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FORTY-SECOND PARLIAMENT
FIRST SESSION—FOURTH 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
Temporary Chairs of Committees—Senators Guy Barnett, Thomas Mark Bishop, Carol Louise Brown, Patricia Margaret Crossin, Michael George Forshaw, Gary John Joseph Humphries, Annette Kay Hurley, Stephen Patrick Hutchins, Gavin Mark Marshall, Claire Mary Moore, Stephen Shane Parry, Hon. Judith Mary Troeth and Russell Brunell Trood

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 Fiona Nash
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

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

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

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

**Heads of Parliamentary Departments**

Clerk of the Senate—H Evans
Clerk of the House of Representatives—I C Harris
Secretary, Department of Parliamentary Services—A Thompson
RUDD MINISTRY

Prime Minister
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]
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<td>Hon. Chris Bowen MP</td>
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<td>Minister for Veterans’ Affairs</td>
<td>Hon. Alan Griffin MP</td>
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<td>Hon. Tanya Plibersek MP</td>
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<td>Hon. Dr Craig Emerson MP</td>
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<td>Senator Hon. Nick Sherry</td>
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<td>Hon. Maxine McKew MP</td>
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<td>Hon. Greg Combet AM, MP</td>
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<td>Parliamentary Secretary for International Development Assistance</td>
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<td>Senator Hon. Ursula Stephens</td>
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<td>Parliamentary Secretary for Multicultural Affairs and Settlement Services</td>
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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
The Hon Eric Abetz

Shadow Minister for Infrastructure and COAG and Shadow Minister Assisting the Leader on Emissions Trading Design
Senator the Hon Helen Coonan

Shadow Minister for Foreign Affairs and Manager of Opposition Business in the Senate
The Hon Joe Hockey MP

Shadow Minister for Finance, Competition Policy and Deregulation and Manager of Opposition Business in the House
The Hon Ian Macfarlane MP

Shadow Minister for Energy and Resources
The Hon Tony Abbott MP

Shadow Minister for Families, Housing, Community Services and Indigenous Affairs
Senator the Hon Michael Ronaldson

Shadow Special Minister of State and Shadow Cabinet Secretary
Senator the Hon Nigel Scullion

Shadow Minister for Human Services and Deputy Leader of The Nationals
The Hon Helen Coonan

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 Sharanman Stone

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

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

| Shadow Minister for Financial Services, Superannuation and Corporate Law | The Hon Chris Pearce MP |
| Shadow Assistant Treasurer | The Hon Tony Smith MP |
| Shadow Minister for Sustainable Development and Cities | The Hon Bruce Billson MP |
| Shadow Minister for Competition Policy and Consumer Affairs and Deputy Manager of Opposition Business in the House | Mr Luke Hartsuyker MP |
| Shadow Minister for Housing and Local Government | Mr Scott Morrison |
| Shadow Minister for Ageing | Mrs Margaret May MP |
| Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence | The Hon Bob Baldwin MP |
| Shadow Minister for Veterans’ Affairs | Mrs Louise Markus MP |
| Shadow Minister for Early Childhood Education, Childcare, Status of Women and Youth | Mrs Sophie Mirabella MP |
| Shadow Minister for Justice and Customs | The Hon Sussan Ley MP |
| Shadow Minister for Employment Participation, Training and Sport | Dr Andrew Southcott MP |
| Shadow Parliamentary Secretary for Northern Australia | Senator the Hon Ian Macdonald |
| Shadow Parliamentary Secretary for Roads and Transport | Mr Don Randall MP |
| Shadow Parliamentary Secretary for Regional Development | Mr John Forrest MP |
| Shadow Parliamentary Secretary for International Development Assistance and Shadow Parliamentary Secretary for Indigenous Affairs | Senator Marise Payne |
| Shadow Parliamentary Secretary for Energy and Resources | Mr Barry Haase MP |
| Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector | Senator Cory Bernardi |
| Shadow Parliamentary Secretary for Water Resources and Conservation | Mr Mark Coulton MP |
| Shadow Parliamentary Secretary for Health Administration | Senator Mathias Cormann |
| Shadow Parliamentary Secretary for Defence | The Hon Peter Lindsay MP |
| Shadow Parliamentary Secretary for Education | Senator the Hon Brett Mason |
| Shadow Parliamentary Secretary for Justice and Public Security | Mr Jason Wood MP |
| Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry | Senator the Hon Richard Colbeck |
| Shadow Parliamentary Secretary for Immigration and Citizenship and Shadow Parliamentary Secretary Assisting the Leader in the Senate | Senator Concetta Fierravanti-Wells |
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Tuesday, 3 February 2009

The President (Senator the Hon. John Hogg) took the chair at 12.30 pm and read prayers.

Representation of Western Australia

The President (12.31 pm)—I inform the Senate that I have received a letter from Senator Ellison resigning his place as a senator for the state of Western Australia. Pursuant to the provisions of section 21 of the Constitution, I have notified the Governor of Western Australia of the vacancy in the representation of that state caused by the resignation. I table the letter of resignation and a copy of the letter to the Governor of Western Australia.

Staffing and Administration

The President (12.31 pm)—I would like to advise senators that Mr Brien Hallett has been appointed as the new Usher of the Black Rod. Brien has come to the Department of the Senate from Government House, where he held the position of Deputy Official Secretary. I have no doubt that Brien will live up to the high standard set by previous holders of this important position. I am sure all senators will join me in welcoming Brien and wishing him all the best in his new role.

Senators will also note that a digital read-out has been added to the debate timing clocks in the chamber. This is a trial to see whether this facility assists senators in managing their contributions in this place. I would appreciate comments from senators as to whether they think that this should be made a permanent feature of the chamber.

The Department of Parliamentary Services have advised that one of the three main air-conditioning units is not currently operating. Consequently, senators and staff may notice an increase in the air temperature until the system is repaired. DPS are working to repair the fault and it is expected that the unit will be returned to service later on Wednesday.

I also advise senators that the Black Rod’s office has arranged for some artefacts, including the old Presidential wig, gown and lace, to be handed over to Old Parliament House on long-term loan for use in their collection and displays—without the President attached!

Committees

Electoral Matters Committee

Meeting

Senator O’Brien (Tasmania) (12.33 pm)—by leave—I move:

That the Joint Standing Committee on Electoral Matters be authorised to hold a public meeting during the sitting of the Senate today, from 12.45 pm till 1.45 pm, to take evidence for the committee’s inquiry into the 2007 Federal Election, including the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008.

Question agreed to.

Business

Rearrangement

Senator McLucas (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (12.34 pm)—I move:

That intervening business be postponed until after consideration of government business order of the day No. 2, Tax Laws Amendment (Political Contributions and Gifts) Bill 2008, and government business order of the day No. 4, Corporations Amendment (No. 1) Bill 2008 [2009].

Question agreed to.

TAX LAWS AMENDMENT (POLITICAL CONTRIBUTIONS AND GIFTS) BILL 2008

Second Reading

Debate resumed from 14 October 2008, on motion by Senator Carr:

That this bill be now read a second time.
Senator RONALDSON (Victoria) (12.34 pm)—I suppose I am pleased to be speaking on the Tax Laws Amendment (Political Contributions and Gifts) Bill 2008 today, and there are a number of matters that I would like to go through. The first thing I would like to do is to put to bed, once and for all, the notion that this effectively resubmitted bill has anything to do with campaign finance reform. It should have, but it does not, and I will elaborate on that now. This actually had its origins in 2004 at the ALP national conference when it was a platform to do away with tax deductibility for donations. It lapsed for some reason at that stage. It then came back into being some time later, on 2 March 2007, when it formed part of Labor’s $3 billion savings plan. In 2004 at the national conference— you may well have been there, Mr Acting Deputy President Marshall—there was no mention, on my understanding, about this being part of campaign finance reform. There were no figures done in relation to revenue savings; there was no mention of campaign finance reform. Then we fast-forward to March 2007, when it reared its head under the banner of what was called Labor’s $3 billion savings plan. Again, there was not one word about this being premised on the back of campaign finance reform.

So in 2004 there was no reference to campaign finance reform. In 2007 there was no mention of campaign finance reform under the $3 billion so-called savings plan. If we fast-forward to the second reading speech of the Assistant Treasurer, Mr Bowen, we see no word about this being premised on the back of campaign finance reform. I am sure honourable senators would be interested to know what Mr Bowen actually said when talking about this bill, acknowledging that it is not about campaign finance reform. Had it been about that, one would think he would have made some mention of it. He said in his second reading speech:

I strongly urge the opposition to reconsider their approach to this measure which forms part of the government’s response to inflationary pressures in the economy and our savings plan. This measure and other savings measures are an important component of our effort to put downward pressure on inflation and interest rates.

There was not a word about campaign finance reform. Of course, that was when the inflation genie was apparently out of the bottle. That was at the time when the Australian Labor Party were still running the cheap political stunt about inflation, knowing full well—or they should have known full well—that the inflation genie was well and truly in the bottle. Their goading of the Reserve Bank to put up interest rates again after February of last year has in no small part contributed to the situation we are in at the moment. Mr Bowen knew the inflation genie was well and truly in the bottle at that stage. But I will get back to the point: there was no mention at all of campaign finance reform—no mention at all.

I hope some in the gallery—all of whom I have enormous admiration for, as they all well know—will actually see this for the cheap stunt that it is. It is a cheap stunt. As my colleague in the other place Mr Morrison said in his speech on this matter, this is only, if you like, to reinforce an advantage. That is how the Australian Labor Party see this matter. I am not going to go in great depth into the minority report of the Joint Standing Committee on Electoral Matters on the first incarnation of this bill, because my colleagues Senator Birmingham and Senator Ryan will be doing that, but I will go back to what Mr Morrison said in the other place. He said:

… it was all about trying to entrench an advantage.
And I want to refer to one or two matters in that report.

I pose this question to the chamber and to those listening: how is it that an Australian who wants to participate in the Australian political process by making a donation to a political party or an Independent will under this bill no longer be able to get a tax deduction for that but if one of those opposite in the Australian Labor Party or Australian Labor Party members in the other place want to provide a donation to the Australian Labor Party to entrench their re-nomination they are able to get a tax deduction for that? How is it that an ordinary Australian who wants to participate in the political process is unable to do so as a result of this bill that abolishes tax deductibility but those sitting opposite are able to provide their own political party with as much money as is required to make sure they get re-endorsed and are able to get a deduction for that? How can that possibly be equitable? I will be interested to hear from the parliamentary secretary what the explanation is for that.

I want to turn now to the joint standing committee inquiry. This is as much for the benefit of Senator Bob Brown. The coalition and Senator Brown wanted the inquiry into this bill’s initial incarnation deferred because Senator Brown and the coalition members viewed this as being part of campaign finance reform and thought it should not be treated in isolation. On the casting vote of the ALP chairman that very strong, realistic and sound view was defeated. The minority report states:

In fact two thirds of the submissions received by the Inquiry either opposed the removal of tax deductibility or required such changes to be counterbalanced by other measures. In evidence before the Committee this position was well summarised by Associate Professor Graeme Orr from the Democratic Audit of Australia who said:

… it is very premature to do away with a form of encouraging small scale donating at the same time as seriously considering, in a few months time, the banning of large corporate and organisational donations. That is going to lead to serious questions as to where parties get the money from and deductibility, or matching funds, is something that needs to be kept in the mix.

In other words, you cannot treat these measures in isolation.

There is a green paper process that most honourable senators would be aware of. Our very strong view is that we should do this properly. The coalition emphatically endorses campaign finance reform taking place. It is long overdue. It is worth reflecting that we actually started this process in early March last year when a reference went from this Senate to the Joint Standing Committee on Electoral Matters. It was a very detailed reference with 10 points, I think from recollection. We said that every single aspect of this debate needed to be put on the table. It was supported by the opposition, the Greens, the then Democrats and Family First. Which political party refused to send off a comprehensive reform proposal to the Joint Standing Committee on Electoral Matters? The Australian Labor Party—the same party that are now alleging that this bill is part of campaign finance reform when clearly they have done and said nothing which would indicate that. As I said, it is; but if you look at what they have said and done, there is no indication of that at all.

The most interesting aspect of the figures of those who had donated to all political parties in the 2007-08 year in the announcement yesterday by the AEC—and I released some figures in relation to this yesterday—was the massive contribution of the union movement to Labor Party coffers. I want to go through those figures because they are breathtaking. Unions donated directly $9.2 million and $26.8 million in direct campaign finance.
The interesting part about that is that those funds were, in the main, raised by union subscriptions and passed on to the Australian Labor Party. When those funds were donated, when they were given to their respective unions as subscriptions, they were tax deductible in the hand of the union member who made them. So they have gone via subscriptions, which are tax deductible to those individuals, through to the Australian Labor Party. But if someone sitting in the gallery today who did not pay a union subscription that went through the Australian Labor Party just wanted to make a straight donation to the Australian Labor Party, the Liberal Party of Australia, the Nationals, Family First, the Greens or Senator Xenophon they would not get a tax deduction. So you have got the tax deduction here siphoned through the union movement into the ALP. This argument about equity which we constantly hear from those on the other side is completely and utterly farcical.

I will briefly go through some of these figures. The Shop, Distributive and Allied Employees Association donated $1.5 million; CFMEU, $1.3 million; Communications, Electrical and Plumbing Union, $1 million; Liquor, Hospitality and Miscellaneous Workers Union, $765,000; Electrical Trades Union, $674,000—and it goes on and on. The Australian Workers Union, the Health Services Union, the Transport Workers Union, the ASU and the National Union of Workers are also listed. The Australian Labor Party is utterly beholden to the union movement. As I said yesterday, whoever pays the piper still calls the tune. There are some 35 million reasons why the Australian Labor Party is totally beholden to the trade union movement. When it says jump, this government will jump. We have started to see it already—and hang on for the ride because we have only just seen the start of it.

The other interesting aspect of this deal is that we believe—and I will repeat it ad nauseam—it should be part of comprehensive campaign finance reform and not cherry-picked for cheap political purposes. It should be part of real reform. The question I want to ask today is: what in this bill would stop another Wollongong sex and bribery scandal? How does this bill address the nefarious and appalling behaviour of ALP members in New South Wales, not just in Wollongong, involved in that fundraising? The clear answer to that is that it does not at all. This bill does not address the fundamental issues of comprehensive campaign finance reform. It is long overdue. As I said before, we started this process, we support the green paper process, but if the government is serious about this it will pull this bill—clearly that is too late—and make it part of the process. But the government refuses to acknowledge that it is part of campaign finance reform. Minister Bowen did not mention it, the $3 billion Labor savings plan did not mention it and the 2004 national conference policy platform did not mention it, but it is interesting that in 2004 the ALP actually realised that it had a great opportunity to entrench an advantage. It is very interesting to see who supported the current levels of tax deductibility back in 1996 in a majority report of the Joint Standing Committee on Electoral Matters. Its membership included Senator Stephen Conroy as deputy chair, now a cabinet minister, Mr Robert McClelland MP, now Attorney-General, and Mr Laurie Ferguson MP, now a parliamentary secretary—the utter hypocrisy of those opposite.

Someone told you it was a great idea to entrench an advantage, and that is why you are trying to disenfranchise ordinary Australians from participating in the political process by ensuring that their contributions are not tax-deductible, but others, via the union movement and elsewhere, are able to obtain
a tax advantage. Those who want to re-elect the ALP can put as much as they want into the Labor Party. It is deductible for them but no-one else.

The reality is that the Australian community is expecting us to act in relation to this matter. I put on the public record again that the coalition is determined to participate in the overhaul of campaign financing, but we are not prepared to sit back and let the Australian Labor Party cherry-pick aspects of what should be comprehensive campaign finance reform for their own cheap political purposes. I hope the Greens will stick to their guns in relation to this matter and insist that it be part of a comprehensive campaign finance reform. I hope that Senator Xenophon and Senator Fielding will also defeat this bill today to ensure that we put some pressure on the government to make all these issues part of this overdue reform.

Senator FIELDING (Victoria—Leader of the Family First Party) (12.54 pm)—This is a time when all Australians are tightening their belts. Politicians should share the burden and demonstrate to the public that sometimes turkeys do vote for Christmas. The Tax Laws Amendment (Political Contributions and Gifts) Bill 2008 is a piece of legislation to stop tax deductions for people and organisations that pay membership fees or make donations to political parties and politicians. Two and a half years ago Family First moved an amendment in the Senate to abolish tax deductibility status for political parties. The then government increased the tax deductibility amount from $100 to $1,500, which was just a rort. Family First argued that political parties were not charities; they are self-interested organisations pushing their own agendas. Community groups and lobby groups that push political agendas do not and should not have tax deductibility status, and neither should political parties.

While Family First agrees with the thrust of the bill, Family First wants to move an amendment to get rid of yet another rort where the major political parties are clawing back more and more funding for their excessive election campaigns. Public funding of federal election campaigns began for a legitimate reason: to provide for a reimbursement of legitimate campaign expenses, and people would say that is fair enough. The key word here, of course, is ‘legitimate’. But since this legislation was introduced in 1984 it has been rife with rorting—rife to the degree that public funding of federal election campaigns has skyrocketed more than 55 per cent over the last four elections. In real terms that means that public funding for the major political parties has spiralled. It was $28 million—excessive enough—but it has jumped to an obscene $43 million. That is $43 million of hard earned taxes paid by ordinary Australians that is spent by political parties to brag about themselves—to brag about what they have done and what they are going to do.

