as well. I think that it could have been done better but, on balance, I am inclined to support the government’s position.

Senator MASON (Queensland) (9.19 pm)—Just briefly, I would like to ally some of the concerns of Senator Milne and, indeed, my good friend Senator Carr. I understand, Senator Milne, your point about a school philosophy. But, in relation to schools offering, for example, the International Baccalaureate or the Cambridge University International Examination, that actually is about curricula. And that is the problem. The interchange between the two is still uncertain. That is why the opposition is so concerned that the details of the national curriculum have not been published.

There are four discipline areas that have been covered—maths, science, history and English—and there are going to be several more, but we do not even know what they will be. As to how prescriptive the curriculum content in these discipline areas will be, we are
uncertain. Will it be prescriptive in terms of content and materials or, alternatively, will it be a framework within which schools can determine content? This question still has not been answered.

Given that the national curriculum will not be ready for quite some time yet, why is the government in such a hurry to tie funding to it? What Senator Fielding said before is quite right: you are asking non-government schools right across the country to take this on trust, and it is too important to take on trust. I know the minister is concerned about education—I have always accepted that—and I also understand the principle of tying funding to the national curriculum. I do not have a problem with that either, Minister. My concern is that the national curriculum is still embryonic and you cannot ask non-government schools to sign up to it when it remains embryonic. We will be supporting Family First.

Senator FIELDING (Victoria—Leader of the Family First Party) (9.21 pm)—Thanks for all the input. I think the minister said ‘a new era of transparency’. Where is the transparency in not seeing the national curriculum and then having to sign up to it? I do not see how that is transparency. There are 1.1 million children involved in this and there are 2,228 schools. But they are also tying in $28 billion worth of funding. It is like a gun against the schools’ heads. Frankly, you can de-hook the curriculum. This amendment will split the bill and allow the national curriculum to take its course. When the government goes away, does its homework and then brings that back, then we can look at how we tie the national curriculum across the board. You can do that at any stage. You could do it next year or the year after—whenever you have got it ready. When you have done your homework, you can bring it back and then we can debate that and how we tie it to a national curriculum. Most of Australia wants a national curriculum, but we also need to make sure that we understand how prescriptive this will be. It is outrageous to think that you could even say that you have ‘a new era of transparency’ when the first thing you are trying to do is hide behind a gun worth $28 billion. We will strip this out from the bill and, if you do not support the bill, then it is the Rudd government that is stopping the schools from getting the funding.

Question put:
That the clause 22 stand as printed.

The committee divided. [9.27 pm]

(The Chairman—Senator the Hon. AB Ferguson)

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Question negatived.

Senator FIELDING (Victoria—Leader of the Family First Party) (9.29 pm)—Perhaps the committee would like to look at government amendment (4) on sheet QF314 first, because, if it is supported by the chamber, I will be withdrawing Family First amendment (2) and (3).

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (9.30 pm) I move government amendment (4) on sheet QF314 standing in my name:

(4) Clause 24, page 26 (line 16), after subclause (1), insert:

(1A) A funding agreement must not require a report mentioned in subsection (1) to include any information that would identify a particular donor as a funding source of any non-government school or non-government body.
This amendment relates to the reporting and disclosure of sources of income. The government will not step back from its commitment to proper transparency in relation to the resourcing of schools and the results that they achieve. However, it was never the government’s intention to require public reporting of individual donors to individual schools as part of the process. Many of the concerns raised about these issues have resulted in scaremongering tactics by the opposition. The government is proposing the public reporting of the income category of ‘source’, not the reporting of individual donations and transactions. The government is therefore prepared to amend clause 24 to explicitly state that individual donors will not be identified through public reporting of school income sources.

Senator ABETZ (Tasmania) (9.31 pm)—I welcome the government’s amendment, but rather than the opposition and others having run a scare campaign, the simple fact is that the government has been forced into this position because of the community reaction. I remind the minister and the Senate what the Education, Employment and Workplace Relations Committee reported via its Labor Senate majority in paragraph 1.9 where it reads:

Submissions received by the committee supported the bill being passed … However, this support was conditional on certain issues being addressed, namely the implementation of—

… amongst other things—

… the proposed transparency and reporting requirements within the provisions of the bill.

This is the arrogance of the Labor senators. This is what they wrote and said:

As was revealed at the public hearing, however, representatives of non-government school organisations understood that these concerns would be addressed in discussions with the government after the bills were passed, and that they were in no position to influence the government’s immediate legislative intentions.

What hubris. What absolute arrogance. The fact that the government is coming here this evening with an amendment—

Senator Marshall—What paragraph?

Senator ABETZ—Paragraph 1.9, Senator Marshall, in case you do not know. It is your own report. It is sad that Labor senators need this sort of assistance from the opposition. But what hubris and what arrogance for Labor senators to say that these school organisations knew and were told that the Labor government would not listen to them and that you could not change the government’s legislative intentions. The simple fact is that their legislative intentions have been changed this evening by virtue of the government moving its own amendment. But this is the approach of this government to every peak and representative organisation; they try to bully them into submission. I congratulate the Association of Independent Schools of Victoria who actually stood up on this issue and represented their membership.

I admit—and when I say ‘admit’ I am very proud of the fact—that prior to my entry into this place, I was the deputy chairman of an independent school’s board. There is a great degree of philanthropy and a great degree of commitment by many good, solid citizens all around Australia to the independent school movement. But to say to them, as the Labor majority in this Senate committee report did, that, no matter what, the government will not change its legislation, indicates the hubris and arrogance that has set in within the first 12 months of this government. Also, very interestingly, Minister Gillard told us earlier today:

If Christopher Pyne has his way, every non-government school in this country will miss out on the Federal Government’s funds when it starts next year. Those funds are critical to the operation of those schools

Here we have at least one admission by the government that they had overstepped the mark. What Labor and the class warriors on the other side of the chamber need to understand is that there are very many genuine men and women in this country who make substantial donations and offer substantial support to the independent school movement without wanting to be identified and without wanting to be recognised. That is why, when I was aware of this, I said to my good friend and colleague Senator Mason that I would want to be part of the committee stages of this bill.

The Labor Party, because of their philosophical mindset, just do not get that there might be people who are philanthropic and who do not necessarily want to have public recognition or be publicly identified. I also say to those opposite and to the government that there are people who would be willing to make a capital donation to a school for a particular purpose which, at the end of the day, will not assist that school in any way, shape or form in relation to its recurrent expenditure needs.

What I detect with clause 24, which Labor wants to have in this legislation, is that if somebody were to, for example, donate a substantial sum for a gymnasium, a library or a swimming pool, that could somehow be seen as the wealth of the school, or the income of the school, and, as a result, the recurrent funding to that school would be diminished. If that is the government’s intention it will mean philanthropic support for those schools will be diminished. But if somebody were to make a similar contribution to a state government school for a quadrangle, a donation to its library or whatever, would the federal government then be seeking to diminish its support for that particular state government school? Of course, one would hope not, and I trust that it would not be the case.
1.9, so I dare say he does not know about 1.22—

1.22 of the report states:

support the amendment. The government were pre-

pared to do a humiliating backflip on this issue. I con-

gratulate the government on the amendment and, per-

haps more importantly, I congratulate Senator Fielding

and Senator Xenophon for prodding the government in

the right direction. Our principal objection was that, as

originally crafted, this clause inhibited philanthropy,

and to us that was appalling. Any clause that inhibits

people from donating to schools for education is a bad

thing. Senator Abetz is right that people often do not

want to be publicly disclosed. What the government

has done is a good thing. The opposition is pleased to

support it but it is a great pity that it took the govern-

ment this long to come to this particular conclusion.

Senator Abetz is quite right that this was an issue. In-

deed, that is why we had to have this amendment. The

opposition supports this government amendment.

Question agreed to.

Senator MASON (Queensland) (9.44 pm)—As a

consequence of the previous debate, I seek leave to

withdraw opposition amendments (1) to (3) on sheet

5647.

Leave granted.

Senator MASON (Queensland) (9.45 pm)—by

leave—I move opposition amendments (1) to (4) on

sheet 5689 together:

(1) Clause 66, page 57 (line 6), omit “the amount worked

out under subsection 69(1)”; substitute “the amounts

worked out under subsections 67(1) and 67(1A)”.

(2) Clause 67, page 57 (after line 23), after subclause 67(1),

insert:

(1A) The regulations may specify, by reference to an

amount or a formula for calculating an amount:

(a) an additional amount of assistance for each

Indigenous student from a remote area receiv-

ing primary education at a non-remote campus;

(b) an additional amount of assistance for each

Indigenous student from a very remote area re-

ceiving primary education at a non-remote campus.

(3) Clause 68, page 59 (line 3), omit “the amount worked

out under subsection 69(1)”; substitute “the amounts

worked out under subsections 69(1) and 69(1A)”.

(4) Clause 69, page 59 (after line 20), after subclause 69(1),

insert:
The regulations may specify, by reference to an amount or a formula for calculating an amount:

(a) an additional amount of assistance for each Indigenous student from a remote area receiving secondary education at a non-remote campus;

(b) an additional amount of assistance for each Indigenous student from a very remote area receiving secondary education at a non-remote campus.

The amendments that I am moving on behalf of the opposition concern division 9 and relate to Indigenous supplementary assistance in clauses 66, 67, 68 and 69 of the Schools Assistance Bill. My good friend Senator Ian Macdonald raised this issue in the debate about an hour and a half ago. He mentioned that the Queensland Catholic Education Commission is concerned that the bill seriously disadvantages boarding schools and their capacity to educate Indigenous students from remote and very remote areas. They are concerned that, as the bill currently stands, Indigenous students from remote areas who attend boarding schools in regional or metropolitan areas attract half as much special assistance funding as that provided to their counterparts who attend schools in remote or very remote areas.

In short there is concern that the bill fails to recognise the higher needs of these Indigenous students regardless of where they attend school. The bill allocates funding according to the location of the school rather than where the students have come from. The amendments I am moving on behalf of the opposition seek to create a category of assistance that will enable the government by regulation to provide for these several hundred Aboriginal boarders from remote or very remote localities.