Times are enormously tough for so many in Australia, and our leaders are telling us to expect tough times to continue. So how can political parties justify taking that money given to them by hardworking Australians and then spending that money telling those same Australians how fantastic their political parties are? If political parties want to spend huge amounts on election campaigns, they can dig into their own pockets and get their hands out of the public purse. Australian families should not be expected to fund excessive spending by the major political parties.

We are all sick and tired of being bombarded every election with campaign mail and political TV ads every night, especially when we are paying for it. Family First will be moving an amendment to cap the amount that each major political party can claim
from the public to fund their election campaigns to a maximum of $10 million. Ten million dollars for each major political party in each election is more than enough. That is a saving to taxpayers of more than $20 million each election. We must ask ourselves: do the public want their hard earned money spent on political junk mail when it could provide real services? Think about it. That is $20 million that could provide 57 dedicated breast cancer nurses. That $20 million that is saved could be used to invest in teachers. That is $20 million that could be used to help the poor and disadvantaged in our community who are already struggling to survive.

I know what ordinary hardworking Australian families would choose. If we get it wrong today the public will remember how we gave priority to our own needs instead of the community’s needs, especially when times are so tough. Ten million dollars is more than enough money for any political party to spend on junk mail. Let’s use the rest for something much more important.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Senator Fielding, you indicated you had an amendment. Is that foreshadowing an amendment for the committee stage, or do you have one to move now?

Senator Fielding—That is foreshadowing an amendment.

Senator MARK BISHOP (Western Australia) (12.59 pm)—I rise in support of the Tax Laws Amendment (Political Contributions and Gifts) Bill 2008. As we all know, the measures in this bill were previously contained in the Tax Laws Amendment (2008 Measures No. 1) Bill 2008. That bill was not supported by those opposite when it was introduced in the Senate in June last year and, as we are all well aware, the bill was sent off to the Joint Standing Committee on Electoral Matters for investigation and review. The committee is due to report to the Senate in June this year, a full 12 months after having received the reference.

Why has it taken so long? One has to posit the argument that those opposite are being deliberately obstructive in reviewing that bill. After all, it was relatively straightforward and by no means could be regarded as a complex, complicated or detailed piece of legislation. I find it absolutely extraordinary that those opposite could not, and refuse to, get their heads around the content of a relatively simple bill in a short period of time.

But maybe that is not the point of the debate. The purpose of the Tax Laws Amendment (Political Contributions and Gifts) Bill 2008, along with that of its predecessor, is to remove tax deductibility from contributions and gifts to political parties. It will also remove tax deductibility from donations to Independent candidates and members. The bill has its genesis in the actions and behaviour of the previous government in 2006. At that time, the previous government took a fairly innocuous tax deduction for membership fees of political parties and turned it into a giant, growing tax loophole. Because of that legislation in 2006, a tax deduction of up to $1,500 can now be claimed for contributions and gifts to political parties. It will also remove tax deductibility from donations to Independent candidates and members. The bill has its genesis in the actions and behaviour of the previous government in 2006. At that time, the previous government took a fairly innocuous tax deduction for membership fees of political parties and turned it into a giant, growing tax loophole. Because of that legislation in 2006, a tax deduction of up to $1,500 can now be claimed for contributions and gifts to political parties. It will also remove tax deductibility from donations to Independent candidates and members. The bill has its genesis in the actions and behaviour of the previous government in 2006. At that time, the previous government took a fairly innocuous tax deduction for membership fees of political parties and turned it into a giant, growing tax loophole. Because of that legislation in 2006, a tax deduction of up to $1,500 can now be claimed for contributions and gifts to political parties. It will also remove tax deductibility from donations to Independent candidates and members.
donate to political parties. But wait, there’s more! At the same time the previous government also increased reporting requirements for political donations, from $1,500 to $10,000. The disclosure threshold of $10,000 was, of course, indexed to the CPI, which was somewhat surprising given that the Medicare surcharge threshold is not indexed. But that is another debate—what the government achieved was a tax trap in that area for working families. Coalition donors are obviously in need of extra protection against inflation!

What was the rationale behind the 2006 changes introduced by the previous government? What value did those changes add to the transparency and accountability of our candidates for, and members of, public office? The answer to that is probably zero, but at best not much at all in terms of transparency, accountability and responsibility. As a device to encourage greater participation by individuals in the political process, it has little or no merit. Certainly corporations, legal entities created by statute, do not have any role in the political process and therefore do not need incentives. So the real question is: why are taxpayers funding donations made by individuals and companies to candidates and members of parliament? Clearly tax deductibility for not-for-profit and charitable organisations is completely logical and completely understandable. There is a sound public purpose behind assisting those organisations to assist themselves and assist the community. Any device that encourages philanthropic donation is worthy of serious review and consideration. Donations made to members of our community and organisations who work tirelessly day in, day out to support those most in need are worthy of support.

Tax deductibility for the cost of doing business is also logical and understandable. But as political parties and candidates for office are neither of the above it begs the question: why extend the concession into a rort for corporations? Why are taxpayers required to support and fund these deductions? Those opposite cannot seriously argue that a donation to a political party is a cost of doing business; candidates for public office are hardly charitable cases. The electorate has a right to expect that contributions to political parties are not treated by the Australian Taxation Office as a cost of doing business or a work related expense. It simply sends the wrong message. It degrades the electorate’s trust in the integrity of our system of government.

As I said, the bill was referred to the Joint Standing Committee on Electoral Matters. The majority recommendation from the committee was that the bill be passed unamended. Unsurprisingly, the architects of the tax loophole did not support the change at that time. Their minority report proposed that the measures be deferred and assessed as part of the committee’s review of campaign finance as if tax deductibility for corporations were a subset of campaign finance. Further deliberations by the committee will not cover up this rort and make a silk purse out of a sow’s ear. Each and every member of this chamber and of the House of Representatives has a responsibility to those who elect them. They have entrusted us with upholding the traditions of our system of government and governance. We have an obligation to ensure that higher standards apply in the funding, spending and disclosure of election contributions. The 2006 rules governing tax deductibility and disclosure bring no credit to our system. They should be scrapped. They should be removed, and that should be done forthwith.

The bill before the chamber today represents a step in the electoral reform promised by the government openly and publicly in the lead-up to the last election. Our government
is committed to, firstly, reducing the disclosure threshold for donors from $10,000 to a flat rate of $1,000 and, secondly, to ensuring donations made to different branches of a political party are treated as donations to the same party. A donation to the West Australian branch of the Labor Party, for example, is no different to a donation to the Labor Party in Queensland or New South Wales. They are all part of the same overall national organisation. Thirdly, the government is committed to reducing time frames for lodgement of disclosure returns by political parties to six months, so that released public information is up to date and cogent and discloses to the public the detail of contributions and donations made. Fourthly, the government is committed to making it unlawful for registered political parties, candidates and members of a Senate group to accept overseas donations. Finally, the government is committed to tying public funding for elections to genuine election expenditure. Each of the above five points will ensure that there is transparency and accountability in our electoral system and in the tax rules and disclosure regime that applies to same. They will start the process of rebuilding trust between public officials and the electorate.

In the few moments remaining to me I want to make some comment on an example of a worst-case scenario. It is to be found in the contemporary home of democracy, the United States of America. I would like to talk about the pervasive influence of political action committees, or PACs, as they are commonly known. Essentially PACs in the United States are action committees created and designed for making financial contributions to politicians. There are three types of PACs in that country. The first group are those connected with corporations and labour groups. An example would be Microsoft or a trade union entity. The second group are non-connected or ideological committees such as the National Rifle Association. More important are the third group, known as leadership committees. Leadership committees are formed by politicians to help fund candidates. Funding of these PACs may be made through foundations which can offer tax deductibility on donations. PACs raise and spend money to elect candidates to public office.

There is a limit to how much can be donated by a PAC to an individual. There is a limit to how much can be contributed by a PAC to a candidate’s committee. However, there is no limit on how much a PAC can spend on advertising in support of their particular preferred candidate. There is also no limit on how much can be spent on promoting their particular agenda. There is no limit on how much they can spend on attacking and denigrating an opponent of their candidate. Whilst some members of congress, it must be said, make a point of not accepting any PAC money, they are few and far between.

A case in point is the recent presidential and congressional elections in the United States. The cost of two years of campaigning can be financially debilitating. I understand from public documentation that there is little change left over from $5 million or $10 million in Senate elections. Federal Election Commission data in November 2008, available on the Centre for Responsive Politics website, shows the cost of Senate, house and presidential election campaigns. It shows that in November last year PAC contributions to house candidates were around $287 million, from a total of $884 million raised to that date; PAC contributions to Senate candidates were around $74 million, from a total of $374 million raised to that date; and PAC contributions to presidential candidates were of a similar order of magnitude.
The point I am coming to, the point I wish to make in this debate, is that large amounts of money directed to particular interests can overwhelm the political process. As a result of the PAC system in the United States there is now a new class of lobbyists and apparatchiks active in Washington and other centres of influence in that country. This new class of individuals has immense influence on public policy and public officials. It has become a growth industry, with thousands and thousands of committees now operating legally and under the law in the United States.

PACs, of course, are required to identify their sponsors. However, I note in passing that many choose not to. The law has not apparently been enforced, and the Centre for Responsive Politics is asking for help to identify ‘mystery’ PACs. So, even with all the regulations governing public disclosure of contributions, spending and sponsorship, it is still possible to conceal from the electorate how vast sums of money are used to affect political outcomes. We do not have PACs in Australia, and that is a very useful thing. But we need to be vigilant in seeking to eliminate the influence of money and donations in our political system.

Those opposite have demonstrated time and time again their commitment to hiding political donors in the shadows. Well, this government will not. Every Australian has a right to know who is giving what to particular candidates or political parties and for what purpose. The government is committed to electoral disclosure reform. We are committed to improving the integrity of the electoral system. This is one of a number of measures that will help to restore confidence in both government and governance. The minister has already commissioned a green paper on electoral reform, which I am informed is proceeding quite nicely, and introduced a lobbyists register and a code of conduct for ministerial staff—all about reinstating standards in public life.

Our political system is based on equality of participation and representation by the party of a person’s choice with neither fear nor favour. This bill will strengthen the integrity of our political system as well as, just by the by, delivering savings of some $30 million over the forward estimates. I commend the bill to the Senate.

Senator BIRMINGHAM (South Australia) (1.14 pm)—It is my pleasure to rise to make a contribution to the debate on the Tax Laws Amendment (Political Contributions and Gifts) Bill 2008 and I do so not wishing to beat about the bush. Let us be entirely honest: there are grave concerns in the public arena about the nature and operation of political donations in Australia and about our political system and its interaction with those who fund its operation. There is, as some wish to put it, a crisis of confidence—driven, as some say, by almost a cold war spending, arms race type of approach to see who can manage to outraise, outspend and outbid the other side.

That sort of crisis of confidence is certainly not helped by headlines that we have splattered across all of today’s newspapers such as ‘Hong Kong tycoon tops ALP donors’ and ‘Labor at odds over billionaire’s advances’. These are the types of things that hurt public confidence in the system. Then people go on to read the figures that are in the newspapers. They read that some $83.9 million was funnelled through the Labor Party and its state branches around Australia last year. That does not include the $27 million spent by the trade union movement on top of that to help engineer a change of government last year. So we had a $110 million plus spend or funding binge on changing the government, driven primarily by its trade union basis, coming from the Labor Party.
Little wonder there are concerns given these types of headlines talking about casino tycoons and overseas investments! These are the things that bring about serious concerns in the public arena, and justifiably so.

What do we have before us today? We have a bill that deals with small contributors—those who donate less than $1,500. Well, whoopty-do! What a great achievement by Special Minister of State Faulkner and the so-called reforming Rudd government, whose members come in here and dare to suggest that this is about cleaning up the Australian electoral system and political donations in Australia! Their claims are rubbish. The media and the public are not concerned about mums and dads claiming a $1,500 tax deduction because they want to support their political party. They are not even concerned about businesses that might be claiming a $100, $1,000 or $1,500 tax deduction to support the political party of their choice. Those are not their concerns. That is not where people think undue influence is coming into the political system. They think it comes from property developers like those associated with the Wollongong council whom Senator Ronaldson spoke about earlier and from the dirty politics that those types of things have seen emanate. They think it comes from casino licence operators. They might see money coming into and money going out of the one political party at the same time—the types of strange arrangements that are like a revolving door at the bank of the New South Wales branch of the ALP. Maybe the new Rudd bank system that is going to help banks to fund commercial property developers could just funnel the money through the New South Wales ALP. That would be a good way to fund property developers. Right now they are all funding the New South Wales ALP, so why not do it in reverse! This legislation does nothing to restore public confidence in the political system. It does nothing to avert the crisis of confidence in public donations that we have in Australia. It tackles the small fry donors. It tackles those who are making a genuine contribution to be involved in politics, rather than those whose contribution could be perceived as having influence over the political process—and that is where people’s concerns lie.

The coalition has been extremely consistent on this. This is, of course, a series of measures that have come before this chamber for the second time. It has already been inquired into by the Joint Standing Committee on Electoral Matters, where the coalition and minor parties, particularly the Greens, made it clear that we stood as one believing that these types of piecemeal reforms should be considered as part of the overall picture and that we needed the big-picture approach to this, not just some piecemeal—‘We’ll pick a little bit off here and a little bit off there’—approach as the government seemed to be pursuing. We heard from eminently qualified witnesses, during the initial inquiry into the initial bill that sought to make these changes, such as Professor Graeme Orr from Democratic Audit of Australia, whose evidence stated:

…it is very premature to do away with a form of encouraging small-scale donating at the same time as seriously considering, in a few months time, the banning of large corporate and organisational donations.

Let us home in on the key word ‘premature’. It is premature to screw down the little guys before you start tackling the bigger ones. That is what this bill does. It is premature to try to tackle these small contributions before you get into where the real estimates and issues are. It is premature because we are waiting for the document I have in my hand, the electoral reform green paper, to reach its final place. I welcome this document. I welcome the government’s commitment to pro-
duce this document and I hope that I can take
the government on trust that there will be a
full and open process that leads to some
comprehensive reforms, stemming from the
electoral reform green paper, that will actu-
ally help to avert the crisis of confidence in
our electoral system and actually help to en-
sure that the public has confidence that
money is not having undue influence over it.
The problem, though, is that this paper was
released only in December last year. It was
released after this parliament had finished
sitting. There has been no opportunity to
consider the changes in this legislation
within the context of the comprehensive
electoral reform green paper on donations
funding and expenditure that the government
has released. There has been no opportunity
whatsoever.

That is why, when this issue originally
came up, the coalition stood as one with the
Greens to say it should be part of the big-
picture reform process—we still believe it
should be a part of that process—and that
this reform process should be completed be-
fore the next election. We should see reform
that restores confidence for all Australians.
One hopes that the parties of the govern-
ment, the opposition and the crossbenches
can reach agreement on this reform. If this
chamber could reach consensus on true elec-
toral reform rather than the government’s
piecemeal approach, that would be a true
sign of serious steps forward.

The lack of preparation by the govern-
ment—the lack of real consideration of what
might be done in this regard—becomes evi-
dent when you look at the further evidence
taken by the Joint Standing Committee on
Electoral Matters in its assessment of these
measures. The government claims this is a
savings measure. It claims there will be
revenue savings. Treasury estimates that the
bill—in its original form, at least, when it
was considered by JSCEM, noting that it is
now some time down the track and that it is
in a different form—will save $31.4 million
by stripping tax deductibility for small con-
tributions to political parties. We asked for a
justification for those estimations—how the
government came up with a $30-odd million
saving—and we got the following evidence
provided back to us by the Treasury:
The Australian Taxation Office does not have data
on the median deduction claimed for gifts and
contributions or the number of taxpayers claiming
any deduction.

They do not have any data. The Australian
tax office—the people who are processing
these claims for deductibility; the people
upon whom presumably Treasury and the
government have relied on to come up with
their $31.4 million estimate—have no data.
So we have the government jumping at this,
trying to proclaim it as a revenue savings
measure when it has absolutely no idea of
how the tax office have constructed the fig-
ures it is talking about. It has no idea at all.

In his evidence, Professor Orr again high-
lighted the unreliability of these types of
revenue estimates, particularly given the un-
certainty around the numbers of members of
political parties in Australia. Certainly most
of us know that most of the speculation is
that those numbers are declining, especially
in the major parties. Professor Orr said:

… if you are talking about $10 million per year
you are talking about $30 million of donations at,
say, a marginal rate of 30 per cent, which is
roughly the corporate rate. Thirty million dollars
is a lot of $1,500 contributions or party members-
ships. I do not want to criticise the Treasury mod-
elling without seeing it—
of course, we know that it was based on zero
data—
but part of the problem we have is that we have
not had a system where it is itemised on tax forms
and we do not really have enough data on claim-
ing, on where people’s donations are going and so
on.
So Professor Orr was quite clear that the data was not there and the estimate seemed to be grossly overstated given that many of the types of contributions claimed would be political party memberships. Memberships are usually in the order of $50 or $60—maybe a little bit more for some parties, but that is certainly what it is in my home division of the Liberal Party in South Australia. Sometimes there are contributions in addition to that, but we are certainly not talking about everyone making their donation and then making a deduction of $1,500—far from it. I would hypothesise that the overwhelming majority of people making deductions in Australia are making deductions of about $100. These are people who genuinely wish to support a political organisation—who genuinely wish to be involved. I would have thought that, at a time of concern about the level of support and involvement in political organisations around Australia, the last thing a government that might wish to encourage further involvement in the political process would be doing is making it harder and more expensive for people. That, of course, is what this measure does.

In his comments, Senator Ronaldson also struck upon the fact that, if passed, this measure provides certain advantages to some party structures, given their funding base, over others. It provides particular advantages to those who generate and derive large parts of their funding from trade unions, because the memberships and subscriptions to trade unions will remain tax deductible under this legislation. So you will still be able to join a trade union and claim your tax deduction for membership of that union—the union could possibly even increase its fees as a result of the Labor Party losing tax deductibility for membership—and then the union can funnel the money off to whomever they choose to donate to. Of course, we know who they are likely to donate to from today’s newspapers, because we see that there are millions of dollars funnelled annually from the union movement into the Australian Labor Party and its branches around Australia. So we know that this measure, if passed, will allow that to continue unfettered. It will provide a backdoor for people to make donations through the trade union movement. Get the donations deducted and they will end up in the Labor Party coffer, having been deducted from people’s incomes in any event.

No other party is going to benefit from similar sorts of arrangements, I suggest. But the government will. So it is little wonder that, again, they are focused in here on where they can cut out those smaller contributions from individuals, small businesses and corporations. It does nothing to fix the significant multimillion dollar influence the union movement has on the Australian political system. This measure does nothing to address the overseas donors who are splashed across the front pages of today’s newspapers. It does nothing to address donations, ranging into the hundreds of thousands of dollars, from big business, from lobbyists or from developers.

It does not even do anything to address potentially the deductibility to lobbyists’ operations. The government likes to pride itself on the operation of its code of conduct for lobbyists. But a lobbying business, whose area of business is lobbying, can pay as much as they want to attend a stand-up networking function of any political party and claim it as a legitimate business expense. People will still be able to attend Labor Party national conferences as business observers from any number of lobbyist businesses on the government’s lobbyist register, and pay their $7,000, $8,000 or $10,000 a head—whatever it is—and that will still be a deductible expense. Mums and dads will not be able to pay $50 to join their local political party branch and claim that as deductible
expense. But a lobbying company will be able to claim $10,000 as a deductible expense for attending a political party conference.

The evidence from Treasury officials on this was quite clear:

… yes. If their business role is lobbying, networking and advocacy and they go to a function with political leaders in order to network, advocate and lobby, that will be just a business deduction for their business activity. There is no cap to that expense.

That was Treasury evidence given to the JSCEM inquiry into this matter. So we still get big donors, we still get overseas donors, we still get lobbyists and lobbying companies with unlimited tax deductibility and we still get unions deducting their contributions. All this does is hurt ordinary Australians who wish to join a political party.

This is a rubbish piece of piecemeal legislation designed to target, frankly, the government’s political opponents. There are very clear motives behind this. Nowadays, to be quite frank, the government party, the Labor Party and its branches, is by and large funded by the big end of town—by big contributions, either from the trade union movement or from developers, casino operators or others. It is funded by those groups. The Labor Party knows full well that, as a proportion of income, those smaller parties—Family First, the Greens and others—and the Liberal Party and the National Party receive a higher proportion of their income from smaller scale donors, such as smaller businesses or individuals who choose to be members and who choose to make individual contributions.

They know that this legislation will hurt every other party in this chamber more than it will hurt them. That is the motive behind this. There is nothing holy about this. No matter how much the government want to hide behind their green paper on electoral reform, there is nothing holy about that process if they are jumping the gun and pushing ahead with these types of reforms, reforms that, frankly, will be implemented to the harm of every other political party represented in this chamber.

That is why I urge the Senate to do what it has done before on this measure and to tell the government, ‘No.’ The Senate should say that this is not good enough in isolation and must be part of the holistic approach to electoral funding reform that the government piously say is being undertaken. If they are committed to that holistic approach, they should be happy to wrap this issue up in it. If so, perhaps we can emerge with the type of outcome that gives Australians confidence and ensures that all Australians believe that our political system is free of the type of big-money influence that has concerned so many people. That is why I urge the Senate to reject this bill this time, as it has in the past, and make sure that we undertake a proper process: a wholesale and holistic review that looks at every area of campaign funding and does not just pick on the little guys.

Senator XENOPHON (South Australia) (1.33 pm)—I indicate my support for the second reading of the Tax Laws Amendment (Political Contributions and Gifts) Bill 2008. Despite Senator Birmingham’s very articulate exposition of his and the Liberal Party’s views, my view is that we ought to deal with this piece of legislation. It contains some reforms that, with amendment, are potentially useful in the context of what needs to be done. I believe that this Senate has an opportunity in the coming months to deal comprehensively for the first time in many years with the whole issue of electoral reform, including funding, contributions and donations and above all the issue of disclosure and transparency. That is why I welcome the work that the Special Minister of State has done in the context of the electoral reform
green paper. I believe that the minister is absolutely genuine in his desire to significantly reform our system.

I do not want us to go down the path of the United States, where you have the best democracy that money can buy. Senator Bishop outlined the many millions of dollars that were spent in the primaries in the last two years. Those amounts are simply mind-boggling. The amount that is spent in Senate races in the United States, for instance, is in the tens of millions of dollars. That is something that is fundamentally anti-democratic in its effect. It can taint a political system.

What we have to deal with today is the issue of the tax deductibility of political donations. While some would say that it would be preferable to deal with this holistically, I say that if there is scope for reform we should deal with it now on a transitional or interim basis pending a more comprehensive political funding and disclosure regime. In relation to the central basis of what the government is trying to do—wipe out the tax deductibility of political donations—I cannot accept that. It is important that there be a level of public participation. I believe that removing tax deductibility for any level of donation up to the current limit of $1,500 will discourage the participation of ordinary citizens in the political process. You will skew the process in favour of large corporations and unions. I do not think that is desirable. Giving individuals an opportunity to have a deduction of up to $1,500 is not unreasonable. The revenue effect of continuing this deductibility is quite minimal in the scheme of things. It is about $30 million over three years. That is a relatively small price to pay for a greater degree of public participation. However, I believe it was a mistake of the Howard government to extend that deductibility from individuals to corporations. I believe it is appropriate that such deductibility be confined to individuals. It is individuals that participate in a direct sense. It is individuals that actually vote at the ballot box. I think that is a more appropriate approach. That is why I am particularly interested in the amendments tabled by the Greens in relation to this and am quite sympathetic to them.

I also think that there is an anomalous position that would arise should the government’s bill go through unamended. For instance, donations to Greenpeace would continue to be tax deductible. Greenpeace—and this is not a criticism—is very much a political organisation. It involves itself in political issues. If you consider Aristotle’s view of what politics is about, the affairs of the state, then having too narrow a definition and allowing deductions for an organisation such as Greenpeace but not for a political party or a political organisation seems to be anomalous. I also think that it would be anomalous under this government proposal for union dues and levies to be fully tax deductible but not donations to the Liberal Party, to other parties or to Independents. The fact is that the union movement makes significant financial contributions to the Labor Party. It seems that the deductibility of union dues would be a backdoor way of providing funding to the ALP. It would give them an unfair advantage. That would be the effect of this legislation. It is important to reflect on what Professor Graeme Orr of the Democratic Audit of Australia has said about these sorts of donations. He said that this would not be inconsistent with allowing for some broader fundamental reforms down the track. Tax deductibility of donations is entirely appropriate up to a reasonable level, and I believe $1,500 is reasonable, but I do not think it is appropriate that corporations continue to have that level of tax deductibility.

I note also that some would consider to be anomalous the fact that there is no attempt in this legislation to change the tax deductibility of levies that members of po-
political parties have to pay to their party as a consequence of being endorsed or of being a member of that party. Fortunately, that is something that I do not have to worry about, but I understand that members of the Labor Party—I am not sure what the situation is for members of the Liberal Party or the Australian Greens—pay a levy in the order of eight per cent of their income, and that is deductible. Obviously, that is much more than $1,500. Some would say that is anomalous, but I can understand that it is part and parcel of being a member of a party and it is part of a pledge that some have to sign as part of getting an endorsement or of being in this place. So that sits at odds with what is being proposed.

I think that an appropriate balance in what I see as a transitional or interim measure in what I hope will be quite significant and far-reaching electoral reform in this country is to amend the tax deductibility of political donations so that it applies only to individuals and not to corporations. I believe that would be a step in the right direction. I look forward to the Senate dealing with comprehensive reform of electoral laws in this country, because I think it is long overdue. I hope that the green paper is part of the fruitful process of achieving those ends.

Senator LUDLAM (Western Australia) (1.41 pm)—I rise to speak briefly about the position of the Greens on the Tax Laws Amendment (Political Contributions and Gifts) Bill 2008 that is before us today and also to foreshadow the amendments which we will move in the committee stage, which a number of other senators have already referred to. Firstly, I will go to the issue of whether we should be moving now or whether we should wait for the outcome of the green paper process that is afoot. The Greens will be supporting this bill with the amendment that I will speak to because it essentially removes something that to us is a no-brainer. Tax deductions for corporations to participate in the electoral process are clearly unacceptable. It is not something that the public should be supporting. We believe that there probably is merit in waiting for the consultation process to wind up before progressing with a comprehensive electoral reform package, but these are measures that are entirely appropriate to proceed with today rather than just maintaining the status quo, which is quite clearly unacceptable.

The Greens believe—and we are firmly on the record as putting this position in state and federal parliaments—that elections should be publicly funded. It creates a much fairer and more democratic system for the public to fund political parties, independents and people seeking to express a point of view through our electoral system than the heavily out-of-balance system we have at the moment where, in a sense, corporate free speech is privileged above that of citizens. Private money plays an enormous and out-of-balance role in our political system today. Some donors, and particularly private donors—referring to some of the headlines that Senator Birmingham referred to before—are using financial assets to buy access to the political system. Current requirements for disclosure of these donations are clearly unacceptable, and that is one of the reasons we are here today. There is a perception, which I think is probably well founded, that corporate money buys political influence. That is not only damaging to our political system but also damaging to public confidence in the political system, which winds up being much the same thing. So I think there is certainly a case for the moves that the government has proposed and has put before us today to restrict tax deductibility—that is, public support—for corporations’ perceived rights to buy influence amongst decision-makers.

We believe that the case for restricting donations from individuals is actually much
In essence, we are arguing that public participation in the political process is a public good and is therefore entirely worth supporting—with some caveats. Small donations from individuals will encourage parties to reach out to their grassroots rather than relying on very large corporate donations. So there is certainly a case for retaining tax deductibility for personal donations up to a threshold of $1,500.

I will now go to the make-up of funding for political parties when they run elections. The major parties receive, roughly, 80 per cent of their funding through private sources and receive the balance through public sources. The major parties receive significantly more in larger donations: roughly 80 per cent of donations are $10,000 or more, 60 per cent of donations are over $40,000 and 45 per cent of donations are $100,000 or more. There is a break-up of the way funding was received for the major and minor political parties and for Independents in the last election, and it shows quite clearly that the balance of private donations overwhelmingly favours the major parties. That profoundly unbalances the playing field. It means that some voices are much louder than others by being able to afford electoral advertising, campaign staff, administration costs and so on.

The Greens support strong requirements for funding disclosure. We are very keen on exploring any other options and will be proposing other options to improve the transparency, the accountability and the equity in our electoral system. The current system, I believe, is failing Australian democracy and is probably not as good as we think it is. I will speak briefly again when we move amendments in the committee stage.

Senator RYAN (Victoria) (1.46 pm)—I rise to speak on the Tax Laws Amendment (Political Contributions and Gifts) Bill 2008.

I was not in this chamber when the bill first came before the Senate in June last year. The substance of the bill is the same and can be summed up as the government trying to kick with a 10-goal breeze for all four quarters of the grand final, because it is a blatant and disgraceful exercise in self-interest by the Australian Labor Party.

This so-called piece of reform achieves nothing in the way of substantive reform. It cherry-picks key measures that will avoid significantly damaging or limiting the electoral chances of the Australian Labor Party and their opportunity to raise funds at the expense of the taxpayer, assisting their re-election chances while doing much to harm the involvement of ordinary citizens in the political process and to damage the interests of other political parties. An unfair playing field is against the interests of all Australians, it is against the interests of all political parties and this bill should be treated with the contempt it deserves.

As I mentioned, this is not the first time it has been before this chamber and it appeared as Tax Laws Amendment (2008 Measures No. 1) Bill 2008 last June. It will amend the Income Tax Assessment Act to remove tax deductibility of contributions or gifts to political parties, Independent members of parliament and Independent candidates for parliament. It will also ensure that GST treatment of candidates is altered to reflect the government’s policy. The coalition in the past opposed this bill because tax deductibility of political contributions was an ongoing part of a broader inquiry by the Joint Standing Committee on Electoral Matters into the 2007 election and, generally, into political funding. Senator Ronaldson commented extensively on the importance of this broader reform process and on how the government had claimed to be interested in broader reform.
As indicated by the minority report of the Joint Standing Committee on Electoral Matters into the original bill, the coalition strongly believes this issue should be deferred to become part of a broad based comprehensive reform when the committee’s full report comes out. I understand that the committee is meeting at the moment or was meeting at the commencement of this debate. It has released an interim report, but it is still months off its final report and the Senate does not have all the information. Senator Birmingham outlined that the tax deductibility information and the cost of that are very difficult to ascertain. The information about who donates and who makes the claims is very difficult to ascertain, and that is currently before the joint standing committee. Furthermore, it is absurd in the extreme on the government’s part to be bringing a substantive change of this nature before we have actually seen the final report of the joint standing committee and, indeed, the government’s white paper into electoral reform.

What we actually have at the moment, as Senator Birmingham and Senator Ronaldson have outlined, and what we saw over the last two days have had much more dramatic impact on people’s faith in the political system than anything that Senator Faulkner or the government have raised. We have seen an extraordinary amount of money spent over the last 12 months by the government. It was over $100 million and the only way to describe it is ‘American in scale’. The returns were delivered yesterday and were covered in today’s press. As has been mentioned elsewhere, the unions gave Labor $9.2 million in donations and a total of $37.6 million in overall campaign funding—indeed, the direction of the trade unions’ spending was very clear during the campaign.

It takes a degree of ridiculousness, if I could use that word, to actually say that the coalition is holding up electoral reform only a day after the Australian Electoral Commission released such extraordinary numbers to show the impact of trade unions on the last election. Given the lack of adequate or appropriate information about what individuals below that threshold have done, we need to have all that before the Senate.

This legislation has very important ramifications. The rules need to be fair in politics for them to be widely accepted and to generate public faith. There are some very serious impacts in this bill that I would like to cover. We all know that the trade union movement is the industrial wing of the Labor Party or, as it was historically described, ‘the Labor Party was the political wing of the trade union movement’. While it might occasionally, in my home state of Victoria, throw a bit of money towards the Greens it is nothing but scraps off the table compared to what the ALP gets from the trade union movement.

Trade unions do not exist nor funnel their money to support the Liberal Party, the National Party, the Greens, Family First or any Independents. What they do is collect money from their members—in certain sectors, interestingly, through compulsory levies for members—in order to fund political campaigns to see the election of their political wing, from the ranks of which so many members of this government have been drawn.

The removal of tax deductibility entrenches a massive advantage to the Labor Party through the unique position of trade unions. The disadvantage is straightforward and I will provide some numbers: $100 donated from a union to a political party or a candidate is effectively tax free because a union is an exempt body and the money from the member to the union is considered a tax deduction. But if an individual wanted to donate that money and they were on the 30 per cent marginal tax rate it would actually
cost them $146. If a business that was paying
the corporate tax rate wanted to provide that
money it would be $142. It would not matter
to whom they wanted to give the money. The
point here is the difference in status between
trade unions and everyone else in the com-

munity because of the unique tax exemption
enjoyed by trade unions.

If we apply some of these numbers to the
extraordinary numbers we saw released in
yesterday’s press, they are even more signifi-
cant. If we talk about a premium of $46 for
individuals, that may not sound like much.
But, when we see trade union members from
all around Australia being levied $100 here
and $200 there to fund political campaigns
which are openly partisan and not just politi-
cal in their nature, these insignificant
amounts of money add up. If we actually go
through the figures recently released by the
Australian Electoral Commission, we have
$9.2 million in donations from the various
unions: $1.5 million from the Shop, Distribu-
tive and Allied Employees Association; $1.3
million from the Construction, Forestry,
Mining and Energy Union; $1 million from
the Communications Electrical Plumbing
Union; $765,000 from the Australian Liquor,
Hospitality and Miscellaneous Workers Un-
ion; $674,000 from the Electrical Trades Un-
ion; and significant sums from the Australian
Manufacturing Workers Union, the Maritime
Union of Australia, the Australian Workers
Union, the Health Services Union, the
Transport Workers Union, the Australian
Services Union and the National Union of
Workers.