I would like to pay a compliment to Senator Macdonald for pursuing this issue. Having read the Senate Standing Committee on Education, Employment and Workplace Relations report into the provisions of this bill I, like that committee, was convinced by the department’s argument that this was no longer an issue. But thanks to the work of Senator Macdonald it would seem that Indigenous students from remote or very remote areas could be disadvantaged if they were attending a school in metropolitan areas. Given the government’s professed and, I know, sincere concern for Indigenous students I think it is appropriate for the Senate to amend this bill to ensure that there is a capacity for the government to make adequate provision for Indigenous students from remote or very remote areas.

This bill does not prescribe or mandate any conduct by the minister at all. All it does is give an opportunity for the minister to provide for Indigenous students from remote or very remote areas who are attending schools in metropolitan areas. That is what it caters for. It merely gives the minister extra discretion to cater for those students. That is why the opposition is moving the amendment and I would hope and like the government to support it.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (9.47 pm)—Having spent the first hour of the proceedings this evening covering these issues I think the government’s position is crystal clear. The provisions of this bill make it absolutely clear that the government is guaranteeing funding for schools—there is a funding guarantee in this bill—so that systemic and non-systemic schools will be able to ensure either that they have the same amount of money they have now—have their funding maintained—or that their funding is actually increased. There is extra money in this bill for schools.

The claims that have been made by Liberal Party senators in this matter are simply wrong. They are not able to sustain the position in terms of the historical precedents or the normal custom and practice of the craftsmanship of the education bills in this parliament, which, of course, is reflected in this bill as it has been in every other bill that I have been personally associated with in this chamber over the last 16 years. The rural and remote loading was introduced by the previous government. It recognises the cost of delivering education in non-metropolitan areas. The SES school provisions, which were also introduced by the previous government and which are not being changed in this arrangement, reflect the aggregate arrangements regarding students’ addresses and, consequently, the general recurrent funding for every school. In fact 19,000 students will now attract funding and increased indexation to their maximum SES funding for their predominately Indigenous schools. That is a result of the provisions in this bill.

The enrolment caps have been removed. Under the previous government’s arrangements there was a requirement to have 20 low SES students in a school. This bill actually allows for much greater levels of flexibility. Under the new arrangements additional resources will be provided to low socioeconomic communities for teacher quality and teacher literacy and numeracy under the national partnership agreements.

Senator Williams interjecting—

Senator CARR—Senator Williams, you are concerned suddenly about time after having wasted all that time on this bill and not listening to a word of what was said earlier in the evening. The vast majority of schools with Indigenous students will receive significantly more money as a result of this bill. For a small number of school systems there will be the maintenance of a funding guarantee under these arrangements.

This amendment of course is one of those ‘make work’ clauses that the Liberal Party, who does not know where it is going, has to make to appease dissident senators within their ranks and to justify the in-
credible waste of time that they have taken up in the Senate this evening. This is an amendment that is not necessary because any fair and reasonable reading of the legislation would demonstrate the adequacy of the funding guarantees and the extra resources in this bill. Senator Mason, frankly, I do not think you can in all honesty look yourself in the mirror and say that this is actually necessary.

Senator XENOPHON (South Australia) (9.51 pm)—I indicate my support for this amendment for these reasons: firstly, I do not doubt what Senator Carr says, but this amendment makes it absolutely clear that it gives the government, through the Minister for Education, the power to provide additional funding if need be. It does not require it; it does not mandate it; but it actually provides for additional funding to be given in the sorts of circumstances that Senator Macdonald articulated earlier this evening. I see no harm in that. I note Senator Milne’s concerns that it could well be seen as discriminating between government and non-government schools, but I would have thought that, if this is flagged as an issue, if there is power to do so in the way that it has been structured, that is a good thing because it gives that degree of flexibility to the minister. It acknowledges this as an issue and, in the context of Senator Milne’s concern, I think it sets a good precedent that, in those circumstances, in exceptional cases, the minister has the flexibility to deal with those students from remote communities if it is necessary. I think Senator Carr is right but I also think that the opposition is right on this. That is why I see no harm in this amendment. I see it as being beneficial, and I support it.

Senator MILNE (Tasmania) (9.53 pm)—Having sat through the committee inquiry into this legislation and having had a briefing on it, I am reasonably satisfied that the issues that were raised in the committee and that were of concern to the committee about making sure that Indigenous students were no worse off—and, in fact, trying to ensure that they would be better off—have been dealt with by the bill. Having said that, I am concerned about those non-systemic schools. I am concerned, as I said before, about the fact that, whilst this may deal with Indigenous students in non-government schools, it will, in fact, increase the gap in funding for the 80 per cent of Indigenous students who go to government schools. That is my concern.

Inasmuch as giving the Minister for Education the discretionary power to strike a regulation if she chooses, I do not see this as a problem. I would like to see this transferred across to government schools as well. Because I am satisfied that this is simply providing the discretionary power for the minister to act in the event that students from remote communities are worse off, it can be dealt with. It does not actually require the government to spend any money. It does not even require the minister to actually regulate. It simply gives her the power to regulate should she choose to do so. I am happy to give her that power. If, as the government has said, it is not a problem any more and the issue has been dealt with and Indigenous students from remote communities are not affected adversely then there would be no requirement for her to actually exercise the discretion and strike the regulation. On that basis, I will support the amendment.

Senator IAN MACDONALD (Queensland) (9.55 pm)—For the reasons Senator Milne mentioned, I indicate that these amendments, although they are moved by the opposition, do not go as far as I would have liked. But, of course, I and the rest of the opposition will be supporting them because they are our amendments.

Senator Carr—We don’t even get any thanks for it, after all of that!

Senator IAN MACDONALD—I am grateful to the Minister for Innovation, Industry, Science and Research and accept the assurance he gave me previously that none of the schools that I have mentioned will be worse off. I thank the minister for that assurance. The record shows that. I have already issued my press release giving the good news to the schools in Townsville who were desperately concerned about this bill. As I said earlier, I did not know anything about this bill at 10 o’clock this morning. But, at 11 o’clock, they were in touch with me, desperately concerned that they would be worse off. Senator Milne, this is about Indigenous boarding students. As far as I am aware, there are no government schools that take boarding students, Indigenous or otherwise. I am grateful for the minister’s assurance. I think he will need these amendments to be able to act on the assurance he has given the Senate. So, for all those reasons, I think it is a very worthwhile move. I am particularly grateful to the cross-benchers for their support for Senator Mason’s motion.

The TEMPORARY CHAIRMAN (Senator Parry)—The question is that opposition amendments (1) to (4) on sheet 5689 be agreed to.

Question agreed to.

The TEMPORARY CHAIRMAN (Senator Parry)—We move to Australian Greens amendment (5) on sheet 5654.

Senator MILNE (Tasmania) (9.57 pm)—I withdraw that amendment. It pertained to the time frame of my amendment which, basically, was an extension of two years, not four. Therefore, it was changing the date from 2012 to 2010. The previous amendment was therefore lost, so I withdraw that amendment.

The TEMPORARY CHAIRMAN (Senator Parry)—The question is that the bills, as amended, be agreed to.

Question agreed to.
Education Legislation Amendment Bill 2008 reported without amendment; Schools Assistance Bill 2008 reported with amendments; report adopted.

Third Reading

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (9.58 pm)—I move:

That these bills be now read a third time.

The government has made it clear that these bills are an essential part of the national framework for achieving excellence and accountability in Australian schools. That means setting the highest standards of accountability and transparency. We have made an election commitment to deliver a national curriculum. That is a process that has been underway in this country now for 30 years. As a result of the actions of the Liberal Party and other parts of this chamber tonight, that process has been set back. As a consequence, $28 billion of funding over four years for schools, which was to commence from 1 January, has now been put in question.

We have here a situation where, having made an election commitment to deliver a national curriculum, we have developed an inclusive, open process for creating and implementing that national curriculum. The reality is that one opportunity here was to actually get the framework for the funding and the accountability of schools in Australia and to get that right. The principles of establishing higher standards in transparency, which in our view have to be consistently applied across both the government and the non-government sectors, have, of course, now been put in question. We have delivered in the last week an unprecedented agreement with the state and territory governments about these same principles of accountability and transparency applying to both government and non-government sectors. Of course, due to the actions of the Liberal Party here tonight—and I hold them directly responsible; as people who claim to be and purport to be the alternative government in this country, they ought to be held responsible—those objectives have now been put in question. As a consequence, $28 billion of public support for 1.1 million students has also been put in question.

The stakeholders, including the Independent Schools Council of Australia and the National Catholic Education Commission, indicated to the Senate inquiry that they do not consider the issues surrounding the national curriculum to be so significant as to delay the bill. Mrs Temby, of the Catholic Education Commission, said:

... we believe that because we are engaged in the consultations we will have an input into it and that will be all right.

Further, the government believes that this is an unprecedented effort by the Senate to split a bill, as proposed off the floor here, and that the provisions of the Schools Assistance Bill 2008 must be considered as a whole. The government will therefore be ensuring that this bill is returned to the House of Representatives. The government have always made it clear that this bill, as I say, is an essential part of our legislative program and our election commitments, and we are determined to implement them.

Senator MASON (Queensland) (10.02 pm)—Can I first of all say this: the Schools Assistance Bill 2008 is a better bill than it was three hours ago. It is a much better bill, and I want to thank the senators from the crossbenches for their support. I have three quick points. Firstly, we have made sure that individuals’ names will not be disclosed publicly for their philanthropy. It is bad public policy and it should never have been in the legislation at all. Secondly, the national curriculum is still embryonic. The idea of linking funding to an embryonic curriculum that we do not have the details about is absurd, and it is inappropriate for non-government schools to take the government on faith on such an issue, which is absolutely rooted to their core. It is totally inappropriate. Thirdly, as Senator Ian Macdonald so eloquently put it earlier tonight, it is quite appropriate that additional assistance be made available for Indigenous students from remote areas. Now, because of the amendments moved by the opposition and supported by the crossbenches, the minister will have the capacity to make provision for Indigenous students from very remote areas, and that is a good thing.