We heard Senator Bishop talk, without
any sense of irony, about the impact in the
United States of setting up tax preferred po-
litical action committees, which are allowed
to exert influence on the political process.
We have those groups in Australia. We call
them trade union officials. No-one else has a
tax exempt status that allows them to collect
millions of dollars to spend on a campaign or
donate to their preferred candidates. And let
us not forget that with that money come
votes on the conference floor of the Labor
Party. With the trade unions and the millions
doing they collect might come 10 per
cent of the delegates on a conference floor
and a seat at the factional negotiating table,
particularly around the Victorian ALP at the
moment, where they carve up the seats in
parliament—there will be a shoppie here and
someone from the NUW there. Even the
newspapers now describe members of the
Labor Party not just as Socialist Left or La-
bor Unity but as representing a trade union.
In fact, people in this chamber have done
that themselves. No other organisation in
Australia has this benefit. And let us not let
the Labor Party dismiss this: the only groups
in Australia that are the equivalent of Ameri-
can political action committees are the ex-
ecutives of our trade unions, who sit around
doling out millions of dollars to their pre-
ferred candidates, factions and parties. Noth-
ing has been mentioned about the money that
we know exists in brown paper bags to pay
for the other activities that happen within the
ALP.

I would now like to provide an example of
what might happen if trade unions were
taxed. They donated just over $9 million to
the Labor Party. If they had had to pay tax
like any other corporate entity at the corpo-
rate tax rate or like any individual, they
would have paid 30 per cent tax on that
money and would have only been able to
donate $6.4 million. That nearly $3 million,
or $2.8 million, is in effect a subsidy from
the Australian taxpayer, not to the political
process—I note the comments of Senator
Ludlam and Senator Xenophon about public
funding—and nor is it a subsidy to all politi-
cal parties or even to all members of this
place; it is a subsidy to the Australian Labor
Party. And that is what this bill entrenches.
This bill entrenches a tax advantage for the Australian Labor Party and their industrial wing. If individuals and businesses had got together and tried to run a campaign on the scale of the trade unions’ campaigns in the lead-up to the last election, it would have cost them over $38 million, if you assume a 30 per cent tax rate. Again, this is effectively a $10 million-plus subsidy to the Labor Party or a $10 million disincentive to individuals and other organisations in this country to participate politically, purely because they are not a trade union.

Senator Birmingham outlined the ridiculous argument put by the government that somehow public trust in Australian politics has been reduced by my mother or someone else or by a small businessman coughing up $500 to the local candidate whom they have known for a few years. Yet they are not concerned about the million dollars that the shoppies handed over. It is utterly ridiculous in the extreme to make that accusation.

Senator Birmingham also raised an issue about lobbyists, and again Senator Bishop referred to the power of lobbyists in the American system. We have evidence in the minority report, which Senator Birmingham highlighted, that if you are a lobbyist you can shell out all the money you want if it is an expense you have incurred in business. Is this just an official way of selling access? All this does is say that, if you are buying access as a lobbyist, you get to claim a tax deduction. But if mum and dad who own the local milk bar or the local newsagency or the local pharmacy want to cough up $1,000 to someone they have known for 10 or 15 years who is involved in the community, then they do not get a tax deduction. This is ridiculous in the extreme. This actually skews the political field so far in favour of corporatism that it goes against the little person. It does not matter whether you are an individual, whether you are a shareholder of a company, for some reason under this bill they all get a status in the political process different to that of individuals who happen to be members of a trade union. I know trade union membership has been collapsing, but I did not realise that trade unions would go to this extreme to skew our political process to bring their membership back to higher levels.

I will conclude my remarks. Senator Faulkner talks about ending the arms race. Senator Faulkner is acting like the Kremlin in Soviet Union days. They went around the world preaching disarmament and funding disarmament groups, but what they were doing at the time was amassing arms. Labor want a tax advantage to magnify the outrageous figures we saw yesterday coming from large organisations. They also want to say to Mr and Mrs Australia: ‘You have no role in our political process. The union gets a donation but you don’t.’ This bill should be rejected for the extreme and outrageous proposal that it is, which is to skew the Australian political process in favour of one side at the expense of all citizens.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (1.58 pm)—In summing up the debate on the Tax Laws Amendment (Political Contributions and Gifts) Bill 2008, I thank all the senators who contributed. I will go right back to the facts, if I may. The bill honours the government’s election commitment to remove tax deductibility for donations made to political parties, candidates and members. It was a commitment made as part of Labor’s $3 billion saving plan announced by the current Minister for Finance and Deregulation on 2 March 2007.
Currently, as we all know, deductions are allowed for donations to political parties, members of parliaments and candidates, including Independents, up to a maximum of $1,500. Donations and membership fees used to be deductible up to the lower $100 threshold prior to 2006, when the former government implemented an increase up to the current $1,500 and then expanded the deduction to donations to Independent candidates and members. However, the current measure maintains access to the GST concessions for political parties, Independent members and Independent candidates that were available to them as gift deductibility entities. This will prevent the GST compliance costs of these entities from increasing as a result of removing the income tax deductibility for political donations. The measure itself is estimated to save $10 million per annum. On the basis of that, I commend the bill to the Senate.

Debate interrupted.

THE NATIONALS AND LIBERAL PARTY

Leadership and Office Holders

Senator MINCHIN (South Australia) (2.00 pm)—by leave—There have been some minor amendments to the coalition’s shadow ministry and representative arrangements since we last sat. I seek leave to table the updated list of the coalition shadow ministry and have it incorporated into Hansard.

Leave granted.

The document read as follows—

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
<th>Other Chamber</th>
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<tr>
<td>Leader of the Opposition</td>
<td>The Hon Malcolm Turnbull MP</td>
<td>Senator the Hon Nick Minchin</td>
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<td>Shadow Treasurer</td>
<td>The Hon Julie Bishop MP</td>
<td>Senator the Hon Helen Coonan</td>
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<tr>
<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>
<td>The Hon Tony Smith MP</td>
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<tr>
<td>Shadow Minister for Trade, Transport, Regional Development and Local Government (Leader of The Nationals)</td>
<td>The Hon Warren Truss MP</td>
<td>Senator the Hon Ian Macdonald</td>
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<tr>
<td>Shadow Parliamentary Secretary for Northern Australia</td>
<td>Senator the Hon Ian Macdonald</td>
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<td>Shadow Parliamentary Secretary for Roads and Transport</td>
<td>Mr Don Randall MP</td>
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<td>Shadow Parliamentary Secretary for Regional Development</td>
<td>Mr John Forrest MP</td>
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<tr>
<td>Shadow Minister for Broadband, Communications and the Digital Economy (Leader of the Opposition in the Senate)</td>
<td>Senator the Hon Nick Minchin</td>
<td>The Hon Bruce Billson MP</td>
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<tr>
<td>Shadow Minister for Innovation, Industry, Science and Research (Deputy Leader of the Opposition in the Senate)</td>
<td>Senator the Hon Eric Abetz</td>
<td>The Hon Ian Macfarlane MP</td>
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<tr>
<td>Shadow Minister for Infrastructure and COAG and Shadow Minister</td>
<td>The Hon Andrew Robb AO MP</td>
<td>Senator the Hon Nick Minchin</td>
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<td>Assisting the Leader on Emissions Trading Design</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 Foreign Affairs (Manager of Opposition Business in the Senate)</td>
<td>Senator the Hon Helen Coonan</td>
<td>The Hon Andrew Robb MP</td>
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<td>Shadow Parliamentary Secretary for International Development Assistance</td>
<td>Senator Marise Payne</td>
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<tr>
<td>Shadow Minister for Finance, Competition Policy and Deregulation (Manager of Opposition Business in the House)</td>
<td>The Hon Joe Hockey MP</td>
<td>Senator the Hon Eric Abetz</td>
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<td>Shadow Minister for Competition Policy and Consumer Affairs</td>
<td>Mr Luke Hartsuyker MP</td>
<td>Senator the Hon George Brandis SC</td>
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<td>(Deputy Manager of Opposition Business in the House)</td>
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<td>Shadow Minister for Energy and Resources</td>
<td>The Hon Ian Macfarlane MP</td>
<td>Senator the Hon David Johnston</td>
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<td>Shadow Minister for Families, Housing, Community Services and</td>
<td>The Hon Tony Abbott MP</td>
<td>Senator the Hon Nigel Scullion</td>
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<td>Indigenous Affairs</td>
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<td>Shadow Minister for Housing and Local Government</td>
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<td>Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector</td>
<td>Senator Cory Bernardi</td>
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<td>Shadow Special Minister of State and Shadow Cabinet Secretary</td>
<td>Senator the Hon Michael Ronaldson</td>
<td>The Hon Christopher Pyne MP</td>
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<td>Shadow Minister for Human Services (Deputy Leader of The Nationals)</td>
<td>Senator the Hon Nigel Scullion</td>
<td>The Hon Tony Abbott MP</td>
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<td>Shadow Minister for Climate Change, Environment and Water</td>
<td>The Hon Greg Hunt MP</td>
<td>Senator the Hon David Johnston</td>
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<td>Shadow Parliamentary Secretary for Water Resources and Conservation</td>
<td>Mr Mark Coulton MP</td>
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<td>Shadow Minister for Health and Ageing</td>
<td>The Hon Peter Dutton MP</td>
<td>Senator Mathias Cormann</td>
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<td>Shadow Minister for Defence</td>
<td>The Hon David Johnston</td>
<td>The Hon Bob Baldwin MP</td>
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<td>Shadow Parliamentary Secretary for Health Administration</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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<tr>
<td>Shadow Minister for Veterans' Affairs</td>
<td>Mrs Louise Markus MP</td>
<td>The Hon Peter Lindsay MP</td>
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<td>Shadow Parliamentary Secretary for Defence</td>
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CHAMBER
QUESTIONS WITHOUT NOTICE

Employment

Senator BERNARDI (2.00 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. Would the minister tell us how many jobs were created as a result of the government’s first stimulus package?

Senator CHRIS EVANS—I thank Senator Bernardi for the question. What we know is that the government’s stimulus package last year provided enormous support to families, pensioners, businesses and the Australian community. What has emerged as the figures have come in in recent times is that there was a significant impact on consumer spending and consumer confidence. I think the figures from Westfield, released today, show that spending in the month of December 2008 was up 2½ per cent from the previous year.

Senator Ian Macdonald—Did you listen to Gerry Harvey?

Senator CHRIS EVANS—Senator, it was up 2½ per cent over the previous year in December. That is in contrast to overseas sales, which in the US were down 14 per cent and in New Zealand were down seven per cent. So what we saw in Australia over the Christmas period and the month of December was growth in spending in a number of sectors. I think what that tells you is that a lot
of jobs were protected. That stimulus went to protect jobs, keep consumer confidence and increase consumer spending. I think that has been perfectly obvious. I am supported in this by Mr Richard Evans, an old parliamentary colleague from Western Australia—I think he was a Liberal at the time—who said that ‘the Rudd government has done its job with the $10.4 billion stimulus package’. When you talk to the people who are in business, who saw the impact of the stimulus, they say it worked—that it provided assistance to consumers to spend; therefore, it protected and grew jobs. What we do know is that there are a lot of jobs in retail and manufacturing in this country that directly benefited from the stimulus. Can I thank the coalition for their support in passing it.

Senator BERNARDI—Mr President, I ask a supplementary question. I note the minister’s answer. He, by his own words, damns the Prime Minister’s statement. The Prime Minister said that the stimulus package would add 75,000 jobs. Isn’t it true that the Prime Minister of this country has misled the Australian people, Minister?

Senator CHRIS EVANS—I do not know what Senator Bernardi and the opposition do not get, but I suggest they go out and talk to all the workers in retail in this country. Go out and talk to all the workers in retail and ask them whether they think the stimulus package helped save their jobs and create jobs in Australia. I know what they will tell you. What we know is that, while some saved part of it, many Australian families spent it. That helped protect jobs. I am confused now. Given that the opposition were supporting the package at the time, I am now confused as to what their position is—but that is not uncommon, given the way they keep flip-flopping. But, yes, it did protect jobs and it did increase commercial activity. I think all Australians know that there are a lot more jobs because of the stimulus package than there otherwise would have been.

Honourable senators interjecting—

The PRESIDENT—Order! It is not debating time; it is time for questions.

Senator BERNARDI—Mr President, I ask a further supplementary question. In light of the fact that the Prime Minister’s promise of adding 75,000 jobs has failed to come to fruition, I ask the minister: what modelling, if any, has been undertaken to support the job creation claims about the second stimulus package? Secondly, if any modelling actually exists, when will the government release it?

Senator CHRIS EVANS—What we know and what is released today is a complete economic modelling of the state of the economy now and an announcement of measures taken by this government.

Senator Abetz interjecting—

Senator CHRIS EVANS—It is an update on MYEFO and provides revised forecasts. All of that modelling was done by Treasury as part of forming the response to the current economic circumstances. On the basis of that advice and on the basis of that modelling, the figure of 90,000 jobs being created by this stimulus package in 2009-10 has been arrived at. We think that is a very good thing. We think it is a very important package, and I would urge Senator Bernardi and the opposition to support it and to help create and support jobs in our economy.

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the President’s gallery of a parliamentary delegation from Cambodia, led by His Excellency Senator Oum Sarith, Secretary-General of the Senate of the Parliament of Cambodia. 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

Taxation

Senator HURLEY (2.06 pm)—My question is to the Minister representing the Treasurer, Senator Conroy. Can the minister update the Senate on the state of the Commonwealth’s taxation receipts in light of the evolving economic environment?

Senator CONROY—I thank Senator Hurley for her question. As the Prime Minister outlined yesterday, we are facing almost unprecedented global economic circumstances. The IMF has cut its forecast for global growth three times in the last four months and is now forecasting a deep global recession. The weight of the global recession is bearing down on the Australian economy. As the Prime Minister and Treasurer have outlined, the global recession—and, in particular, the significant fall in China’s economic growth—has resulted in a $115 billion fall in Australian tax receipts to the government. In and of itself, the halving of China’s growth rates—forecast a fall to just 6.7 per cent in calendar year 2009—is expected to result in a $15 billion loss to the Australian economy over the 2009-10 period. The economic outlook for the global economy has deteriorated sharply since MYEFO. Treasury now advises a further $75 billion collapse in revenue, meaning a total of $115 billion collapse in revenue over the forward estimates. This will have a direct impact on our budget and will lead to a temporary budget deficit. The IMF has warned—(Time expired)

Senator HURLEY—Mr President, I ask a supplementary question. Can the minister outline how the Rudd government is responding to the global recession to support growth and jobs in the economy?

Senator CONROY—The government has also been up-front in saying that there is no silver bullet in dealing with this global challenge, but in response to this crisis the Rudd government has been clear that it will act decisively to support growth and jobs in the period ahead. Today’s $42 billion Nation Building and Jobs Plan will provide immediate support for jobs and growth. This plan delivers a fiscal stimulus package of about two per cent of GDP in calendar year 2009 and it follows the government’s earlier actions in a range of other areas, including the $10.4 billion Economic Security Strategy package announced last October.

Senator HURLEY—Mr President, I ask a further supplementary question. Can the minister outline how important this package will be to support jobs and growth in the Australian economy?

Senator CONROY—The package announced today will help support and sustain up to 90,000 jobs over the next two years. Key elements of the package announced today include $28.8 billion in government investments in schools, housing and energy efficiency and $12.7 billion in payments to low- and middle-income Australians, and the tax bonus for working Australians provides an immediate cash benefit of up to $950 to 8.7 million Australians on top of the tax cuts that will commence from 1 July 2009. The Nation Building and Jobs Plan—(Time expired)

Carbon Pollution Reduction Scheme

Senator CORMANN (2.11 pm)—My question is to Senator Conroy, the Minister representing the Treasurer. In light of today’s updated Treasury forecasts, will the government direct Treasury to conduct further modelling on the impact of Labor’s proposed Carbon Pollution Reduction Scheme on the economy?

Senator CONROY—I thank Senator Cormann for that question. What this government is doing is addressing the challenges that it is faced with today. The IMF forecasts
which have been released in the last few days have indicated the magnitude of the worldwide recession. The government is also, unlike those opposite, facing up to the climate change challenge and is going to press ahead with its Carbon Pollution Reduction Scheme. We have modelled it, we have worked through these issues and we are completely confident that the world economic recession will not allow us to be deflected—unlike those opposite, who are torn between those wanting to support their leader and those who want to support their leader in this chamber. Those who are climate change sceptics, those who are non-believers in climate change, let us be clear—

**Senator Brandis**—Are we going to burn at the stake?

**The PRESIDENT**—The minister will resume his seat. I know it is the first day back and there are a number of people a little bit excited, but the person answering the question is entitled to be heard in silence.

**Senator CONROY**—The Treasury engaged in the largest modelling exercise that we have ever seen in this country before we released the paper. Let us be clear about this: those opposite can choose to put their head in the sand and continue to be deniers or they can get on board. *(Time expired)*

**Senator CORMANN**—Mr President, I ask a supplementary question. Is the minister aware that Paul Howes, the National Secretary of the Australian Workers Union, representing more than 100,000 working Australians, has criticised the Treasury modelling as inadequate, calling on the government to do more Treasury modelling on the impact of the CPRS on various sectors of the economy? Does the minister share Mr Howes’s concerns for jobs that could be lost as a result of the CPRS putting additional pressure, for example, on the steel and aluminium sectors?