Senator MILNE (Tasmania) (10.03 pm)—I rise to say that, in discussing the support of the crossbenches, I wish to make it very clear that the Greens did not support the taking out of the national curriculum from this legislation, and we do not support that. I do not like the idea of a blank cheque for four years under a flawed funding model. I made that very clear in my speech, and that is still my position. It is now obvious that this will go to the House of Representatives and then the real negotiation will begin. I want to make it very clear that the Greens do not intend to support a piece of legislation which does not have the accountability provisions, which does not have the curriculum provisions and which does not take into account those equity issues of non-government school funding in relation to government school funding.

You can have two separate bits of legislation. You can do one through the COAG process and one through non-government schools. No matter how you try and decouple them, they are not decoupled, because equity in education has to mean that there has to be some capacity for the Commonwealth to ensure that the states spend appropriately so that, whether Indigenous students are in a non-government or a government school, they are funded appropriately, and one is not a poor cousin to the other. It is the same for all students, in
fact, in non-government and government schools. The Greens have a very strong position on this.

I think it was extremely sensible to say that this measure ought not to go beyond 2010, that it should include the national curriculum and that the government should bring forward the review of education funding so that we can go to the 2010 election with the whole community knowing where we stand. I look forward to the negotiations that are going to take place on the Schools Assistance Bill 2008, because it is certainly not over and there is no way that the non-government schools are going to get a blank cheque without the conditions that were made very clear to them, which they understood. It is not reasonable for that to be the case.

Senator IAN MACDONALD (Queensland) (10.05 pm)—I do not think Senator Carr’s comments should be left unchallenged on the record. The $28 billion for education can quite easily go forward. The Schools Assistance Bill 2008 is passed. If it does not go forward then that will be a decision the government makes. But there is a bill that will provide that money for schools, and it is a bill that has been supported by the whole chamber. Everybody agrees that there should be a national curriculum. There is no question about that. The problem is, of course, that schools have been expected to sign off on something they have not seen. The government can be assured and has been assured that we will all support the national curriculum, provided that it is reasonable—and I am sure it will be. Bring forward a bill with that, and there will be no problem. So the money is there. The Senate has agreed to the payment of the money. If the government choose not to pay the money, that will be on their heads.

The ACTING DEPUTY PRESIDENT (Senator Crossin)—The question is that the Education Legislation Amendment Bill 2008 and the Schools Assistance Bill 2008 be read a third time.

Question agreed to.

Bills read a third time.

WATER AMENDMENT BILL 2008
Consideration of House of Representatives Message

Message received from the House of Representatives returning the Water Amendment Bill 2008, informing the Senate that the House has: agreed to amendments (1), (9), (12) and amended amendment (16) made by the Senate, and disagreed to amendments (2), (3), (4), (5), (6), (7), (8), (10), (11), (13), (14) and (15); and requesting the reconsideration of the bill in respect of the amendments disagreed to and the concurrence of the Senate in the amendment to amendment (16) made by the House.

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

House of Representatives message—
(1) Senate amendment (16) (heading to proposed new Schedule 4 to the Water Act 2007):
Omit “the recognition of Indigenous water rights”, substitute “Indigenous representation on the Basin Community Committee”.

Senator WONG (South Australia—Minister for Climate Change and Water) (10.07 pm)—I make:

That the committee does not insist on the amendments disagreed to by the House and agree to the amendment made by the House of Representatives to the Senate’s amendment.

Senator MINCHIN (South Australia) (10.07 pm)—I will speak for the coalition on this message that we have received and the motion before us. As we all know, the Water Amendment Bill 2008 was debated at great length in this chamber last week. Tonight I want to pay particular tribute to Senator Fiona Nash, who led the debate for the coalition, as the then shadow parliamentary secretary for water resources and conservation, and did an outstanding job. It is with much regret that I, as the Leader of the Opposition in the Senate, note that she has now resigned from that position, having done tremendous work in that role and in relation to this bill in particular. I also want to acknowledge the roles of Senators Fisher and Birmingham in the debate on this very important bill in this chamber last week.

There were a number of amendments made to this bill by the Senate that were supported by non-government senators and that we believe did improve the bill. The coalition sought to amend this bill because we believe that, in the original form it came into this place, it did not go far enough in delivering the national water reform which our coalition in government initiated and drove throughout 2007, only to be frustrated by the Victorian Labor government. Regrettably, this bill repeats the errors of 2007 in relation to the Victorian Labor government, in that it lets the Victorian Labor government off the hook with this quite destructive and outrageous proposal that the Victorian Labor government has to build a north-south pipeline to divert no less than 75 billion litres of water per year from the Goulburn and Murray rivers and the Lower Lakes to the city of Melbourne—an extraordinary event in this, the 21st century.

Last week in this chamber, with the support of all non-government senators, the coalition sought to improve the bill and improve water management in this country. We sought specifically to stop the construction of the north-south pipeline and the extraction of water from the Goulburn and Murray rivers for use in that pipeline. We sought to ensure that water saved through the Living Murray initiative is immediately released for environmental flows in the Goulburn and Murray rivers and to replenish the Lower Lakes, which are in such desperate need. We called for the government to immediately deliver $50 million in emergency relief
funding to the Lower Lakes and Coorong communities in my and the minister’s home state of South Australia. We also sought to make amendments in relation to transparency, targets for infrastructure, community impact statements and structural adjustment. Additionally, we sought to protect farmers from the risks associated with ‘the new knowledge’ relating to climate change. The government’s definition of this new knowledge, of course, is not clear and they have not consulted with the industry on the potential ramifications of this approach. Regrettably, it was only the coalition that stood in this place to protect farmers in this way.

The Senate did support our amendments regarding the north-south pipeline, the Lower Lakes and additional transparency in this bill, and we sent the bill, as amended, to the House, seeking the support of Mr Rudd and his Labor colleagues in the lower house. As I have said, the Labor Party in the Senate opposed those critical amendments, and, regrettably, they opposed those amendments in the House of Representatives yesterday. The Prime Minister has now sent this legislation back to the Senate, rejecting the Senate’s endeavours to improve this bill. Regrettably, the Labor Party have not even sought to negotiate any of these amendments; they are instead simply resorting to the thuggery we are used to from the Labor Party in relation to the coalition and other senators, under the false pretences of accusing us of holding up water reform. This is the base cynicism of the Labor Party in full flight.

We in government, as the coalition, drove national water reform in this country. We remain committed to doing everything possible to ensure the health of the Murray-Darling Basin. We did our utmost to oppose this really outrageous north-south pipeline, and the Labor Party simply rejected our position. Mr Rudd and Senator Wong—as I said, a fellow South Australian—now have political ownership of this dreadful and destructive pipeline. They are the only ones now who can stop the pipeline. They have it in their power to stop the pipeline. They have refused to do so and, in the process, have treated with contempt the will of the Senate. We will not let Mr Rudd hold national water reform hostage whilst he gives a green light to this pipeline. It is now very much Mr Rudd’s pipeline. Regrettably, this is a signal that he has given up on saving the Lower Lakes in our state of South Australia.

While we stand by our amendments in the Senate, we will not be insisting on these amendments in the chamber today. To do so, regrettably, would not stop this pipeline being built or water going down it but would delay the implementation of other important reforms in this bill. We do this with utter dismay at Labor’s complete lack of interest in helping the Lower Lakes and protecting the long-term future of the Murray-Darling Basin. We are not insisting on our amendments after having consulted closely with the irrigation community, farmers and individual irrigators. We cannot wait another summer for urgent national water reform to take place. We cannot let the actions of Labor in the state of Victoria again delay our vision for reform of the management of the Murray-Darling Basin.

More than 20 different farming and irrigation groups have told us that they are afraid that the Rudd Labor government will use any delay to this bill to punish them over the forthcoming summer. Those groups include the National Irrigators Council, the New South Wales Irrigators Council, the Gwydir Valley Irrigators Association, the South Australian Murray Irrigators, the South Australian Irrigators Council, the Queensland Irrigators Council, the Ricegrowers Association, Murray Irrigation, the Horticulture Australia Council, the Murrumbidgee Horticulture Council, Murrumbidgee Irrigation, Namoi Water, Auscott, Mungindi-Menindee Advisory Council, South Western Water Users, the Central Irrigation Trust, the Renmark Irrigation Trust, the Bondi Group, the National Farmers Federation, the Victorian Farmers Federation and AgForce.

They have reasonable fears, and their fears are: firstly, that the Rudd government will continue to hold farmers’ infrastructure funding hostage to their position; secondly, that the Victorian Labor government will hold water back from the river; and, thirdly, that the South Australian Labor government will use this as a reason to flood the Lower Lakes with sea water, which we have already seen warning signs of in my own state’s major newspaper today and which would be a tragedy for the Lower Lakes. For these reasons, as I said, the coalition will not insist on its amendments in the Senate tonight. But Labor’s intransigence means that we now cannot, through this bill, stop the north-south pipeline, tragic and regrettable as that is.

In addition, the coalition will not be supporting any more substantive amendments to the bill, so that it can proceed through the Senate, we hope, tonight. We do this with enormous dismay and disgust with the actions of this new Labor government. As a South Australian I want to again put on record how disappointed we are that this government is on the face of it completely ignoring the plight of the Lower Lakes. Today the Alexandrina Council, based in the Lower Lakes, has again confirmed its complete opposition to the north-south pipeline. It simply cannot understand why the government is treating it with such contempt.

The coalition will elevate our campaign on the north-south pipeline and the Lower Lakes. We have introduced a private member’s bill in the House of Representatives, and we will introduce one in the Senate, calling for the Rudd government to take immediate action on these issues. I also foreshadow a coalition amendment to the motion before the Senate that the
report of the committee be adopted. The amendment calls on the government to stop the north-south pipeline and immediately act to protect the Lower Lakes. We believe the Rudd Labor government must deliver urgent assistance to these basin communities. If they do not, the outcome will be disastrous for Australia’s agricultural industry and food security.