**Senator CONROY**—Unlike those opposite, I know Mr Howes well, and I have a very high regard for Mr Howes’s skills. But, when it comes to economic analysis, forecasting and Treasury modelling, I will stick with Treasury—no disrespect to Mr Howes, whom I consider a friend. When it comes to the impact of the scheme, I will go with Treasury any day of the week—any day of the week when it comes to the modelling. I am very confident that Treasury know a little bit more about this than Mr Howes, and that is no disrespect whatsoever to Mr Howes, a man for whom, as I said, I have a high regard.

**Senator CORMANN**—Mr President, I ask a further supplementary question. Given the minister’s answer and his confidence in the Treasury modelling, will the minister guarantee that no further Australian jobs will be lost as a result of the implementation of Labor’s proposed CPRS?

**Senator CONROY**—The Treasury modelling released in October 2008 demonstrated that economies that defer action face long-term costs that are around 15 per cent higher than those that take action now. So those opposite who want to defer, delay and deny will be putting a greater cost on this economy and Australian workers and families by the position that they are taking and now advocating—once again, inconsistent with Mr Turnbull’s position. Those opposite who want to try and argue that they have some—

**Senator Cormann**—Mr President, I rise on a point of order. The minister is misleading the Senate because he is referring to modelling done for the Garnaut review and not to the Treasury modelling. I urge you, Mr President, to call on the minister not to mislead the Senate.

**Senator Wong**—Mr President, on the point of order: I suggest perhaps that Senator Cormann read the Treasury modelling, the
largest modelling exercise in Australia’s history. He would find that Senator Conroy is quite accurate in his analysis of what is in the report.

Opposition senators interjecting—

The PRESIDENT—Order! I am not proceeding until there is silence; it is as simple as that. There is no point of order. Senator Conroy, you have 10 seconds left to answer the question.

Senator CONROY—The premise of the question being put by those opposite is completely flawed. That is why answering a question as irrelevant—(Time expired)

Nation Building and Jobs Plan

Senator PRATT (2.17 pm)—My question is to Senator Wong, the Minister for Climate Change and Water. I would like the minister to please update the Senate on the actions being taken by the government to support low-pollution jobs during this global recession.

Senator WONG—I thank Senator Pratt for her question and for her ongoing interest in climate change and how we support the jobs of today whilst we build the jobs of tomorrow. Today the Prime Minister and the Treasurer announced a $42 billion Nation Building and Jobs Plan to support up to 90,000 jobs over the next two years, and an important part of this plan is the investment of an additional $3.9 billion in energy efficiency programs. That is $3.9 billion over and above what the Rudd government is already committed to in the context of energy efficiency policy; $3.9 billion in additional funding to make Australian homes more energy efficient and to support Australian jobs; new investment of $3.9 billion over and above the Carbon Pollution Reduction Scheme household assistance package, which is estimated to ensure around $6 billion per year to households when the scheme commences. As part of this plan the government will install ceiling insulation in around 2.7 million Australian homes; increase the rebate for solar hot water from $1,000 to $1,600 from today; and increase rebates to make rental properties more energy-efficient from $500 up to $1,000, also effective today.

So this is investment in jobs and also investment in the sorts of changes we need to make to reduce Australia’s carbon pollution and to respond to climate change. This investment will support the jobs of tradespeople and workers employed in the manufacturing, distribution and installation of ceiling insulation during this severe global recession. And it delivers on the commitment we made in the Carbon Pollution Reduction Scheme white paper—(Time expired)

Senator PRATT—Mr President, I ask a supplementary question. I would like some details from the minister with regard to how these measures, these nation-building investments, will help Australian households save money on their energy bills and also how they will contribute to meeting Australia’s carbon pollution reduction targets.

Senator WONG—I thank Senator Pratt for the supplementary question. As I said, this delivers on our commitment in the white paper to implement energy efficiency policies ahead of the Carbon Pollution Reduction Scheme. Today’s investment will reduce emissions by a total in excess of 40 million tonnes at 2020. It is an investment to help Australian households do their bit in meeting Australia’s targets for reducing carbon pollution. As you know, Mr President, legislation for the Carbon Pollution Reduction Scheme will come forward later this year, and through this scheme the government is proposing to reduce Australia’s carbon pollution by between five and 15 per cent by 2020—that is, a reduction of between 34 and 41 per cent in the carbon footprint of every Australian man, woman and child on 1990 levels.
Now, we have been upfront about the additional upfront costs households will face as a result of putting a cost on carbon pollution—(Time expired)

Senator Pratt—Mr President, I have a further supplementary question. I would like the minister to please update the Senate regarding the threats to building the low-pollution economy of the future and delivering this nation-building investment.

Senator Wong—The $6 billion that the government will be putting to households to help them make this transition and the substantial targets that the government has put on the table in its target range are at risk from those opposite. We know those opposite are completely divided when it comes to the issue of climate change. We know the opposition benches are filled with climate change deniers, such as Senator Bernardi, who came out recently saying:

But exactly what is causing climate change and what—if anything—should we be doing about it should remain the subject of debate.

We also know what Senator Joyce thinks.

Senator Joyce said:

The view across the National Party is that the reasons put forward to justify an emissions trading scheme are just a load of rubbish ... Malcolm Turnbull will probably come on board with an ETS but that doesn’t mean the National Party will support it.

Of course, we know that in government Mr Turnbull advocated a scheme, completely—(Time expired)

Automotive Industry

Senator Abetz (2.23 pm)—My question is to the Minister representing the Treasurer, Senator Conroy. How many car dealers facing closure as a result of the government’s bungled unlimited deposit guarantee have received new financing arrangements under the government’s special purpose vehicle announced last year?

Senator Conroy—Mr President, are we allowed to take a point of order on the relevance of a question? On a day when we have the greatest economic crisis since the war, we are in a situation where you have an opportunity—

Honourable senators interjecting—

The President—Order! There needs to be order on both sides of the chamber. Senator Abetz, resume your seat. I am waiting for order.

Senator Abetz—Mr President, I raise a point of order. We now have standing orders in this place that require the minister to be directly relevant to the question that has been asked. Clearly, the answer being given by the senator for the last 25 seconds or so—about 25 per cent of the time that he is given to answer the question—has been completely off. It has not been relevant in any way, shape or form.

The President—Senator Conroy, you are 25 seconds into the answer. I draw your attention to the question.

Senator Conroy—The government regrets the announcement by GMAC and GE Money to withdraw from the Australian financing market. Both companies stated that the global financial crisis and the financial position of their respective parent companies were the reasons for the decision. The government has moved quickly to work with industry to develop an assistance scheme for automotive dealerships. The scheme consists of a special purpose vehicle to provide liquidity to car dealer financiers, who will then be able to assist dealerships that were unable to quickly secure alternative funding following the announced withdrawal of GMAC and GE Money.

The special purpose vehicle became operational on 1 January 2009. The government will provide support to the SPV in the form of a guarantee expected to cover a minor
proportion of the transactions with dealers. The SPV is a transitional arrangement only and will remain in place until viable dealers establish new funding arrangements. The SPV is approximately $2 billion. It will operate with government support refinancing dealerships for a period—(Time expired)

Senator ABETZ—Mr President, I ask a supplementary question. I think that if he looks further into the brief he will find that the answer is zero, but we will try him on another question. Will the minister explain to the Senate the definition of a ‘viable’ business, as outlined in the special purpose vehicle guidelines?

Senator CONROY—As I am sure the good senator opposite is aware, I represent the Treasurer in this chamber and he has now asked quite a detailed question which deserves a very thorough and detailed response. I will seek that from the Treasurer and provide it to him at the earliest opportunity.

Senator ABETZ—I thank the minister for that answer and I invite him to do the same in relation to the first question I asked him, which he was unable to answer. Mr President, I have a further supplementary question. Given the minister’s previous answers, is it a fact that despite the government’s rhetoric the special purpose vehicle will not prevent dealership closures and job losses in the car retailing sector? Why won’t the government simply come clean and admit that this situation could have been avoided if it had consulted with and listened to the Reserve Bank before rushing to introduce its foolish unlimited deposit guarantee?

Senator CONROY—As I have indicated, I will seek information to answer that question. I will see whether the Treasurer has any further information that can assist, and I will make it available at the earliest opportunity.

**Nation Building and Jobs Plan**

Senator BOB BROWN (2.29 pm)—My question is to the Leader of the Government in the Senate. I too refer to the $42 billion package which the Prime Minister announced just before question time. How many pieces of legislation will the government be presenting to the parliament to seek the implementation of that package? What is the program that the government has in mind, taking into account that the Senate is a chamber of scrutiny and will need due consideration if the parliament is to handle this legislation and package responsibly?

Senator CHRIS EVANS—I thank Senator Brown for the questions. Senator Brown, my information is that there will be five bills introduced to the House of Representatives tomorrow. I will check if that is not correct, but I think that it is five bills. They will seek to give effect to the package, the Nation Building and Jobs Plan, announced by the Prime Minister today. I understand that they will be brought on in the House of Representatives for debate tomorrow.

In terms of when they reach the Senate and when we will have the opportunity to debate them, I cannot give precise details other than to indicate that it is my intention to talk to the leader of each of the parties and the Independents this afternoon about the question of the bills and the time lines required for implementation of each of those bills. Some of them will be time sensitive because of the operative dates that are required to implement payments. A number of them provide tax bonuses et cetera. Part of the whole stimulus package is designed to try to get that money into the economy in the second half of this financial year and to get that money to help support jobs and growth in the economy quickly. That is why the package has been designed in that way.
So there are tight time lines involved. Clearly the Senate will want to consider the legislation and we will enter into discussions with the opposition and the minor parties and Independents about how best we manage that. I have already had a quick chat to Senator Minchin across the table, but we will formally do that this afternoon or this evening. We have been constrained a bit by the fact that the package was not announced until just prior to question time, but obviously we will want to engage with you in discussion about those matters. (Time expired)

Senator BOB BROWN—Mr President, I thank the minister and I ask a supplementary question. Is there any component in any of those five bills that the government is seeking to have through this place by Thursday? If so, how is that going to be done in an informed and responsible way? Was the government unable to release the package or any component of it until today? Would the minister check one statistic which I have, the ceiling insulation program for 2.7 million Australian houses which do not have it? The Australian Bureau of Statistics figures are that there are 3.9 million Australian houses without ceiling insulation. Is the government going to ensure that the urgency is met—and I am sure that the Senate will do that—while at the same time due diligence is allowed and is sought from the Senate?

Senator CHRIS EVANS—Thank you, Senator Brown, for your supplementary question. Senator Brown, as you know, the Senate will always deal with all matters in an informed and responsible way, and I am sure that this will be no exception. I will brief you on the time limits required by the government to get the legislation passed and implement the payments, and I will do that this afternoon. I will look to find a cooperative way through so that the Senate has the appropriate opportunity to look at the legislation but also to ensure that the government is able to implement its package. It is a package designed as an emergency response to a worsening financial situation and, clearly, the package is designed to have some immediate impact on the economy. So deadlines will be tight and they will require the cooperation of the Senate, but I will be happy to discuss that. (Time expired)

Senator BOB BROWN—Mr President, I ask a further supplementary question. I am not quite so secretive; I am really inviting the minister to discuss it in public. We will certainly go into private discussions about it. But I ask the minister: how on earth can any piece of legislation pass by Thursday and, if it does not, is the government considering changing the Senate sitting timetable? Second, this is a massive budgetary matter. Has the government got a new budget direction for the nation built into this package and, if so, what is it?

Senator CHRIS EVANS—On the second part of the supplementary question, clearly, this is a very detailed statement of both the financial situation that now confronts Australia and the deepening financial crisis and its impact on our budget and the forecasts and a very large response of more than $40 billion by the government. All that detail is certainly in the package. I am not in any way trying to keep the discussion on these matters private, but I think that we make more progress by having interaction about what is possible in relation to the progressing of the legislation. In terms of your concern about the ceiling insulation, I think that the difference may be between privately owned homes and rental properties and other properties. I will check that for you and get back to you.

Trade: Policy

Senator RYAN (2.35 pm)—My question is to Senator Carr, the Minister representing the Minister for Trade, and the Minister for Innovation, Industry, Science and Research.
Given the Prime Minister’s repudiation of what he describes as ‘neoliberalism’, of which a key tenet is that free trade benefits all, does the Rudd government now repudiate free trade as a policy objective?

**Senator CARR**—The government’s position in terms of its trade policy has not changed. This is despite the fact that, to quote the Prime Minister:

The world is now caught in the worst economic crisis since the Great Depression. This crisis has been created by an ideology of unrestrained greed, turbocharged by unregulated financial markets and obscene remuneration packages that maximised risk with no regard whatsoever for the impact of their behaviour on ordinary investors, ordinary shareholders, superannuation policyholders, small business and their employees. This has been extreme capitalism writ large. I can only concur with the Prime Minister’s views on this matter.

**Senator Conroy interjecting**—

**The PRESIDENT**—Senator Conroy, we are waiting for order before recommencing question time.

**Senator CARR**—As my colleague Senator Conroy pointed out, there have been conservative governments in the United States nationalising banks and deeply involving themselves in the operations of the market—which of course, in these circumstances, has demonstrated the failure of neoliberalism—which has produced the result whereby the world is now caught in the worst economic crisis since the Great Depression. The Minister for Trade is ensuring, with the considerable vigour of which he is capable, that we pursue the Doha Round. (Time expired)

**Senator RYAN**—Mr President, I ask a supplementary question. Given that the minister, by endorsing free trade, now apparently repudiates that aspect of the Prime Minister’s attack on neoliberalism, will the minister repudiate or support the Australian Workers Union’s call for similar local content rules for Australian government funded infrastructure projects?

**Senator CARR**—The senator clearly has great difficulty when he is relying upon prepared questions without listening to the answers that have been given in the chamber. This government has made very clear its attitude to what has caused the economic crisis that the world is now engulfed in. It is the neoliberalist policies which those opposite have championed that have led to a situation...
where we now face the worst crisis since the Great Depression. This crisis was created by an ideology of unrestrained greed, which was championed by those opposite and is of course maintained by them even today. They have obviously learnt nothing and have forgotten nothing in terms of their experiences. We now have a situation where they are seeking to defend a failed ideology that has created untold misery and suffering around the world. (Time expired)

Interest Rates

Senator MARSHALL (2.42 pm)—My question is to the Minister representing the Treasurer, Senator Conroy. Can the minister update the Senate on the outcome of the RBA’s board meeting today?

Senator CONROY—I thank the senator for his question. As I have already noted today, these are extraordinary times and they demand that all arms of policy be directed squarely at supporting jobs and growth in the Australian economy. Today we have seen decisive action from both the government and the Reserve Bank.

The Reserve Bank has just announced that it will be reducing the official cash rate by 100 basis points to 3.25 per cent. We join with families and businesses in welcoming this substantial rate relief. This is an absolutely essential rate cut from the Reserve Bank and it has been delivered at a time when all our joint efforts are directed towards strengthening the economy and protecting Australian jobs. The Rudd government and Australian families expect banks to pass it on in full and in a timely manner.

With this cut in official interest rates, and with today’s announcement of the Nation Building and Jobs Plan, monetary and fiscal policy are working together to support jobs and growth. This is providing immediate relief for families doing it tough and immediate support for growth and jobs in the face of the global recession. The Nation Building and Jobs Plan is also investing in our future by building the homes, schools, roads and communities we need for future growth because, in the face of the global recession—(Time expired)

Senator MARSHALL—Mr President, I ask a supplementary question. Can the minister outline how the RBA’s decision, in conjunction with other measures taken by the government, will help support the Australian economy given the unprecedented economic conditions we face?

Senator CONROY—we on this side of the chamber recognise that there will be no quick fix to this global recession and many of its effects are still to be felt. But Australians can take heart from the fact that both the government and the RBA are doing our bit to support jobs and growth in the face of the worst that the world can throw at us. As the Prime Minister made clear yesterday, the gravity of the economic challenge we face means that this is not a time for fence sitting. Those opposite have a choice to make. We encourage them to support the measures that have been announced today. The Rudd government has clearly set its course to act decisively with further action to support growth and jobs. (Time expired)

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

Senator CONROY—as I was saying, those opposite now have a choice. There is no more opportunity to play both sides of the street and no more opportunity to sit on the fence because those opposite are going to have to decide. Are they going to get behind this package designed to protect and support Australian jobs and families or are they going to do what they have been doing for the last 12 months, saying one thing and doing
another, saying they support a package and then setting out in this chamber and other places to systematically undermine what they claim they are supporting? So those opposite need to come clean, and they need to come clean today. Are you going to support jobs and growth in this country? Are you going to get behind this package or are you going to keep playing short-term political games?

(Time expired)

**Broadband**

Senator MINCHIN (2.47 pm)—My question is also to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy, who would certainly know about saying one thing and doing another. I ask him whether it remains the minister’s ambition to sign a contract with the successful tenderer for the National Broadband Network project before the end of March, as he has indicated, and prior to the establishment of a regulatory framework which presumably will require legislation to be considered, debated and passed by this parliament.