We urge the Senate tonight to support our amendment to the motion, to call on the government to block Mr Rudd’s pipeline and to release the urgent funding to support the Lower Lakes and Coorong communities. I give the assurance that the coalition will not fight on behalf of the people of the basin for national water reform and, most importantly, to stop this disastrous north-south pipeline.

Senator SIEWERT (Western Australia) (10.17 pm)—The Greens stand by the amendments, believing they are important, particularly in relation to the north-south pipeline—which Senator Minchin has been talking about—which we believe is a bad project. We do not believe that it is for the benefit of the basin and we do not believe it will deliver water for Melbourne, bearing in mind that the Murray-Darling Basin is in crisis, that we are reducing water supply and that we have to cut consumptive water use in the basin by between 42 and 53 per cent. The water that is being saved—once we prove that it is being saved—for the food bowl project should be going back into the Murray. There is no doubt in our or the community’s minds that that water needs to be in the Murray. We are spending billions of dollars buying back water only to have Victoria siphoning off some of the water that should be going back into the basin and taking it down to Melbourne. We also believe that the amendment that the Senate passed that dealt with a reduction in water use outside the basin was an important complementary amendment to ensure that, in a progressive manner, communities outside the basin also start to wean themselves off the basin.

I foreshadow that the Greens will be moving an amendment, as circulated in the chamber, to the motion that the opposition will be putting after we conclude the committee of the whole. I will get back to that in a minute.

The other amendments talked about critical human need, the authority’s functions, objects of the act, ministerial direction, full-time members of the authority, transparency, supplying $50 million in resources to support adjustment and restructuring for Lower Lakes and Coorong communities and the River Murray, and the subsequent amendment dealt with Water for Rivers projects that complemented the north-south pipeline. These are important amendments that we believe enhance the bill and therefore the Water Act. We believe that the act needs further work. We do not think the act is where it should be in delivering outcomes for the Murray-Darling Basin. We feel that these amendments help the act get there and we are disappointed that the opposition is not supporting them. As I said, we will be supporting those amendments, because we think, as I said, they enhance the Murray-Darling Basin.

However, having said that, we have also said very clearly on the record that we do not think the bill and the act go far enough in delivering an outcome for the Murray-Darling Basin in a timely manner. I remind the chamber that the basin plan—despite the fact that we are ensuring that this bill is through this parliament and the authority can start its work and despite all the efforts that we are all now making to get this debate concluded—does not come into effect until 2019. It will be 2019 before we start getting the water-sharing plans in Victoria actually in line with the basin plan. That is 11 years from now—11 years too long. I remind the chamber that the Greens sought to amend the bill to ensure that all catchment plans and water-sharing plans were brought into line with the basin plan within six months of it coming into operation in 2011. So, despite our ensuring that this bill does go through, we still do not get an outcome for the Murray-Darling Basin until 2019. If we were really in a ‘go slow’ process, I would hate to see how long that would take.

I flag that the Greens will be supporting the opposition amendment, although we will be seeking to amend it by including an additional clause that adds in the populations outside the basin. We do not believe that we can cut off those communities straight away, and we are not seeking to do that. But we are seeking to ensure that the message is sent to those communities that they need to start weaning themselves off the basin water. If they do not, there will not be any water for them anyway. This is the issue that has come up in debate both in this place and in the communities. People say, ‘You lot are trying to cut us off from the water.’ I am sorry, but the basin is going to do that itself, because the water will not be there. You are better off managing this change in a structured manner than waiting until suddenly the taps are not running anymore. What we are trying to say to these communities is let’s work together to see how we can actually start weaning you off this water, because the water is not going to be there in the future. Also, the Greens message is we need to be taking a much more coordinated and structured approach to the way we are going about restructuring in the basin, because let’s face it: that is what we are talking about; we are talking about restructuring. We have to reduce our water use to an extent that is going to have such a community impact, so we need to be acknowledging that now and working on that now. I think it is really dishonest to let farmers go out the back door without any help. Let us acknowledge it upfront and do it in a much more structured manner.
During the debate we did support in principle the things to do as to the issues around restructuring. We could not agree to the opposition amendment because we did not think it took enough of a holistic approach. Our clear message is: this bill— and this resulting act—will not deliver the change that we need unless we complement it with a strategic, coordinated approach of working with communities. We are saying to the government: please start working with communities to deliver that coordinated approach. Let all of us have an honest conversation with the communities about the need for restructuring and acknowledge that we have to reduce our water use, because it is going to happen anyway. It can happen with a great deal of pain or with some pain that we can help to manage. As a legislative body, we are not being honest if we do not acknowledge that.

I am disappointed that the opposition is not supporting these amendments. The Greens stick by these amendments. We totally reject the north-south pipeline as a most ineffective and inefficient way of dealing with Melbourne’s water problems. We are not denying that there is an issue, but the north-south pipeline is not the way to fix it. The water that is saved—and I will believe an independent audit will be held when I see an independent audit about the amount of water that is going to be saved—should be going back into the Murray. The Greens have never said that this is additional water coming out of the Murray. We know that it is supposed to be coming from savings. Our point is those savings should be going back into the Murray like everybody else’s savings are going back into the Murray.

Victoria is saying to the rest of the community: ‘We’ll take your $1 billion bribe to sign on but we won’t actually implement the basin plan until 2019 and, by the way, we want an extra 75 gigalitres’—although it is actually more; it is closer to 100 gigalitres—’so we’ll take that as well, thanks very much.’ I have a little bit of a question about a whole-of-government approach that needed such a big bribe to get Victoria on board. In particular, the 75 gigalitres—and up to 100 gigalitres, depending on how much water is not going back into the groundwater through this process—are being supplied to Melbournians because they have not been efficient in dealing with their water through water conservation, bearing in mind that 400 gigalitres of stormwater is going out to sea. That is not sensible water planning. If that is what the future of the Murray is, I think the Murray is facing a lot more trouble than we thought and we are not going to get there as quickly as we thought. As I have said, the Greens stand by the amendments. Although we believed these amendments did not go far enough, they improve the bill and they are a good start.

Senator XENOPHON (South Australia) (10.26 pm)—I indicate, along with the Greens, that we ought to stand by these amendments and maintain the position that the chamber took. I understand the opposition’s position. I appreciate the discussions that I have had with Greg Hunt, the shadow minister, in relation to all this. This is something that has weighed very heavily on me. In November last year I was elected to the Senate to represent the people of South Australia. It is not a responsibility that I will ever take lightly. Having been elected as an Independent, I knew that there would be times when I would have to stand alone if I were going to stand up for what I truly believed was right. This is one of those times.

I am not against compromise. In fact, I have worked hard to try and achieve some kind of compromise because I realise the seriousness of this issue. It is no exaggeration to say that what is at stake is the future of hundreds of Australian communities, the future of hundreds of thousands of Australians, the future of the environment, the future of food security and the future of a significant part of our economy. I am not against compromise but what we have here is just unacceptable. The government wants the chamber to endorse, without these amendments, this water bill and the intergovernmental agreement upon which it is based. ‘Agreement’ is a funny word. It implies common ground. Sure, the parties involved might have some differences of opinion but the term ‘agreement’ implies there are enough areas of mutual understanding so that cooperation can occur. But it is not an agreement if various state and federal governments are cajoled or bullied into submission by one state government which has so little respect for the agreement that it is willing to destroy it to achieve a political end.

I believe the federal government, many of the state governments and, apparently, the opposition are mortified by what the Victorian government could do—and that is on the public record. Given Victoria’s threat to trash the IGA if it does not get its way, other governments are willing to agree to what I believe is an inherently unfair deal. Acting like the political equivalent of a spoiled child, the Victorian government has thrown itself on the floor and is writhing around screaming at the top of its voice. My concern is that if you give in once to that sort of behaviour you will be giving in to it forever. I agree with the opposition and the Greens that the north-south pipeline is a disgraceful plan. How could anyone agree to allow Victoria to direct 75 billion litres of water each year away from a dying river system is beyond me. It must be stopped. We had the opportunity to do that in the Senate, but it just seems that unfortunately there is not the political will to do so for a whole range of reasons—and I am not going to be critical at all of my colleagues the Greens and those in the opposition. I understand their position but I hope they can understand mine.
I have listened to a number of my colleagues—and, interestingly, I heard this from both sides of the chamber—who have mounted the argument and it has been said in good faith that ‘the perfect shouldn’t be the enemy of the good’. It is a nice-sounding argument, but I do not believe that is what we have got here. What we have is the really bad being the enemy of the unacceptable. I believe the water bill is a fundamentally flawed piece of legislation. It creates the pretence of a national takeover in place of a real one. The federal government could take over the Murray-Darling Basin and run it in the national interest. Constitutional law experts, such as Professor John Williams from the University of South Australia’s law school, say it can be done and that the powers are there. The federal government has the constitutional powers; it is a case of having the political will. We saw what the Hawke government did in 1983 when it took on the then Tasmanian government over the Franklin Dam. It used its constitutional powers to get an outcome that has been widely applauded; it was the right thing to do. But here we are presented, instead, with a piece of legislation that I believe will not work, despite its good intentions, despite what is intended.

I wish to refer to what the editor at large of the Canberra Times, Jack Waterford, said in an opinion piece several months ago, a few days after this agreement. Mr Waterford pointed out that the agreement between the Commonwealth and the basin states sets out a series of principles for management of the river system and paves the way for a national plan to be created by a panel of experts from the newly created Murray-Darling Basin Authority. But how much real authority does this new authority have? That is where things started getting political and started getting watered down.

Under the agreement the authority will be assisted by a ministerial council and advisory committee, as well as a committee of federal and state officials. As Mr Waterford pointed out the authority will only exist, thanks to a limited referral of powers from the states to the Commonwealth, some complementary legislation, a base agreement and working principles, which can be changed only by the unanimous agreement of all parties. So if one state does not agree, we can have a stalemate for any changes. Notwithstanding, if those changes are clearly in the interests of the entire river system it can still be stalemated; it can still be held up. To me, that is a fundamental flaw. The fact that the states still have considerable veto powers in the implementation of the basin plan—the way it will operate—is a fundamental flaw.