Senator CONROY—Thank you, Senator Minchin, for the question. The government will not be commenting on the detail of proposals or speculating on the outcomes of the request for proposals processed while the report is being considered. Let me be clear; those opposite have continued once again, as I indicated in the answer to the previous question, to play both sides of the street. On the one hand, Senator Minchin has wanted to claim that the process is a farce and the process has collapsed, yet, on the other, now he is demanding that we sign a contract apparently by March. We have indicated that that is our ambition. But to speculate further, as Senator Minchin has continued to do, would undermine negotiations that are commercial in nature and go to the heart of the probity and integrity of this process. Senator Minchin should know better, because when we received the report the evaluation had occurred at arm’s length. The government had not seen the contents of any proposal, nor had it received detailed briefings on any proposal from the panel of experts.

Senator Coonan—Mr President, I rise on a point of order. It relates to the requirement for the minister to be directly relevant in his answer. What the question went to very clearly was whether there would be a regulatory framework that would precede the signing of the NBN project or whether it would be after.

Senator Ludwig—On the point of order, Mr President: clearly Senator Conroy has been directly relevant to the question. He has been talking about national broadband and it is difficult amongst the hubbub from the opposition but perhaps they could listen more closely in respect of the response by Senator Conroy. He has been directly relevant to the question. His answer has been about the national broadband rollout. In this process the opposition should of course listen to the question and answer. The difficulty that is always faced here is when the question is framed in such a way that it presupposes an answer, whereas in this instance they should listen to the answer being given.

The PRESIDENT—Senator Conroy, there are 30 seconds left for you to continue your answer and address the question that has been asked.

Senator CONROY—Thank you, Mr President. Those opposite seek to ask questions and then ignore the answers even when they are directly relevant to the questions. I have already stated that we are not going to comment on the ongoing discussions that are taking place, because they go to the heart of commercial matters. They go to the heart of the government’s negotiating position. So—this is for those opposite—the regulatory
framework goes to the heart of these commercial issues. It goes to the heart of them.

(Time expired)

Senator MINCHIN—That was a most confusing answer. My question was whether the minister remains committed to his public statement that it is his ambition to sign a contract with the successful tenderer for this National Broadband Network before the end of March, which would presumably involve signing a contract prior to any required legislation passing this parliament.

Senator Faulkner—The question? It should have a question mark at the end of the sentence.

Senator CONROY—That is exactly right. I think it was just a question mark on the end. I have already answered that question, Mr President. I said our ambition was to sign by March and I was not going to be commenting, as Senator Minchin will realise if he reviews the tape, rather than just getting distracted by Senator Coonan’s point of order—Senator Minchin has just demonstrated it was a point of order that had nothing to do with the question that was asked. We have made it clear: asking us ongoing questions while the process is still afoot undermines and is deliberately intended to undermine the Commonwealth’s position, and we will not be answering questions while we are engaged in these sensitive commercial negotiations.

Senator MINCHIN—Mr President, I ask a supplementary question. So much for the openness and transparency we were promised in relation to this project. Having received the report of the NBN expert panel, is the minister now in a position to finally concede that Labor’s election promise of rolling out fibre to the node to 98 per cent of Australia’s population is unaffordable and cannot be delivered?

Senator CONROY—Senator Coonan is going back to the future.

Opposition senators interjecting—

Senator CONROY—I am going back to it because it is actually like dealing with the former minister, Senator Coonan. We have a complete rewind from Senator Minchin in that he is adopting Senator Coonan’s failed policy positions. Let me be clear: Labor’s election commitment will be delivered. But let’s not get away from the cant and hypocrisy of those opposite. When Senator Minchin was in charge of finance, he undertook a number of scoping studies in relation to Medibank Private, ComLand, the Defence Housing Authority and the Albury-Wodonga Development Corporation. These scoping studies were all undertaken under Senator Minchin’s watch. He would not comment on them and he did not release them.

(Time expired)

Schools Infrastructure

Senator WORTLEY (2.54 pm)—My question is to the Minister representing the Minister for Education, Senator Carr. Can the minister inform the Senate what action the government is taking to stimulate the Australian economy by building school infrastructure?

Senator CARR—I thank Senator Wortley for the question.

Senator Abetz—Are they going to get computers in them?

Senator CARR—It is a pity, Senator Abetz, you were not able to listen to this. The government has today announced it will be boosting jobs and investing in Australia’s long-term future by building or upgrading buildings in every one of Australia’s 9,450 schools. This $14.7 billion Building the Education Revolution initiative is a massive shot in the arm for our economy and for our education system. It highlights the government’s
determination to significantly improve the educational outcomes for all Australian students. Building the Education Revolution is a long-term investment in improving the quality of our school facilities, no matter where that school is or whether it is a government school or a non-government school. Building the Education Revolution will also support local communities. It will be a condition of funding that schools make the new facilities, such as the halls and libraries, available for community use at no or low cost.

Building the Education Revolution will begin this financial year and will be rolled out over the next three years. It will be delivered through cooperation between the Commonwealth and the state and territory governments and the non-government school sector. This is an historic initiative that reverses a decade of neglect and lays the foundations for the future. This is an initiative that provides genuine opportunities for all children in the Commonwealth of Australia. This is an opportunity for all schools and all communities to address some of the fundamental needs facing these communities. (Time expired)

Opposition senators interjecting—

The PRESIDENT—Resume your seat, Senator Wortley. I will not call you until there is silence.

Senator Coonan—That’s the Rees rescue package.

Senator Abetz—It’s the Nathan-building package, not nation-building.

The PRESIDENT—The time for debate is after question time!

Senator WORTLEY—Mr President, I ask a supplementary question. Can the minister outline further to the Senate the main elements of the package?

Senator CARR—I will indeed. Building the Education Revolution consists of three programs. The $12.4 billion Primary Schools for the 21st Century program will build or upgrade multipurpose halls, libraries and other large-scale infrastructure in all primary schools, special schools and schools that are known as K-12. There will be $1 billion for Science and Language centres for 21st Century Secondary Schools program, which will build around 500 new science laboratories and language learning centres in schools with a demonstrable need and where there is a readiness and a capacity to complete construction by 30 June 2010. There will be a $1.3 billion national school pride program, which will refurbish and renew existing infrastructure and undertake minor building works. (Time expired)

Senator WORTLEY—Mr President, I ask a further supplementary question. Can the minister explain how Building the Education Revolution will benefit trade training?

Senator CARR—This initiative builds on other education revolution initiatives, including the $2.5 billion Trades Training Centres in Schools Program. Building the Education Revolution brings forward up to $110 million to fund quality proposals in round 2 of the Trade Training Centres in Schools Program. The government has also today announced the $511 million training and learning bonus, which provides for an upfront, one-off bonus to assist eligible students with their costs for the 2009 academic year. It also provides a temporary additional incentive for social security recipients to return to education and training. This incentive will be available until June 2010. Around 440,000 students and people returning to study will be paid this one-off cash bonus. I look forward to the opposition supporting these initiatives. (Time expired)

Health

Senator WILLIAMS (2.59 pm)—My question is to the Minister representing the
Minister for Health and Ageing, Senator Ludwig. With many hospitals in New South Wales in the worst financial state that they have ever been in, with butchers cutting supplies, threats of security being withdrawn, no chance of paying their bills, no morale and some with no doctors, why has Prime Minister Rudd not honoured his 2007 election promise to fix our hospitals?

Senator LUDWIG—I understand the confected anger being put forward by Senator Williams. I recognise that there are a broad range of issues affecting public hospitals in New South Wales, such as unpaid debts and a shortage of supplies, as Senator Williams mentioned. The minister has made it clear that the New South Wales government needs to fix this situation as a priority. I understand that steps are being taken.

It is a pity that the opposition when in government ripped a billion dollars out of the health system. These are challenges that are being addressed. We are taking the action that the previous government failed to take. For too long, hospitals have been starved of money. The previous government ripped one billion dollars from public hospitals. That put them under enormous pressure and strain. That was unnecessary at the time, and it continues to have an ongoing effect in New South Wales and in other states, Senator Williams.

I note the member for Dickson’s comment last week on 2SM when he said, ‘The issue at Dubbo hospital of course has been around for a while,’ and, ‘The hospital and public health issues in general have been around, frankly, for the last 10 years.’ That is what the member for Dickson said. That begs this question: why oh why did the Liberals pull money out of the public hospital system in the first place? You have already recognised that the system has failed because you pulled a billion dollars out of the system. This Commonwealth government is implementing lasting reform to improve the Australian healthcare system for the people of New South Wales and other states as well. (Time expired)

Senator WILLIAMS—Mr President, I ask a supplementary question. Can the minister guarantee that there will be no more resignations from our hospitals because of the poor state of the health system, especially in New South Wales and Queensland?

Senator LUDWIG—What I can guarantee is that the Commonwealth is implementing lasting reform. For the New South Wales hospital and health system, it represents about $20.5 billion over five years. This package includes $1.1 billion to train more doctors, nurses and other health professionals; $500 million to improve subacute care services; and $700 million in 2008-09 for emergency departments. This is about putting in place the infrastructure and the money to provide services in New South Wales and in other states. This will make sure that those employed in providing frontline health care will be there to do it. The Commonwealth government’s package will reduce pressure on public hospitals and assist states and territories to improve the quality and effectiveness of health care and provide flexibility in how they deliver those services to Australian people. That is the guarantee that this government will make. We are taking those—(Time expired)

Senator WILLIAMS—Mr President, I ask a further supplementary question. Minister, knowing that much of $8.7 billion that was splashed around Australia on 8 December gave many liquor outlets and poker machines indigestion and knowing that the $42 billion package announced today does nothing for our hospitals, when will the government do something about the disgraceful hospital situation in Australia?
Senator LUDWIG—This only demonstrates the difficulty with a supplementary question that is prewritten. I provided the answer. For those on the other side—and perhaps that includes Senator Williams—who did not hear that answer, this government is taking action, unlike the previous government. There is $1.1 billion to train more doctors, nurses and other health professionals; $500 million to improve subacute care services; and $750 million in 2008-09 for emergency departments. That is what we have put on the table. Through the November 2008 Council of Australian Governments, a historic package of reform for the health and hospital system emerged. That package will provide $64.4 billion over five years for the health system. It is a shame that Senator Williams does not understand the commitment that we have made to hospital systems right across Australia. This is unlike the opposition when they were in government. They took out a billion dollars. (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
Answers to Questions

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.05 pm)—I move:

That the Senate take note of the answers given by ministers to questions without notice asked today.

Today we had the release of the new so-called fiscal package. The only way that we can judge this current package is on the last one. That is the only way that we can with some semblance of veracity work out what this package might do. I note the claims that were made before the release of the last package. It was claimed that it was going to create 75,000 jobs but we now know that those jobs do not exist. It was a flop; it was a fiasco. The Australian people were taken for a ride. The debt is there—we have to pay that back—but the package had no real effect.

I noted one of the last questions asked by one of the reporters of Mr Rudd today. They asked how this package related to current IR policy and the ETS. He conveniently talked about IR doctrine but deliberately ignored the ramifications of the ETS on Australian working families and on jobs because he knows, we know, you know and Mr Howes from the AWU knows that it will put people out of work. The reality is that it will be completely regressive on the whole concept of keeping people in work. The Labor Party selectively feign concern about the economy, but at the same time they are belligerent and maligning in that they wish to go forward and put people out of work by reason of a new tax which will be completely regressive and will dampen down the Australian economy. That is a fact. They cannot possibly bring in a tax on all things without putting people out of work.

Now we have this morphing of the lexicon by the Labor Party. They are no longer creating jobs; they are ‘supporting’ jobs, whatever that means. So, of the 10,749,400 people who were in work in December, which ones will actually be supported or, if there are only 90,000 people still in work at the end of the day, will Labor say, ‘They were the ones we were supporting’? It is a very rubbery and deceitful way to go about delivering a supposed outcome to the Australian people. Then we have this fanciful and ridiculous idea that we are going to reinvigorate the economy through ceiling insulation. It has become Disneyland stuff, the idea that we are going to have armies of green people ascending through people’s roofs to bring back to Australia a sense of economic balance and hope.
These are the sorts of things that we see at the front end of this package. We also see at the front end that this package is going to be about schools. The government are going to build multipurpose halls as a way of rein-vigorating the Australian economy. It is a great metaphor, but is it actually going to do it? These are the questions that the coalition will be asking. We demand on behalf of the Australian people that you not waste this $42 billion like you wasted the last lot of money in the last stimulus package. We demand the capacity to do this job in the Senate and to make sure that you are held to account. We will not be railroaded into this moral sense of, “We demand that you agree to this right now and, if you do, everything will be fine.” We see what Senator Evans is up to. He said it today. He said, “But you agreed to the first fiscal stimulus package.” I hate to inform him that some of us did not. Overall, there was a sense of scepticism and a sense of trust that you would do the right thing, but you did not. There was no modelling on the last package. From what we can see at this point in time, there has been no modelling on this one, just fanciful ideas and ridiculous little trinkets bundled up into a package and forced on us to give the Australian people the sense that you are doing something. Doing something does not necessarily mean doing the right thing. What will be determined by the proper process of this Senate is whether you are doing the right thing.

We can see right now the battles that are going on in the Labor Party as the Labor states line up to basically just take the money and put it in their bank accounts. You say, “We are going to stand up to the states.” You have not so far; you have been unable to stop the buck going anywhere. You have these mountains of debts in state governments who are chewing your head off. Now we have the true question of whether this government has the capacity to deliver to its people basic services such as rail and health. The fact is that services are falling to pieces around the ears of the Australian Labor Party. That is what is going on. If you are going to ride roughshod over the Australian budget and take the Australian people— *(Time expired)*

**Senator LUNDY** (Australian Capital Territory) *(3.11 pm)*—I find it extremely interesting that the coalition nominated Senator Joyce to speak in this taking-note debate on such an important day—the announcement of the $42 billion Nation Building and Jobs Plan to support jobs. To me, that is a clear indication that the Liberal opposition has little to say in response to our nation-building package. I presume that this equates to some kind of support, so I look forward to hearing what other contributors to this debate say this afternoon. This package is unprecedented because we are facing an unprecedented crisis. The Labor response has been comprehensive and forward thinking with substance to try to address the crisis here in Australia.

We know from the contributions of my colleagues during question time that our tax receipts have been reduced—in part, obviously, because of the slowing of the economy but particularly because of the slowing of the global economy and the impact on our capacity to engage and sell our exports. We are faced with a global recession, having already pushed our budget into deficit even before we take this decisive policy action with the $42 billion package announced today.

This package is historic, it is visionary and it targets all of the key areas designed to assist Australia in getting through this difficult time. But it does so with an eye to the future. The focus on Building the Education Revolution and investing in our schools is unmatched. We know there has been investment in schools’ programs before, but never
to the degree that has been proposed by federal Labor today and never with the degree of integration with the roles that schools play in our respective communities. Some of the elements of that particular package and Building the Education Revolution include large-scale infrastructure investments in libraries and halls in primary schools, special schools and K-12 schools across Australia to the tune of $12.4 billion. Having worked in the sport portfolio and the local government portfolio previously, I can tell you that this is so needed in communities, whether they be outer metropolitan, inner city, regional or rural. It is this kind of investment that stitches communities together. By targeting this particular package in this way, not only will we drive opportunities for local businesses and jobs but also we will provide the kind of social infrastructure that will allow these communities to consolidate, build and grow through very difficult economic times.

I congratulate my colleagues on the thoughtfulness that underpins the announcements today. This is in stark contrast to what we have heard from the opposition—certainly from Senator Joyce but also I presume from the coalition opposition generally. For whatever reason, they decided to have a climate change deniers’ rant on this important day instead of discussing the primary issue and focus of question time today, which was the state of the economy and Labor’s second stimulus package. Why on earth they chose not to focus on these critical issues I do not know.

I know my colleagues will address some of the other issues, but in summary, yes, there is an investment package for building insulation. Why? Because we are facing several challenges at the moment. One of them, of course, is the global financial crisis and the impact on our economy, but another one is climate change. How clever and how forward-thinking is it to not only combine the two and look at stimulating the economy but also rectify the significant problem of energy inefficiency in our suburban homes? The insulation program is perfectly designed to address both of those issues in a thoughtful and visionary way that will stimulate jobs where they are needed during economically tough times. I would also like to mention the investment into housing of 20,000 new social and defence homes, again targeting where the need is at a time when we need to stimulate jobs and to specifically resolve a social crisis that the Rudd government has identified as a priority area. (Time expired)

Senator CASH (Western Australia) (3.16 pm)—Senator Bernardi asked a very simple but important question in question time today: how many jobs were created as a result of the government’s first stimulus package? Had any jobs been created the answer would have been a very simple one, but what do we have? We have the minister standing there for two minutes rambling on about how the stimulus package had protected jobs. In other words, no new jobs were created. And I hasten to tell the minister that there is a big difference between protecting jobs and creating jobs, especially when the Prime Minister of Australia told the people of Australia last year that the first stimulus package would add 75,000 jobs. It does not augur well for Labor’s second stimulus package. Actions speak louder than words. How things have changed.

After only 14 months of Rudd and Labor, Australia is less prosperous, our economy is rapidly getting weaker and the outlook for Australian families is more uncertain than ever. The Rudd government are not measuring up. All we hear from Mr Rudd is blame-shifting. They tell us that jobs are being lost due to the global financial crisis and, most recently in Mr Rudd’s latest essay, the neoliberal policy of wave after wave of tax cuts. Since when have tax cuts been bad for the
economy? Of course there is a global financial crisis; we all acknowledge that. However, it is the gross mismanagement by the Labor government and their policy approach to the global financial crisis that have resulted in the Australian economy being where it is today.

On this side of the chamber we advocate that every element of government policy should be focused on effective measures which will ensure that employment in Australia remains high, not focused on measures that will result in jobs being lost. On this side we believe in policies that will create jobs, not destroy jobs. However, despite the current economic environment, the Labor Party continues to introduce policies that are irresponsible and will result in job losses, despite its rhetoric about the creation of jobs.

Those opposite are ignoring the lessons of incompetent past Labor governments. You cannot spend your way out of trouble. You are introducing policies that will do long-term harm to Australia and Australians. Look at your approach to industrial relations; look at your approach to an emissions trading scheme—they are policies that will result in job losses. In fact it was farcical to hear the Prime Minister, today, say, 'It would take my breath away for the government to consider new taxes during a time of economic crisis.' Has he conveniently forgotten his plan to slug Australians with one of the biggest new taxes we have ever seen—the ETS? The coalition is committed to one of the most important objectives of economic management in ensuring that every Australian has the opportunity to work, which is a fundamental responsibility of responsible government.

Let me say it slowly again for those on the other side of the chamber, who do not seem able to grasp the most basic filter against which all policies need to be implemented: jobs, jobs, jobs. And I mean job creation, not job losses. What are those on the other side committed to? We all know; we experienced it last year—spin over substance. Australia was in a position of strength at the outset of the global financial crisis thanks to the sound economic management of the former Howard government and Peter Costello. What do we have now? You on the other side have destroyed the Australian economy. It is not an achievement to be proud of. I will quote your Prime Minister on Sky News today:

… nobody likes being in deficit.
And I don’t like being in deficit at all …

This is not a question of choice. This is what we are required to do.

Just remember, Mr Rudd, this is your deficit—it is of your own making and because of your mismanagement of the economy. Stop blaming the global financial crisis, start taking responsibility and start creating policies that create jobs, not destroy them. (Time expired)

Senator HURLEY (South Australia) (3.21 pm)—It is very curious to hear the opposition trying to find their way around the economy and the economic package. They acknowledge that there is a global financial crisis, but then they say that Australia should be totally immune from it, that there should not be any job losses and that there should not be any impact on the budget. They imply that the Rudd government has caused this situation. I presume that they will get their strategy sorted out eventually. It is very interesting to hear the Liberal Party talk about these kinds of issues and make grand statements like ‘not spending your way out of a crisis’ while not actually addressing what the government is doing, saying what is specifically wrong with the stimulus package that they supported last year, or putting forward proposals which they believe would create jobs. As I said, I look forward to hearing their response when they have sorted out
their views on the economy and the economic package.

The Rudd government has today announced a $42 billion Nation Building and Jobs Plan. This Nation Building and Jobs Plan will protect, support and create jobs because it is a very well-targeted package. It is well targeted to those very areas that the former government did not address when it had money rolling in. The terms of trade were excellent, we had a resources boom, had a good global financial situation and had money rolling in in the form of taxes. What it did not address was infrastructure, training, education or an environmental strategy. In developing this package, the Rudd government is not only responding to the current global financial crisis but also making sure that those things that were neglected previously are not neglected this time, despite the handicap it faces of a global downturn.

The lack of work on infrastructure around Australia meant that Australia did not benefit in the way it could have from its export potential and from its job creation potential during the time of the former government. This applies even more so to training and education. It was acknowledged that there was an acute crisis in not only building and construction trades but also other areas like engineering and science. We just did not have enough of these people to ensure that we took advantage of those good economic conditions during the time of the former government. Further, the former government did not ensure in any way that its environmental strategy meant a sustainable future and continued economic growth for Australians.

The government’s plan not only addresses the fact that we will have a $115 billion hit on our budget revenues but also makes sure that we will be well placed in the future to recover from the current economic situation and go on to build a stronger Australia. The jobs plan provides immediate support for jobs and growth in our economy. It will stimulate growth of about a half of one per cent of GDP in 2008-09 and of around three-quarters to one per cent in 2009-10. It will support up to 90,000 jobs over the next two years. That is a wonderful achievement when we see Europe, the United States and China in dire economic circumstances. There are countries around the world that are already in recession, and some of them are almost in economic meltdown. The fact that our government can put together a package that will mean we will have that kind of result over the next couple of years is an excellent response.

The forecast budget deficit for 2008-09 is $22.5 billion, or 1.9 per cent of GDP. Australia will have to go into deficit to allow this package to be implemented, but the government is committed to restoring the economic situation. (Time expired)

Senator BARNETT (Tasmania) (3.26 pm)—I stand today to take note of the answers by Senator Evans to questions from Senator Bernardi regarding jobs and specifically the number of jobs created as a result of the first economic stimulus package announced before the last election and implemented by the Rudd Labor government. It was a simple question: how many jobs were created? And the good senator was unable to answer that question. In fact, he fumbled and gave a spiel that went on and on, without providing any answer—not even an estimate.

Prior to the election, the Prime Minister announced that the economic stimulus package would add 75,000 Australian jobs to the Australian economy. This is a point that Senator Cash made well and persuasively in her contribution to the Senate. Seventy-five thousand jobs is a lot of jobs, and they would deliver growth and development and good
results for 75,000 families. That would have been a good thing, but it has not eventuated. We do not know exactly how many jobs have flowed from the package, and even the government do not know.

One of the key points here is that the government have not done their homework. They have not done their modelling. They have not done the research. We are concerned that the package was a knee-jerk reaction. We are concerned—and this is a growing trend with the Rudd Labor government—that it is all spin and no substance. The government are into the headlines and the quick political fix. They are good on the PR to get the headlines and attract media attention, but in terms of delivering long-term solutions—growth, development, jobs and security for Australian families—they are deficient big time.

An example in the last 10 days of these flaws was the announcement of the Ruddbank. It was a 1½ page media release announcing a $4 billion initiative, which comprises equity from the Australian government—taxpayers’ money of $2 billion—and equity from the banks of $2 billion. It will provide from $26 billion to $30 billion for commercial property loans into the future. This announcement was made in a 1½ page media release. There was no detail, no homework, no modelling and no evidence to support that this was the way to go. The Prime Minister announced at the time that this initiative would save 50,000 Australian jobs. Where is the evidence of that? Where is the evidence that jobs are either going to be created or going to be saved?

They have been found out with respect to the first economic stimulus package. ‘Seventy-five thousand jobs will be created.’ Well, they have not been created. Where are those jobs? In terms of that first economic stimulus package, let me just ask this question. I understand, based on the figures provided by the government, that an estimated $50 million has been paid to some 70,000 Australians overseas. Well, the package was designed to stimulate the Australian economy, not overseas economies. So what is the rationale behind providing those funds? Surely the Australian economy should be the focus, the objective—not overseas economies. I hope the government has a good answer to that. Is there a need for a review of our policies in this regard? An estimated $50 million of taxpayers’ money has gone overseas as part of that economic stimulus package.

With respect to the Ruddbank, I think it is very much a dud and a dodgy proposal. It seems to me to be, indeed, anticompetitive. Why is it not anticompetitive, when the funds are only going to the four big banks? This will help the big banks. Yes, it may create one or two jobs at the big banks and it will certainly, it seems, help commercial property developers. But what about the mums and dads, the normal families out there that need support during this time of insecurity created in large part, in substantial part, by the Rudd Labor government. There is little evidence to support the merit of the Ruddbank proposal. This government should be aware of that from statements in the *Financial Review* today. The editorial was scathing in some of its observations. It says this about the 50,000 jobs:

ABIP has generated confusion and mistrust—that is, the Ruddbank—partly because Prime Minister Kevin Rudd chose to sell the initiative as one to save 50,000 property-related jobs. That is not the goal— *(Time expired)*

Question agreed to.
CONDOLENCES

Private Gregory Michael Sher

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (3.31 pm)—by leave—I move:

That the Senate record its deep regret at the death, on 4 January 2009, of Private Gregory Sher, while on combat operations in Afghanistan, and place on record its appreciation of his service to his country, and tender its profound sympathy to his family in their bereavement.

On behalf of government senators, and I am sure on behalf of all senators, I wish to express my heartfelt condolences to Private Sher’s parents, Yvonne and Felix; his partner, Karen; and his two brothers, Steven and Barry. I know that a number of members of Private Sher’s family are present in the gallery today. They should, please, accept our heartfelt condolences and sympathies for their terrible loss. We know that there are a large number of people—family, friends and fellow service men and women—who feel the loss very deeply.

Private Sher was known as a dedicated and courageous soldier and has been described by his family as ‘a man of purpose and committed determination; an extremely positive person with a kind soul’. Private Sher was born in South Africa in 1978 and migrated to Australia with his family in 1986. He joined the Army in 1998 as an Army Reserve infantryman. Private Sher went on to become a member of the 2nd Company, 1st Commando Regiment, and was with the Special Operations Task Group element that deployed to Tarin Kowt in Afghanistan’s Oruzgan province. There is no higher calling in Australia than to serve our nation in uniform, and Private Sher did this with distinction in both East Timor and Afghanistan. For his service in East Timor, Private Sher received the Australian Active Service Medal, the United Nations Transitional Authority in East Timor Medal and the Infantry Combat Badge. Private Sher has also been awarded the Afghanistan Campaign Medal, the NATO Medal with ISAF Clasp, the Australian Defence Medal and the Returned from Active Service Badge.

Private Sher lost his life in Afghanistan while serving his nation with courage and honour. I know all members of parliament feel very deeply the loss of servicemen like Private Sher. We take our responsibilities in committing Australian troops to combat very seriously. We feel the weight of that decision and we know that people like Private Sher take on the burden of the nation in putting their lives on the line. Unfortunately, Private Sher paid the absolute penalty—the loss of his young life. I have done a lot of farewells to see off troops departing for Iraq, Timor and Afghanistan. The enthusiasm of the soldiers—their commitment to their job, their eagerness to put into practice their training, and their eagerness to serve their country and to do well—always strikes me. This is in contrast to the parents, who are very proud but live in fear of those children not returning. The conversations you have with those who are left behind and worry for them are always quite different. I know his family must be devastated by the loss. As I said, our thoughts are with them.

I had reason to have a chat to my son about the Vietnam War a month or so ago. He is 17. I was telling him about conscription, going to Vietnam and the thought that he might come out of the lottery. I was just young enough—it is hard to believe—to miss that period in our history. Our young men—and women now—go into such danger. He found it quite hard to come to terms with the idea that he may have been called upon to make that sort of sacrifice. I guess he showed his youth, but he also showed the benefit of the peaceful time we have had. That, of course, has ended with the service
that our service personnel have had to provide in Iraq, East Timor and Afghanistan. We are now obviously suffering losses in Afghanistan that are very concerning. These are terrible tragedies for the families and the Defence Force, but I think there is a commitment on behalf of Australians and all politicians that the mission they take on is a very worthy one—that is, it is absolutely necessary for us to defeat the Taliban and the terrorist forces that are using Afghanistan as a base. Private Sher’s commitment and contribution will long be recognised by this nation as being very much in the national interest.

We are very grateful for Private Sher and his service and grateful for his family and their support of him. On behalf of the Australian government and all members of the Senate, we offer our support to his family, friends and fellow soldiers, and we mourn his passing.

Senator MINCHIN (South Australia—Leader of the Opposition in the Senate) (3.37 pm)—On behalf of the coalition, I rise to support the motion moved by Senator Evans. The Liberal and National parties join in offering our sincere condolences to the family of Private Greg Sher, who lost his life while serving our country in Afghanistan. The coalition is deeply saddened by the tragic death of Private Sher, who was killed on 4 January this year when Taliban insurgents fired a rocket at an Oruzgan provincial patrol base. Private Sher was highly regarded by his colleagues of the 1st Commando Regiment and those he served with in the Special Operations Task Group. He was also held in high regard in Melbourne, where he initially trained, having come to this country, as Senator Evans said, from South Africa. Private Sher was an experienced member of the ADF, having joined the Australian Army in 1998 and having served in East Timor in 2002. In a statement released after his death, Private Sher’s family described him as a ‘man of purpose and committed determination’. They said:

He was the sort of mate who would do anything for anyone, and his friends knew him for the great guy that he was.

He was a loyal and loving family member who always put his family high on his list of priorities. Our thoughts and prayers are very much with Private Sher’s family at this most wretched of times for them.

Private Sher was the eighth Australian soldier that we have lost in the conflict in Afghanistan, and his death again highlights the dangers that our personnel face every day in that country. As a member of the cabinet that first committed our troops to Afghanistan, the fight against the Taliban remains vitally important. Our troops are assisting the Afghani people with their own security and with building their own democracy and are helping to ensure that Afghanistan does not again become a haven for terrorists. We do not take for granted the work that our troops are doing there. We appreciate the bravery and professionalism of our forces as they face enormous challenges in Afghanistan against a vicious and hostile Taliban insurgency. We are reminded of the important sacrifices made by our ADF personnel and their families every day when on deployment in Iraq, Afghanistan, East Timor or the Solomon Islands.

Private Sher made the ultimate sacrifice for his country, and we will remain forever indebted to him for that. To Private Sher’s family: we offer our sincere condolences for your great loss. Private Sher was clearly an honourable and talented man who will be missed by all those who knew him. I also take this opportunity to send on behalf of the coalition our best wishes to all those Australian personnel still serving in Afghanistan and elsewhere and to their families at home.
Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.40 pm)—I concur with the comments made by Senator Evans and Senator Minchin. It is at times like this that we have to reaffirm, regardless of our differences around the chamber, the absolute and unambiguous worth of Private Sher’s life in his defence of our nation, even though it was in a form that is not current or immediate to where we see right now. It is absolutely imperative that his family know that throughout this chamber our thoughts and prayers go out to them, that we cannot fathom the depth of sadness that they would be feeling at this moment and that, in some small way, we completely recognise the sacrifice that Gregory Michael Sher has made on behalf of his nation—a nation that he travelled to, a nation that he became a part of. He is a great example to all Australians that your love of this country can be as absolute as anybody else’s, regardless of where you were born in this world.

Formerly being a member of the Army Reserve myself, I also admire that he was a person whose dedication to the Army was immense. The capacity to go from the Army Reserve into a commando unit requires incredible dedication, and Private Gregory Michael Sher was obviously a person of that capacity. Without going on longer than I should, I concur with the remarks of my colleagues and once more note that Private Gregory Michael Sher will remain in our thoughts and our prayers and that we hold his sacrifice for our nation in the highest and most immense esteem.

Senator FIELDING (Victoria—Leader of the Family First Party) (3.42 pm)—Family First acknowledges with great sadness the death in Afghanistan of Private Gregory Sher and expresses condolences to his family and friends. Private Sher was just 30 years old when he made the ultimate sacrifice for his country. Private Sher’s death has a special significance for me as my son has joined the Army today. In these days of political and economic turmoil, I hope that we never forget while we sit here in this air-conditioned chamber that there are Australian men and women patrolling the deserts of the world to keep us safe and secure. I pray that, if Private Sher could see us today, he would be as proud of us as we are of him. Family First’s thoughts and prayers are with Private Sher’s family and friends at this difficult time.

Question agreed to, honourable senators standing in their places.

TROOPER MARK DONALDSON VC

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (3.43 pm)—by leave—I move:

That the Senate records this occasion of national significance in the awarding of the Victoria Cross to Trooper Mark Donaldson, VC, on 16 January 2009.

I would first like to note the support of the chamber for the preceding condolence motion and the contributions of senators, which were very heartfelt and, I think, very appropriate. While this is also a matter closely related to an engagement in Afghanistan, it is on a much happier note in that it celebrates the bravery of Trooper Donaldson—and I think it also represents recognition of the bravery of all our forces serving in Afghanistan.

The Victoria Cross is the pre-eminent award for acts of bravery in wartime and is Australia’s highest military honour. It is awarded to those who ‘in the presence of the enemy display the most conspicuous gallantry; a daring or pre-eminent act of valour or self-sacrifice; or extreme devotion to duty’. Not only is Trooper Donaldson the first Australian in 40 years to receive this award but he is also the very first to receive the Victoria Cross of Australia, which was established 20 years ago as the national form...
of this highest military honour. I think everyone celebrates the fact that Australia now recognises its own heroes rather than relying on the recommendations of English generals, who generally did not take a balanced view of such things. Trooper Donaldson is responsible for a tremendous act of bravery, and the recognition of that with the awarding of the Victoria Cross is highly significant.

On 2 September 2008, Trooper Donaldson was travelling in a coalition vehicle convoy in Afghanistan’s Oruzgan province when it was ambushed by a Taliban force while returning to base. During an early stage of the battle, Trooper Donaldson deliberately exposed himself to enemy fire on a number of occasions to draw attention away from the wounded. After two hours of fierce fighting, the patrol finally extracted itself from the ambush but soon realised that a severely wounded coalition force interpreter had been left behind. Trooper Donaldson’s citation says:

Of his own volition and displaying complete disregard for his own safety, Trooper Donaldson moved alone, on foot, across approximately 80 metres of exposed ground to recover the wounded interpreter. His movement, once identified by the enemy, drew intense and accurate machine gun fire from entrenched positions. Upon reaching the wounded coalition force interpreter, Trooper Donaldson picked him up and carried him back to the relative safety of the vehicles then provided immediate first aid before returning to the fight.