The biggest problem is that if this bill is passed it may well give false hope to some communities. My fear is that we will be back here again in a year or two. If the drought does not break—and we know the impact of climate change—we will be back here again. It will not solve the problem. It cannot be portrayed as some sort of effective takeover strategy because it has only a limited referral of powers. The last, best hope for the river system is to have a full federal takeover. If this plan were a boat it would sink; it has enough holes. I support a national takeover, but this is not a national takeover.

My concern, and that of the Greens, is that this will take so long. I understand what the government said but it seems that in the absence of a full referral of powers, and with the current timetable, it will be too late for too many farmers. It will be too late for the environment. I cannot be a part of this bill. I do not believe that South Australians should accept the north-south pipeline. I do not think we should be waiting until 2019 and I do not think South Australians should accept that this is the best the federal government can do. In all conscience I cannot and will not vote for this bill.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10.33 pm)—Senator Siewert has put the Greens’ position very clearly, but let me just add to that. We are not in the Hawke government’s situation relating to the Franklin Dam where we had a government which said, ‘We will use federal powers against an intransigent state to get the proper result here.’ We are in a position similar to that of the Fraser government, which preceded the Hawke government, which said, ‘We will try to work with the states to get an outcome, even though we are not going to achieve that outcome through taking that direction.’

In terms of a national effort to deal with the urgent situation of the Murray-Darling Basin, this legislation is manifestly 10th rate. That said, I do not think this is an occasion for rejecting the advance in thinking there has been—that is, that it has to be a national fix. I think this is a staging post for getting the result that Senator Xenophon wants—and he is absolutely right—which is to have a much more powerful authority able to deal with the plight of the Murray-Darling Basin than the one we see here. It is a small step on the road to what should be a solution that should be urgently invoked, and it should not have the timeline of 2019 anywhere near it. That said, the north-south pipeline issue is one that the opposition should have stood strong on.

Senator Minchin—We have.

Senator BOB BROWN—Senator Minchin, through you, Chair, no, that is not what is happening here tonight. Had that happened, the pressure of the Victorian government on the Labor Rudd government would have been counterbalanced by the forcible pressure from the Senate, but the opposition has blinked first. That means that the north-south pipeline gets the nod rather than the stopper that it should be getting here in the chamber tonight. That is why we will be voting to
reject the House of Representatives amendments which, effectively, take away the Senate’s earlier condition that the north-south pipeline should not proceed.

The final point I want to make is about climate change. We now know that Senator Wong will be announcing a fortnight from today, or yesterday, the targets that the government will be setting in terms of climate change. I think these will be manifestly weak, like this legislation is, and short of the mark; otherwise, I believe the government would be making the announcement about those targets before Senator Wong goes to the global conference in Poznan.

This is high danger for the Murray-Darling Basin. We know that Professor Garnaut has said that it is going to be lost as we know it if the weaker targets that are involved in accepting a 550 parts per million carbon dioxide equivalent pollution of the atmosphere are taken up. That means a 30 to 50 per cent reduction in flow on what we have now in the Murray-Darling system by mid-century. This is catastrophic. This is absolutely catastrophic. It will be traced back to tonight, to the government’s failure tonight, and to that announcement coming up before Christmas, unless it is an announcement to go for targets in the order of the Greens targets—that is, a 40 per cent reduction in 1990 levels by 2020 and carbon neutrality by mid-century. That is the challenge we have. It is a challenge that is being failed in this legislation and I think it is a challenge for which we are going to see the government fail between now and Christmas as far as those targets are concerned.

Senator FIELDING (Victoria—Leader of the Family First Party) (10.38 pm)—Family First is also concerned that the lower house has not accepted the Senate’s recommendations. I will focus primarily on the north-south pipeline. There are some real problems with the pipe because the issue is pitting country folk against city folk and dividing Victorians quite strongly. I have said before that Australia really needs to start to think about water in a different way. We have water gushing out into the ocean and in another spot we put a nozzle into the salt water and, at the cost of a huge carbon footprint, turn it into fresh water. I think we need to start to think about where water is gushing out into the ocean around Australia, and has been doing so for some time, and look at distributing that water in a way that provides a surplus well in excess of the need, to make sure that we can support areas where we are short of water. I have said before that we do not have a water shortage problem but we certainly have a water distribution problem. Family First believes that the concept of piping water from Tasmania to Melbourne and even from Melbourne back up to the Goulburn Valley system would make much more sense than stealing water down from up there. That is the key to this. It is very much a shame that the lower house has not accepted the Senate’s amendments to the bill.

Senator WONG (South Australia—Minister for Climate Change and Water) (10.39 pm)—I will make a few comments, first, to acknowledge the contributions made to the debate by all senators. I particularly acknowledge the contribution made by Senator Nash to the previous debate, and notwithstanding that I did not agree with a lot of what she did, the obvious workload that she took on in that regard.

I welcome Senator Minchin’s indication on behalf of the opposition that the opposition will not be insisting on the amendments. It is clear that in the opposition wiser heads have prevailed. Senator Minchin made a few accusations and criticisms and some strong rhetorical points in his contribution. I do not propose to respond to them on behalf of the government tonight. I think that many of the issues have been well traversed in earlier debate and the government’s views are clear. Despite the rhetoric, the fact is that the opposition are not insisting on their amendments, including in relation to the pipeline. That is the indication from Senator Minchin. As I said, we welcome the fact that wiser heads have prevailed.

As I think I said in the second reading debate, the first agreement in relation to the River Murray was in 1914. In 1992 the latest version of the Murray-Darling agreement was put in place. From 1914 to date we have not had a management regime, an architecture, dealing with the Murray-Darling Basin that recognised the simple fact that rivers flow across state borders. The legislation before the house puts that architecture in place for the first time. It is architecture that delivers a whole-of-basin approach. It seeks to manage the basin as a whole. For the first time in this nation’s history it will set a cap based on science. For the first time in this nation’s history it will ensure that that cap and the basin plan, after consultation, ultimately are decisions of the Commonwealth minister. Importantly, it will also ensure that the basin plan is undertaken by an independent authority, the Murray-Darling Basin Authority.

Can I make this point: I think it is 12 months tomorrow since the Rudd government ministry was sworn in and there has been a substantial amount of progress on water in that time. We see this bill before the Senate, which, as senators know, required a very extensive set of negotiations with the states, for the first time engaging the enabling and referral powers upon which some of the bill is predicated. But I want to make it very clear to the chamber that the government understand that there is a lot more left to do. We are making progress but we do understand that the challenge of the Murray-Darling Basin is an enormous one. It is one that is compounded by the inaction of the previous
government. It is compounded by years of failure to manage the basin properly and sustainably—

Senator McGauran—What about the Brumby government? Do something!

Senator WONG—Senator McGauran, there is a certain tone to the debate which, I do not know if you have noticed, we are seeking to engage in at this point. What I was saying was—

Senator McGauran—Stop talking piously if that is the tone you want.

Senator WONG—I am just wondering, Madam Chair, if Senator McGauran has finished his interjections.

The TEMPORARY CHAIRMAN (Senator Crossin) I am sure he has, Minister.

Senator WONG—I was saying that the government recognise that there is a lot more to do in the Murray-Darling Basin. We are battling, all of us—and by that I mean the communities of the basin—the effects of climate change, the mismanagement that has occurred in the past over allocation as well as the current drought. We recognise that communities in the basin are facing very difficult times indeed, and we recognise the scale of this challenge. One of the things that I have often said as minister is that we need to do things in the short and medium term as well as the long term. The things for the short term and medium term are the policies of the government—the purchase of water and the investment in infrastructure in order to ensure that we can do more with less, to ensure that we are more efficient and to ensure that we maintain and continue to grow viable productive irrigation industries, because, of course, that is the economic base that is so important to basin communities. We need to purchase water to return water to the river to deal with a very significant environmental problem that occurs up and down the river, but we also need, in the longer term, to change the architecture of the management of the basin.

I am very pleased tonight that the opposition are not insisting on their amendments and will support the bill. We do believe this is a very significant step forward because it will enable, for the first time, this basin to be managed on a whole-of-basin approach. That is a very significant thing, particularly if you consider when the River Murray agreement was in place and what has not occurred between 1914 and now. I thank senators for their contributions to the debate.

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

The committee divided. [10.51 pm]

(The Chairman—Senator the Hon. AB Ferguson)

Ayes............. 40
Noes............. 7
Majority........ 33

AYES

Arbib, M.V. Barnett, G.
Bilyk, C.L. Boyce, S.
Brandis, G.H. Brown, C.L.
Bushby, D.C. Cameron, D.N.
Cash, M.C. Collins, J.
Crossin, P.M. Eggleston, A.
Evans, C.V. Faulkner, J.P.
Feeney, D. Ferguson, A.B.
Ferravanti-Wellis, C. Fifield, M.P.
Fisher, M.J. Turner, M.L.
Humphries, G. Harley, A.
Hutchins, S.P. Kroger, H.
Lundy, K.A. Marshall, G.
McEwen, A. * McLachlan, B.
Minchin, N.H. Moore, C.
Parry, S. Payne, M.A.
Pratt, L.C. Scullion, N.G.
Stephens, U. Sterle, G.
Troeth, J.M. Trood, R.B.
Wong, P. Wortley, D.

NOES

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

* denotes teller

Question agreed to.
Resolution reported.

Senator WONG (South Australia—Minister for Climate Change and Water) (10.54 pm) I move:
That the report from the committee be adopted.

Senator MINCHIN (South Australia) (10.54 pm) I move:

At the end of the motion, add:
but, due to the Government’s failure to support in the House the amendments made by the Senate, the Senate calls on the Government to immediately:

(a) prohibit construction of the North-South Pipeline and extraction of water from the Goulburn and Murray rivers for use in that pipeline;

(b) ensure that water saved through the Living Murray Initiative is immediately guaranteed and then released for environmental flows in the Goulburn and Murray Rivers and to replenish the Lower Lakes; and

(c) deliver $50 million in emergency relief funding to the Lower Lakes and Coorong communities.

Senator SIEWERT (Western Australia) (10.54 pm) I move, as an amendment to the amendment moved by Senator Minchin, Australian Greens amendment on sheet 5690:

After paragraph (a) of the amendment, insert:

(aa) encourage and support other populations outside the Basin who currently rely on the extraction of water from the basin to broaden their water security by expanding their use of other
water sources such as stormwater capture and recycling;
This amendment seeks to amend the opposition amendment on sheet 5688 by inserting a paragraph along the lines I discussed earlier in the debate—that is, ‘encourage and support other populations outside the Basin who currently rely on the extraction of water from the basin to broaden their water security by expanding their use of other water sources such as stormwater capture and recycling’.

Senator Xenophon (South Australia) (10.55 pm)—I seek leave to move an amendment to the amendment moved by Senator Minchin, as sought to be amended by Senator Siewert.

The Acting Deputy President (Senator Crossin)—Senator Xenophon, I am advised that, if you are actually seeking to amend Senator Minchin’s amendment, it would be wise of us to deal with Senator Siewert’s amendment first. So I shall put the question that the amendment moved by Senator Siewert on behalf of the Australian Greens be agreed to.

Question agreed to.

Senator Xenophon (South Australia) (10.56 pm)—I move:
At the end of the motion, add:

but the Senate calls on the Government to:

(a) direct the CSIRO to undertake a comprehensive hydrological assessment of the proposed North-South pipeline project, and the proposed extraction of water for the pipeline; including an audit of the water savings to be achieved by the Victorian Food Bowl Modernisation Project and its impact on the water resources and environment of the Murray-Darling Basin; and

(b) ensure that the CSIRO is adequately funded to undertake that assessment.

This amendment seeks to amend the amendment moved by Senator Minchin, as amended by Senator Siewert.

The Acting Deputy President—The question now is that the amendment moved by Senator Xenophon to Senator Minchin’s amendment be agreed to.

Question agreed to.

The Acting Deputy President—I now put the question that the amendment moved by Senator Minchin, as amended, be agreed to.

Question agreed to.

Debate (on motion by Senator Wong) adjourned.

Ordered that the resumption of the debate be made an order for the next day of sitting.

ADJOURNMENT

Senator Wong (South Australia—Minister for Climate Change and Water) (10.58 pm)—I move:

That the Senate do now adjourn.

Australian Capital Territory

Senator Lundy (Australian Capital Territory) (10.58 pm)—Over the last few months the Chief Minister of the ACT, Mr Jon Stanhope, has been keeping all of us in the Canberra community well-informed about the centenary significance of the spring of 2008. Such careful attention to the historic record is what we have come to expect of him. As the longest-serving current Premier or Chief Minister in Australia, Mr Stanhope has always managed to find the time, amongst a busy set of portfolios in the ACT government, to give appropriate priority to matters transcending the day-to-day issues of contemporary politics. He has made a point of addressing some of the big picture matters in public policy—for example, important moral issues such as human rights. Mr Stanhope has been no less passionate in promoting the importance of public art for the well-being of a community as well as the need for a community to acknowledge and understand its roots: where it came from, and why.

As my Senate colleagues would be aware, ACT Labor was recently re-elected, yet again, this time to form a minority government—this success nonetheless a vindication of the leadership and vision our Chief Minister has for the Australian Capital Territory. I wholeheartedly congratulate Mr Stanhope and all his hardworking colleagues who have provided the Australian Capital Territory with quality stable government for many years now. They have been entrusted by the ACT electorate with continuing that work for another four years. They have made some tough decisions, but I hope it is a particular source of satisfaction for Mr Stanhope that he can go on navigating the course of Canberra’s challenging centenary years at the local level between now and at least 2012. This, too, is his due as his government took the creative initiative as early as 2005 in forming a bipartisan task force committee made up of all past chief ministers of the ACT drawn obviously from both of the major parties to drive the plans for commemoration of the centenary. In the following year, Mr Stanhope announced Sir William Deane as the patron of the centenary. What a coup. He could hardly have found a more committed, more respected citizen of this country than Sir William Deane, whose memories of and deep affection for Canberra I believe go back to his childhood, just down the hill from this House, in Manuka in the 1930s and 1940s.

I cannot help but reflect on the curious reluctance of our former Prime Minister, Mr Howard, to engage with the coming centenary birthday for the national capital despite his self-professed commitment to Australian
history. Fortunately, this neglect was offset by the enthusiasm of the Stanhope government, which initiated a process of Australian community-wide consultation. This approach reaped rich rewards and established a sound foundation for the draft program for the centenary to be officially launched during 2009. The Centenary of Canberra unit, based in the Chief Minister’s department, has been enthusiastically going about its business for well over a year now, and it is confidently anticipated that the federal Rudd Labor government and the ACT Stanhope Labor government will announce a memorandum of understanding for the centenary on or around 14 December, just a few weeks away. We will finally have the mechanism for a productive and creative local national partnership. It is wonderful to have two spheres of government equally committed to a collaborative commemoration of our national capital’s significant past.

It is also worth noting the myriad opportunities that such commemoration can provide in the present for the future. Such legacy projects that have an ongoing positive effect will have a high priority. The chosen announcement date, as students of capital history will recognise, is one loaded with symbolic significance, for it was on 14 December 1908 that Australia’s Governor-General, Lord Dudley, put his signature to the Seat of Government Act 1908, formally ratifying the Commonwealth legislation but also concluding a fascinating chapter in Canberra’s history. Almost exactly 100 years ago the ‘battle of the sites’, the extraordinary process to select the site of the nation’s capital, came to a close. It was a process which lasted for the best part of two decades and it was exhausting for all concerned. While some found it stressful and occasionally debilitating, for others it was quite a liberating experience. Many of our predecessors in the federal parliament recognised that they got to know their country and their constituents, their fellow citizens, much better as a result of the process.

Most members of the Australian parliament in the years between 1902 and 1908 got to walk a number of the potential capital sites, the majority in southern New South Wales. They undertook this welcome outdoors work with relish. Yet, if some of the MPs and senators in the early years of the ‘battle of the sites’ approached this task with a degree of jocularity, by late 1908 it was utterly serious business. All were aware that the epic quest had gone on far too long and a decision had to be made. The respective final votes in the two houses of parliament were tightly contested. On 8 October 1908 the House of Representatives selected the option known as Yass-Canberra over Dalgety by a margin of 39 votes to 33. The later debate on the issue in this chamber—in the old House, of course—which extended for a week from late October to early November, was even closer. It produced a deadlock—18 votes a piece for Yass-Canberra tied with Tumut. Eventually, a Victorian senator, James Hiers McColl, broke away from the solidarity vote of his state for Tumut and switched to the Monaro Plains option of Yass-Canberra. It was a courageous decision—with all of the value laden word that has come to be associated with in modern politics—unpopular with his state colleagues and an outrage to Victoria’s newspaper, the Age, which declared that Senator McColl had ratted on his state. In his defence, Senator McColl simply stated that, when Commonwealth parliamentarians come to consider big issues, they should recognise that national considerations must take precedence over parochial loyalties.

Two further points ought to be made about this absorbing chapter in Canberra’s story. Firstly, I note that while we do have a McColl Street in Canberra, in the suburb of Ainslie, the ACT Place Names Committee reliably informs me that it recognises James McColl’s father. In the centenary years to come, hopefully we can find an appropriate way to commemorate the son, James Hiers. Without his politically brave and independent decision, which came at personal cost, the capital might well be somewhere else. Secondly, it is impossible, as a Labor Party senator today, to read the history of the ‘battle of the sites’ and its aftermath without a profound sense of pride. In 1908, the party was a bare 17 years old, yet it would be the Labor members of the federal parliament who would play the main roles in the drama.

Labor’s first Prime Minister, Chris Watson, despite his brief 4½ months in office in 1904, passed an act to site the capital at Dalgety. I note that Watson would in time become the principal advocate for Canberra in the federal parliament. Once he saw the Canberra region with his own eyes and took in, as he said, ‘the Murrumbidgee mountains, towering as background’, and ‘every diversity of scenery’, he was a complete convert. In one speech in the House promoting Canberra, he produced a memorable summary of his position, which said:

I do not say that picturesqueness alone should decide the question; but other things being equal, I think that the beautiful ought to turn the scale.

Watson was widely respected in the parliament and his influence, particularly in the key years of 1907-08 would prove decisive.

It was the good fortune of Australia’s fifth Prime Minister, and the Labor Party’s second, Andrew Fisher, to have been in office for only a matter of weeks when royal assent was given to the Seat of Government Act. His first Minister for Home Affairs, the Irish-born Hugh Mahon, wasted no time in issuing his renowned ‘instructions’ for the district surveyor, Charles Scrivener. I quote:

The surveyor will bear in mind that the Federal Capital should be a beautiful city, occupying a commanding position,
with extensive views, and embracing distinctive features which will lend themselves to the evolution of a design worthy of the object, not only for the present, but for all time...

As Prime Minister Rudd has observed in two speeches in recent weeks, it was undoubtedly Australia’s good fortune that Andrew Fisher’s government was in office for the majority of the time from 1908 to 1915. He inspired those around him. Fisher was determined to be a genuine nation-shaper and nation-builder. As Prime Minister Rudd has pointed out, he bequeathed to his adopted nation an enduring legacy, particularly as ‘a social reformer who helped embed the great tradition of the fair go into the nation’s soul’.

Canberra’s early history has powerful, inextricable links to the formative years of my own party, the Labor Party. I look forward to the opportunity to regularly revisit this compelling story in the coming years as we head towards the centenary of the first Canberra Day on 12 March 2013.

Mr Reg Grundy

Senator COONAN (New South Wales) (11.08 pm)—I rise tonight to acknowledge the achievements of a truly great Australian who has had many very significant milestones in his life—and this week marks yet another personal milestone for him. I speak, of course, of Australia’s own ‘Mr Television’, the incomparable Reg Grundy, who celebrates being 85 years young this week. Reg Grundy, almost by himself, created and gave birth to the Australian game show genre and, not content with enormous accolades in this country, developed still more wildly successful game shows. In 1974 he took his ‘babies’ onto the world stage. He has enjoyed much critical and financial success. Indeed, his success is legendary.

I have been truly privileged to have known Reg and his beautiful wife and life partner, Joy Chambers, for many years. I am constantly amazed at his youthful exuberance for life and his unending curiosity for new adventures, whatever and wherever they may be. But, despite his enormous public success, at the end of the day, Reg Grundy is and always will be a very private man. Reg started out as a boxing and sports commentator for radio station 2SM in Sydney in the late-forties. In the late-1950s, Reg developed an idea for a revolutionary radio game show entitled—how could anyone ever forget—*Wheel of Fortune*. This was a chocolate wheel quiz show that many Australian families routinely listened to in the late-1950s until Reg took his idea to the fledgling television station Channel 9 in 1959—and the rest, as they say, is history.

It is perhaps difficult today to remember that commercial television really only started in Australia in earnest with the 1956 Olympic Games in Melbourne, so it was a very raw and new medium in the late-1950s, and it must have taken a lot of intestinal fortitude for the owners of TCN 9 to contemplate buying such a totally new programming concept even though it had enjoyed great success on radio. Even in those days the two mediums did not necessarily mix in terms of programs moving seamlessly from radio to the new world of television.

Hard as it is for some of us who operate daily with news grabs and the 24-hour media cycle to imagine any other media world, from all reports it was truly different in the early days of commercial television. The time pressures were different and not as demanding, but the one thing that was common to both eras was that only quality and popular appeal paid off. This was the special market that Reg Grundy created and made his own—and it paid handsomely for the man who started it all, as it should have. In the ever-intensifying game show market, Reg created more hits, including icons such as *I’ve Got a Secret*, *Temptation*, *Family Feud*, *Concentration*, *Blankety Blanks* and, of course, that seemingly never-ending river of gold for Reg, *Sale of the Century*.

Millions of Australians feel they know this very private man because they routinely watched his family entertainment if not every night then certainly every week. After perfecting the genre of game shows on television, Reg decided to expand his original programming matrix. In the very early 1970s he started producing dramas which became not only long running but also cultural icons—iconic shows such as *The Young Doctors*, *Prisoner* and the truly incomparable *Neighbours*. We now call them ‘soapies’ or ‘soap operas’.

These shows might have been created and produced by an Australian man who was ‘the salt of the earth’, but bear in mind that he sold them worldwide. Generations of young people growing up in the United Kingdom, the United States, Europe and Asia also became great fans of Reg’s ‘babies’—and they are still running. That is the sort of long run that everyone in show business can only dream of, particularly the incomparable history of *Neighbours*, which has lasted for over 30 years. It is an outstanding record, and the responsibility for it belongs to one man, Reg Grundy, a media mogul long before those whom we have latterly so described.

Reg Grundy’s contribution to the development of Australian culture is why he was acknowledged with the award of Companion of the Order of Australia in 2008, along with his award of an OBE in 1983 for services to Australian television. Of course, all through those years, Reg employed hundreds if not thousands of young Australian actors and actresses and gave them fame and fortune through his programs.

Reg’s career has been truly outstanding not only in the field of television production and television series production but in the quieter field of philanthropy. He has provided support to organisations as diverse as the National Institute of Dramatic Art, of which he is a life...
The Australian Capital Territory

Senator HUMPHRIES (Australian Capital Territory) (11.16 pm)—Like Senator Lundy tonight, I want to make some comments about Canberra, but not perhaps in such positive and effusive terms as Senator Lundy used. Rather I want to reflect on the toll which the Rudd Labor government has taken on this beautiful city in the course of the year in which it has been in office. Canberra is very obviously, to anyone who visits and looks at it, a carefully planned city. It is a city in which the design and the layout of its buildings and the approach to its future and its planning has been very much a matter of careful and considered human endeavour and input. So it is of great concern that much of what has happened to Canberra in the last 12 months appears to be the product of a lack of planning. Ad hoc decisions have been taken without proper regard to their consequences and there is a sense that Canberra is being at best, neglected, at worst, targeted by decisions of government, which undermine many of the key elements of its planning and which affect its ability to project onto the Australian community—and to the rest of the world for that matter—a positive sense of Australian endeavour, achievement and accomplishment, by looking at the things that occur and exist here in this city.

Very clearly as part of that process we have seen the imposition of an enhanced efficiency dividend, so-called, on our national capital and it particularly affects institutions which help to furnish that sense of projecting what Australia is all about. I am referring here especially to the national institutions. Bodies such as the National Library, the National Museum, the Questacon facility, the National Gallery of Australia, the Australian War Memorial and so on have had to cope with very severe cuts to the size of their programs. Each of these institutions has been forced to reduce the level of their engagement with the Australian public in order to be able to cope with those cuts.

We learnt just the other day, for example, that Questacon, which quite evidently is a facility designed to provide children especially with an introduction to science, has had to cancel its birthday program operations and its overnight stays for children. In the school holiday period, the programs would be very popular at the institution and they are going out the door, and another opportunity for children to interact with this important institution disappears.

During the life of the previous government we were lambasted for supposedly neglecting the National Botanic Gardens. Labor promised to spend $1.5 million on enhancing the gardens and particularly providing it with a more secure water supply. In the year since that promise was made we have not seen the $1.5 million dollars that was promised to the gardens and, in fact, the efficiency dividend imposed on the gardens will see an effective cut of $2.6 million to its budget over the next four years.

That is hardly what we were told we should expect from a Labor government. It is hardly consistent with the measure or the image that the Labor Party continuously projects of itself as the friend of Canberra and the party most likely to protect and enhance the national capital. I think Canberrans should ask themselves if they got what they voted for if they believed that Labor was going to deliver better things for the national capital.

Obviously in case of the Botanic Gardens a cut of that depth has the potential to see the planting program cut back, the maintenance and watering of important parts of the gardens compromised, the collecting and propagation of seeds put at risk and the public access programs reduced. Any one of these outcomes would be a very bad result for this important national institution.
We have seen cuts of $759,000 to the budget of the Australian War Memorial. After the enormous investment made by the Howard government in building up and extending that important national institution that is a matter of enormous regret. Hand in hand with that we have seen the closure of the Canberra office of the Military Rehabilitation and Compensation Scheme, apparently with no consultation on that question with the 6,000 veterans affected, a fact confirmed by the ACT branch of the Returned and Services League.

We have seen important facilities around the national capital closed or severely reduced in operation because of the serious cuts which have been imposed on the National Capital Authority. Blundell because of the serious cuts which have been imposed on the national capital. The closure of the Canberra office of the Returned and Services League, the operating hours of the Carillon have all been severely cut back and compromised because of this government’s decisions.

I could talk at length about the way in which schools in the ACT have fared very badly under this government. Schools were promised to share in the benefits of the education revolution. One of the features of that was that there should be trade training centres established in ACT schools as their share of the program being rolled out across Australia. In fact, to date no ACT school has received any funding under that program. The promised Computers in Schools program for the ACT has, of course, like any other part of Australia, been affected by the very substantial on-costs which will undoubtedly lead to either many fewer schools being benefited and many fewer students having those computers on their desks or, alternatively, there being an on-cost to the ACT taxpayer to deliver this promise made by the Rudd Labor government.

The Australian Bureau of Statistics has received a very serious cut. Of course, the ABS is principally based in Canberra. The $22 million cut in its operations will have a very serious impact over the next few years not only on the effectiveness of the ABS to deliver important things to the Australian community in general but also on the employment base and the vitality of the ACT community, where those cuts will principally fall. We are expecting a loss of some 180 jobs in the ABS over the next few years. That cannot be good as Australia grapples with major national and international challenges, particularly the global financial crisis.

The performance of the Rudd Labor government in this respect needs to be contrasted with what happened in the preceding decade or so under the former government. Again, Labor was very fond of telling the Australian community, particularly the Canberra community, about how badly the ACT was faring under a federal Liberal government. But, of course, looking back over those years, one sees an enormous list of benefits conferred on this community because of the investments made by the former government. I will mention just a few: the National Museum of Australia, the Old Parliament House Gardens upgrade, the building of Commonwealth Place and Reconciliation Place, the International Flag Display, RG Menzies Walk, the National Emergency Services Memorial, Magna Carta Place, the Australian of the Year Walk, the Women’s Suffrage Commemorative Fountain and, tomorrow, the opening of a new home for that very important institution, the National Portrait Gallery, which was very much prosecuted as an investment in Canberra by Senator Rod Kemp and then by Senator George Brandis as successive ministers for the arts.

That is the legacy of the Liberals in Canberra. That is what people can look at and see was done by the federal Liberal government for and in this national capital. When one compares that record with what has happened in the first 12 months alone of the Rudd Labor government, one has to wonder where the myth that Canberra is better off under Labor governments than Liberal ones comes from. It is certainly not evident in the examples which I have put before the Senate tonight. I say to citizens of this city to think carefully about the record of the governments which have been ensconced in this city over the last decade or so. Ask yourselves just what Canberra has got out of each party that has formed government in this city and where this city will go with the kind of ad hoc cuts and lack of planning which we have seen demonstrated so amply in the last 12 months. (Time expired)

International Day of People with Disability

Senator BOYCE (Queensland) (11.26 pm)—Tomorrow, 3 December, is International Day of People with Disability. I must admit to feeling somewhat ambivalent about using the term ‘celebrate’ in relation to International Day of People with Disability. On one hand, there is much to celebrate: the great ideas, the resilience, the strength, the patience and the courage of people with disability as needing and wanting to be ‘fixed’ and the insidious, festering view within state governments and some charitable organisations that ‘Institutions were not all that bad, really; let’s just build some nice new ones and they’ll be better this time!’ In 2008, in Australia and in most parts of the world, people with a disability continue to not have much to celebrate.

The late Reverend Dr Christopher Newell AM was a remarkable man. He was described by the Tasmanian Anglican Church, following his death in June this year, as ‘a humanitarian, an intellectual giant, and a champion of the disabled’. In 2002, he wrote:

… the situation of Australians with disability constitutes an apartheid that knows no name.

CHAMBER
Dr Newell, who was himself seriously physically disabled, said the separateness deliberately created by our society for people with a disability made a strong case for using the term ‘disability apartheid’. He said: Australians with disability have special accommodation, special transport, special access, special everything.

I would add special schools to his list. He said:

… so much of the tragedy in disability is created by a society which needlessly handicaps us.

I think that, in 2008, Australians with a disability continue to experience the same disability apartheid.

The biggest problem that I see in the disability area is not a lack of great ideas. There are plenty of great ideas coming from the disability community. The biggest problem is not even a lack of funding, although there are some serious problems with how those funds are dispersed. The biggest problem is that, most of the time, people in the disability community are talking to themselves. Despite all the consulting by governments, no-one from outside the disability community is really listening to people with a disability and their families. Certainly, carers of people with a disability received some long-overdue recognition under the Howard-Costello government, but, in many ways, the tone of much carer advocacy that we experience only deepens the wider community’s view of people with a disability as an unrelieved burden.

In fact, in many areas, the Rudd government’s attitudes and those of state Labor governments have made the situation worse. All the loud promises have given the wider community the idea that things are actually happening, and yet very little has been delivered for people with a disability other than institutionalisation dressed up as community living.

I was struck earlier this year by the cruelty of this type of counterfeit caring by government when I read a Disability Services Queensland article trumpeting the success of a placement into their own ‘home’ of some young people with a disability. The first counterfeit was the idea that this was the young people’s home, because the article also interviewed the service provider organisation about the negotiations that had gone on for the staff to work in this ‘work site’. I do not know about other senators, but I do not see my views about my home and the views of paid staff about their work site, which might happen to be my home, as having equal status. And, if they do have equal status, it is not my home; it is just somewhere I live.

The second counterfeit about this article was that I knew the story was, at the time of publication, largely untrue. The young people were very dissatisfied with many of the constraints and requirements placed on them by Disability Services Queensland and the service provider. They were not being abused or neglected, but they could not live their life in the way they wanted to in their so-called ‘home’.

The third counterfeit was that I knew this because they had no other formal avenue of complaint except to the instigator of the dissatisfaction, Disability Services Queensland. There is virtually no government funding for individual advocacy organisations in Queensland—or, for that matter, in other parts of Australia—so there was no organisation which might have helped the young people to negotiate better recognition of their needs. The few advocacy organisations that exist cannot hope to meet the need for their services, so don’t bother applying unless you are an extreme case—homeless or being beaten, starved or seriously sexually abused, preferably all four if you want quick service. Funding for one new organisation at Logan, near Brisbane, which was announced recently, will not even begin to fix the unmet need in this area.

The saddest aspect of this magazine story is that it describes ‘the best’ that can be expected by Australians with a disability. Most people with a disability are denied the right to an ordinary life every day of the week. The disabled are supposed to be satisfied with lives that provide shelter and food but not much else, lives that people without a disability would not be prepared to accept. Occasionally, individual stories of gross neglect and abuse make it into the mainstream media, but the ongoing neglect does not.

In 2006, the Royal Australian College of General Practitioners noted that there were about 300,000 people with intellectual disabilities in Australia. They also noted that this is approximately the same number as the Indigenous population of Australia and, as the RACGP pointed out, ‘with health outcomes at least as bad’—underdiagnosis, misdiagnosis or no diagnosis. The Howard government introduced Medicare funded annual health assessments for people with intellectual disabilities, and that helped, but there is much, much more that needs to be done. Yet there is no equivalent of the ‘closing the gap’ program for this sector of our community—and, shamefully for all of us, I believe, there is not even a conversation about the need for one.

When the Rudd government established the National People with Disabilities and Carers Council with ‘a major role in the development and monitoring of the planned National Disability Strategy’, they did not even include any people with intellectual disability or any family representatives of people with high support needs. The peak body, the National Council on Intellectual Disability, remonstrated in writing to the government, saying:

Individuals—

with an intellectual disability and with high support needs—

and their families continually … fight against low expectations and against efforts to separate them from their community; in schooling, employment and housing.
Having a commitment to all people with disability goes beyond rhetoric: it is demonstrated in both small and large actions taken. For people with intellectual disability and families of people with high support needs, there is no point in the Rudd Government having a social inclusion policy if the very Council that is being charged with developing and monitoring this policy for people with disability specifically excludes them. This says very loudly that social inclusion is only for those who can ‘communicate and be like us’. It says that those who are too different are not included!

That is from the National Council on Intellectual Disability.

Now, through the COAG process, the Rudd government is working to turn all services for people with disabilities under 65 over to the state governments, or, as the National Carers Coalition puts it, ‘to the failed state and territory managed disability service system’. The federal Labor government has already offered the bribes to the states but without a skerrick of detail of what the states will be expected to do and how—and that is the crucial part: how will the states be held accountable? People with a disability and their families have experienced the tender mercies of the state systems and, on the basis of that past performance or rather lack of performance, they are very frightened. They have no faith in the ability of states to deliver and not to misuse the funding. I urge the Rudd government to develop thoughtful, focused programs that might assist in giving dignity and justice to all—(Time expired)

Senate adjourned at 11.36 pm

DOCUMENTS
Tabling

The following documents were tabled by the Clerk:
Lands Acquisition Act—Statement describing property acquired by agreement for specified public purposes under section 125.

Tabling

The following documents were tabled:
Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2008.
Skills Australia—Report for the period 20 March to 30 June 2008.
Sydney Airport Demand Management Act 1997—Quarterly reports on the maximum movement limit for Sydney Airport for the periods—
1 April to 30 June 2008.
1 July to 30 September 2008.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Attorney-General’s: Departmental Staff
(Question No. 633)

Senator Minchin asked the Minister representing the Attorney-General, upon notice, on 25 August 2008:
(1) How many departmental officers are working in the office of the Minister/Parliamentary Secretary.
(2) How many of these staff are Departmental Liaison Officers.
(3) How many departmental officers, on secondment from the department, are in the office of the Minister/Parliamentary Secretary in personal staff positions.

Senator Wong—The Attorney-General has provided the following answer to the honourable senator’s question:
(1) As at 25 August 2008, two departmental staff employed under the Public Service Act 1999 were working in the office of the Attorney-General.
(2) As at 25 August 2008, the above mentioned staff were Departmental Liaison Officers working in the office of the Attorney-General.
(3) Nil.

Attorney-General’s: Departmental Staff
(Question No. 638)

Senator Minchin asked the Minister representing the Minister for Home Affairs, upon notice, on 25 August 2008:
(1) How many departmental officers are working in the office of the Minister/Parliamentary Secretary.
(2) How many of these staff are Departmental Liaison Officers.
(3) How many departmental officers, on secondment from the department, are in the office of the Minister/Parliamentary Secretary in personal staff positions.

Senator Wong—The Minister for Home Affairs has provided the following answer to the honourable senator’s question:
(1) As at 25 August 2008, two departmental staff, employed under the Public Service Act 1999, were working in the office of the Minister for Home Affairs.
(2) As at 25 August 2008, the above mentioned staff and agency staff were Departmental Liaison Officers working in the office of the Minister for Home Affairs.
(3) As at 25 August 2008 one departmental officer commenced a two week secondment as an Adviser to the Minister for Home Affairs to fill a temporary vacancy.

Australian Lungfish
(Question No. 757)

Senator Bob Brown asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 17 October 2008:
Can the Minister advise why the formal recovery plan for the Australian lungfish, which has been listed as a nationally-threatened species since August 2003 under the Environment Protection and Biodiversity Conservation Act 1999, has not been finalised.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:
The Australian lungfish is listed as vulnerable under the EPBC Act.
A plan for the lungfish is currently being prepared by the Queensland Department of Primary Industries and Fisheries.
When a final draft is received it will be submitted to the Threatened Species Scientific Committee for consideration and recommendation to the Minister.
Unexploded Ordinance
(Question No. 787)

**Senator Bob Brown** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 12 November 2008:

(1) How much money does Australia’s overseas aid program (AusAID) spend on the clearance of unexploded ordnance (UXO) in: (a) Vietnam; (b) Laos; and (c) Cambodia.

(2) What are the criteria for determining the allocation of funding for the removal of UXOs to these countries.

(3) Does AusAID give any preference to countries where the UXOs to be cleared were originally put there by Australian forces, such as in the central regions of Vietnam.

(4) Can exceptions be made to AusAID’s strategy of preferring to fund UXO removal projects in countries that have signed the international mine-ban convention.

**Senator Faulkner**—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator’s question:

(1) Expenditure and current commitments:

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<th>Expenditure since 2005-06 and current commitments ($ million)</th>
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<tr>
<td>a. Vietnam</td>
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<td>b. Laos</td>
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<td>c. Cambodia</td>
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(2) Australia’s Mine Action Strategy (2005-2010) establishes Australia’s priorities for allocating funding to mine action. In accordance with the Strategy, Australia’s mine action program in Vietnam, Laos and Cambodia has a strong focus on UXO/mine clearance, survivor assistance and mine risk education. Priority in these countries is given to humanitarian need, development and poverty reduction, and commitment to mine action and the Mine Ban Convention.

The majority of Australia’s mine action assistance is delivered through Australia’s bilateral country programs, the strategies for which are prepared in consultation with partner governments.

(3) Funds provided by AusAID do not give priority to countries where the landmines were originally placed by Australian forces, prior to Australia’s compliance with the Mine Ban Convention.

(4) Australia has supported both States parties and Non States Parties to the Mine Ban Convention. While priority for Australian support is given to countries committed to the Mine Ban Convention, allowances are made for exceptional circumstances, humanitarian need and progress towards signing or ratification of the Mine Ban Convention. Non States Parties that have been supported include Nepal, Sri Lanka, Lao PDR and Vietnam.