Trooper Donaldson’s acts of exceptional gallantry in the face of accurate and sustained enemy fire ultimately saved the life of a coalition force interpreter and ensured the safety of the other members of the combined Afghan, US and Australian force.

Trooper Donaldson’s actions displayed exceptional courage in circumstances of great peril and are in keeping with the finest traditions of the Special Operations Command, the Australian Army and the Australian Defence Force. Through his deeds, Trooper Donaldson has brought great honour upon himself, his family, the Australian Defence Force and our nation.

In acknowledging the awarding of the Victoria Cross, I also think it is worth noting the role that Afghan interpreters and other support persons play and the danger they put themselves in in serving our armed forces. It was the same situation in Iraq, and a number of those people have been assisted to settle in Australia because of the dangers they faced as a result of the services they provided. I think that is a very good development and I think similar action may well be required in Afghanistan at some stage.

It is with great pleasure that I move this motion today. I think everyone throughout Australia recognises the significance of the Victoria Cross and the rarity of its awarding because of the requirement for such extreme bravery to be exhibited. As the son of a Welsh parent, I grew up with the memory of the 12 VCs awarded before breakfast at Rorke’s Drift to Welshmen serving there which is part of Welsh legend and national identity. It is good that we honour not only those who receive the Victoria Cross but also those they represent in terms of the broader defence forces. I have great pleasure in congratulating Trooper Mark Donaldson on the awarding of his VC.

Senator MINCHIN (South Australia—Leader of the Opposition in the Senate) (3.49 pm)—I am pleased to rise on behalf of the coalition to support the motion moved by Senator Evans—despite his Welsh-inspired reflection upon English generals! We offer our sincere congratulations to Trooper Mark Donaldson VC on being awarded this highest of military honours, the Victoria Cross, for his gallantry in service in Afghanistan. As Senator Evans quite rightly said, the signifi-
cance of this award must not be understated, nor should the courage and bravery displayed by Trooper Donaldson. He has joined the ranks of fewer than 100 Australians who have been awarded this honour in our history, spanning 150 years since the first Australian, Captain Howse, was awarded this honour. Warrant Officer Keith Payne was the most recent recipient before Trooper Donaldson, and that was as long ago as 1969, for bravery in the Vietnam War.

The circumstances that led to Trooper Donaldson’s award are a reminder of the extraordinary dangers facing our personnel in Afghanistan. The fact that he faced enemy fire during an ambush in which he ultimately saved the life of not a fellow Australian but an Afghani interpreter with the coalition force and administered medical assistance to wounded coalition soldiers really is extraordinary. His actions under enemy fire are worthy of this honour and a testament to the professionalism and capability of the whole of the ADF and its personnel. The Chief of the Defence Force, Air Chief Marshal Angus Houston, reflected properly the pride of the ADF in Trooper Donaldson’s actions when he said:

I ask you all to contemplate Trooper Donaldson’s selfless and courageous act of mateship and loyalty—not only to his fellow Aussie comrades but to the Afghani interpreter whose life he undoubtedly saved.

We in the Australian Defence Force stand united in our pride as one of our own is admitted into the most exclusive of military fraternities.

Trooper Donaldson has been inducted into the ranks of those military personnel deemed to be the most gallant; the most heroic; the most devoted.

He joins a band of brothers so admired for their valour that there are only ten surviving members in the world today.

Trooper Donaldson truly deserves this award and everything it embodies: valour in war-time. He joins a list of distinguished military personnel who have been awarded this top honour and have been duly recognised for their valour.

It is further testament, I think, to the character of Trooper Donaldson that he has accepted this honour with great humility, paying tribute to all our soldiers as heroes. In his own words:

I don’t see myself as a hero. I was in Afghanistan just doing my job. My training and my instincts took over on the day.

That is a very Australian thing to say. Trooper Donaldson immediately indicated that he would loan his VC to the Australian War Memorial for public display.

The coalition parties congratulate Trooper Donaldson on this great honour. It is a signal of his enormous bravery and courage in service to our nation. The Victoria Cross is not awarded lightly and it is important that we all really understand the significance of this honour, the first VC awarded in 40 years. The nation is very proud of Trooper Donaldson’s service and achievements, his distinguished service to the ADF since 2002 and his valiant actions under enemy fire in Afghanistan, and of all his comrades in Afghanistan. In his humility I am sure he would want us to acknowledge that there are many, many brave soldiers of ours serving in Afghanistan. So to Trooper Donaldson, his wife, Emma, and daughter, Kaylee, we record our sincere gratitude for your service and congratulate you on this most distinguished of honours.

Senator Joyce (Queensland—Leader of the Nationals in the Senate) (3.53 pm)—I concur with the remarks that have been made by Senator Evans and Senator Minchin. It is a very auspicious day. For the first time in approximately 40 years we have the awarding of a VC—the last one being Keith Payne, whom, I am very proud to say, signed my
acceptance form to join the RSL. For valour, the whole concept of the VC is hard to explain to those outside or to those who have not had an involvement in the military. This means that, by tradition, he has to be recognised, even by Angus Houston, with a salute.

Trooper Donaldson’s mother was a widow. He lived in the town of Dorrigo, although he was born at Waratah in Newcastle in 1979, I think. It goes to show that people of incredible calibre emanate from all sorts of beginnings. It is something that the whole nation can be proud of. Trooper Donaldson VC has now, as Senator Minchin rightly pointed out, joined the most distinguished and eminent group of people not only in Australia—there are only two left, Keith Payne and now Trooper Donaldson—but also throughout the world. Australia has only had, I believe, about 96 VCs awarded since the Boer War. It was made retrospective to cover the period of the Crimean War.

Trooper Donaldson really reflects the highest aspirations that people in Australia, regardless of their political allegiances, wish to imitate. When we are a nation made up of people of the calibre of Trooper Mark Gregor Donaldson then we are a nation that knows no limits and can attain all goals. With the utmost respect and the highest congratulations, I convey my thanks and my respect to Trooper Donaldson. I also acknowledge very much his wife, Emma, and his daughter, Kaylee, who make the continual sacrifice of having their husband and father go forward to protect our nation.

Senator FIELDING (Victoria—Leader of the Family First Party) (3.56 pm)—Family First also congratulates Trooper Mark Donaldson on his receipt of the Victoria Cross. He is a hero and I am honoured to have the chance to congratulate him for his extreme bravery under the most difficult of conditions and at the risk of his own life. It is a great tragedy that there is such violence and so little peace in the world that we have to ask young Australians to serve their country in combat. But I think we reserve particular praise for members of our military forces not for killing our enemies, which is a terrible reality, but for risking their lives to save a mate. That is why Trooper Donaldson deserves the Senate’s special praise.

Question agreed to.

PETITIONS

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

Abortion

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

Whereas,

• item 16525 of the Health Insurance (General Medical Service Table) Regulations 2007 provides for the payment of Medicare funds for the performance of second trimester abortions, that is, abortions as late as 26 weeks of pregnancy;

• Medicare funds have, since 1994 paid $1.7 million for 10,000 second trimester abortions;

• babies as young as 21 weeks gestation have been born alive and subsequently flourished;

• Medicare funds may be used to abort babies through the partial birth abortion method and also for abortion procedures in which the baby is born alive but then deliberately left to die; and therefore

We, the undersigned petitioners, pray that the Senate will disallow item 16525 of the Health Insurance (General Medical Service Table) Regulations 2007 and thereby stop the funding of second trimester and late abortions.

by Senator Barnett (from 3,148 citizens)
item 1625 of the Health Insurance (General Medical Service Table) Regulations provides for the payment of Medicare funds for the performance of second trimester abortions, that is, abortions as late as 26 weeks of pregnancy;

Medicare funds have, since 1994 paid $1.7 million for 10,000 second trimester abortions;

babies as young as 21 weeks gestation have been born alive and subsequently flourished;

Medicare funds may be used to abort babies through the partial birth abortion method and also for abortion procedures in which the baby is born alive but then deliberately left to die; and therefore

We, the people and parishioners of Loxton Parish, SA, Loxton and Waikerie, All Saints Parish Pt Augusta SA, Booleroo Centre, St James the Apostle Parish Jamestown SA, Cleve Parish South Australia, Quorn Parish and Port Pirie the undersigned petitioners, seek and pray that the Senate will disallow item 16525 of the Health Insurance (General Medical Service Table) Regulations and thereby stop the funding of second trimester and late abortions.

by Senator Barnett (from 324 citizens)

Petitions received.

NOTICES

Presentation

Senator Hurley to move on the next day of sitting:

That the time for the presentation of the following reports of the Economics Committee be extended to 26 February 2009:

(a) provisions of the Tax Laws Amendment (Taxation of Financial Arrangements) Bill 2008; and

(b) provisions of the Trade Practices Amendment (Cartel Conduct and Other Measures) Bill 2008.

Senator Cormann to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the Select Committee on Fuel and Energy contracted Dr Brian Fisher from Concept Economics to conduct an independent peer review of the Department of the Treasury modelling of the impact of the Government’s proposed Carbon Pollution Reduction Scheme.

(ii) the committee wrote to the Treasurer (Mr Swan) on 9 December 2008 requesting that Dr Fisher, be given ‘full access to the government’s complete documentation of the government’s models together with the model codes and databases and any other model simulations undertaken relevant to the policy scenarios, but not publicly released’ by 17 December 2008,

(iii) to date the Treasurer has not responded to the above request, despite Dr Fisher’s report being due to the committee on 30 January 2009, and

(iv) Dr Fisher has reported that he was impeded in carrying out the work requested by the committee because the information requested from the Treasurer was not made available to him; and

(b) orders that there be laid on the table by the Minister representing the Treasurer, no later than noon on 5 February 2009, the following information relating to the Department of the Treasury modelling, Australia’s low pollution future: The economics of climate change mitigation:

(i) the model documentation and codes together with all databases for both the global trade and environment model and the Monash multi-regional forecasting model that were employed in the department’s modelling of the Carbon Pollution Reduction Scheme scenarios in a form that would allow the reproduction of the department’s results, and

(ii) any other model simulations undertaken relevant to the abovementioned policy scenarios but not publicly released.
Senator Cormann to move on the next day of sitting:

That the Senate—

(a) notes:

(i) the response from the Department of the Treasury to straightforward questions regarding the amount of revenue collected as a result of the increase in the excise on ‘alcopops’ effective 27 April 2008 and other excise measures [question no. sbt 3, parts (1), (18), (19) and (20)] placed on notice at hearings of the Economics Committee in October 2008, that ‘This information is not publicly available’, and

(ii) that there has never been any suggestion, nor would it be accepted by the Senate, that answers to questions asked by senators at estimates hearings should be limited to publicly available material;

(b) considers that this response amounts to a refusal to answer the questions;

(c) orders that there be laid on the table by 5 February 2009 meaningful answers to parts (1), (18), (19) and (20) of question no. sbt 3, previously placed on notice at hearings of the Economics Committee in October 2008; and

(d) orders that there be laid on the table by 23 February 2009, meaningful answers to the following additional questions:

(i) what tax revenue has been collected in each of the following categories of alcohol since 27 April 2008:

(A) beer,

(b) cask wine,

(c) bottled wine,

(d) cider,

(e) spirits, and

(f) other excisable beverages, i.e. ready-to-drink (RTD) beverages (alcopops),

(ii) for each of the categories in question (d)(i), what volumes of alcohol (measured in litres of alcohol) were either:

(A) cleared for home consumption, or

(b) subject to tax under the A New Tax System (Wine Equalisation Tax) Act 1999,

(iii) what is the measured price elasticity of RTD beverages, given the data collected since 27 April 2008,

(iv) is the measured elasticity since 27 April 2008 consistent with the Department of the Treasury modelling underlying the revenue impacts of the tax increase measure published in the 2008-09 Budget,

(v) what were the Department of the Treasury’s estimates of RTD own-price and cross-price elasticity with other alcohol beverages used to calculate the revenue estimates from different alcohol products included in the Mid-year economic and fiscal outlook 2008-09,

(vi) what volume growth rates have been assumed by the Department of the Treasury for different alcohol beverages for the financial years included in the Mid-year economic and fiscal outlook 2008-09,

(vii) what advice was produced by the Department of the Treasury or the Department of Health and Ageing regarding likely substitution effects prior to or following the introduction of the alcopops tax,

(viii) what evidence has the Government collected regarding reduction in risky or high risk drinking and/or at risk behaviour among:

(A) all drinkers,

(b) the following age groups – under 18, 18 to 24, 25 to 40 and over 40,

(c) men, and

(d) women, and

(ix) what evidence has the Government, including the Australian Institute of Health and Welfare, collected regarding those alcohol products most likely to be associated with low risk, risky and high
risk drinking among different age and gender categories.

**Senator Minchin** to move on the next day of sitting:

That there be laid on the table by the Minister for Broadband, Communications and the Digital Economy, no later than 10 am on Thursday, 5 February 2009:

(a) the Australian Competition and Consumer Commission’s formal report on the National Broadband Network (NBN) proposals to the NBN Panel of Experts; and

(b) the final report provided to the Government from the NBN Panel of Experts on submissions to the NBN process.

**Senator Abetz** to move on the next day of sitting:

That the Senate—

(a) notes the comments made by the Deputy Prime Minister (Ms Gillard) and reported in the *Australian Financial Review* on 20 January 2009, regarding the Senate’s 2008 amendments to the Safe Work legislation; and

(b) condemns the Deputy Prime Minister for seeking to circumvent the Senate on the issue of uniform occupational health and safety laws, rather than meet with non-government senators to discuss their concerns about the Safe Work legislation.

**Senator Nash** to move on the next day of sitting:

That the Senate—

(a) notes the sad passing of Mrs Nancy Bird-Walton who died at the age of 93 on 13 January 2009;

(b) notes and commends her significant and inspirational achievements as an aviation pioneer in Australia;

(c) pays tribute to her service to Australian aviation including through the foundation of the Australian Women Pilots’ Association and her longstanding support for the Royal Flying Doctor Service; and

(d) expresses its sincere condolences and profound sympathy to her family and loved ones.

**Senators Siewert and Hanson-Young** to move on the next day of sitting:

That the Senate—

(a) notes that 2 February was World Wetlands Day, a date that marks the anniversary of the signing of the Convention of Wetlands of International Importance (Ramsar Convention) in Ramsar, Iran, on 2 February 1971;

(b) welcomes the release on World Wetlands Day of the 2007 *Ramsar Snapshot Study* noting the significant delay since its completion in December 2007;

(c) calls on the Government to implement its recommendations, and in particular to establish regular systematic reporting on wetland health and management;

(d) notes that the *National report on the implementation of the Ramsar Convention on Wetlands* to the 10th meeting of the Conference of the Contracting Parties in Korea, during October 2008, identified that the greatest challenges Australia faces in delivering on our international wetlands commitments are:

(i) providing adequate volumes of water to Ramsar sites, and

(ii) securing sufficient human and financial resources to implement the convention consistently and effectively;

(e) calls on the Government to act immediately to address these challenges, by providing sufficient resources for planning, management, monitoring and enforcement and by ensuring sufficient volumes of water are set aside to maintain wetland health and ecosystem resilience;

(f) expresses concern at the dire state of wetlands in the Murray-Darling Basin, noting that with up to 90 per cent of the systems original wetlands are already lost and the majority of those remaining are highly stressed, their ability to maintain the health of the river, protect water quality
and deliver ecosystem services is severely threatened (Inland Rivers Network, Wetlands for Our Future 2008 report); and

(g) calls on the Government to act to secure sufficient water within the Murray-Darling system to maintain its health and resilience, to prioritise ecological flows to threatened and degraded wetlands in the basin, and to ensure in particular that the ecological character of the Coorong and Lower Lakes is not changed irretrievably by their flooding with salt water.

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

That the Senate—

(a) notes:

(i) the recent decision by the President of the United States of America, Barack Obama, to overturn the global gag rule for family planning guidelines that effectively prohibits the use of aid funding for some contraceptives, and for abortion advice and services, and

(ii) that Australia is now the only country that continues to enforce these harsh restrictions on our aid program, limiting its ability to provide an effective and essential family planning service;

(b) recognises:

(i) the essential role mothers play in developing communities, with both maternal and child health considered crucial Millennium Development Goals, and

(ii) that an estimated 34 000 mothers die in our region each year, due to the lack of maternal health supports available, with more than half of the 29 developing countries not on track to achieve either goal; and

(c) calls on the Rudd Government to stand up for women’s rights and immediately abolish the family planning guidelines that prevent Australian aid money from being spent on contraception and family planning advice.

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

That the Senate—

(a) notes:

(i) the release in January 2009, of the Australian Human Rights Commission’s 2008 Immigration detention report, and

(ii) this report highlights, among other things, that asylum seekers, including children, continue to be held indefinitely, despite assurances by the Rudd Government that detention is only being used as a last resort, and for the shortest possible time;

(b) recognises 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; and

(c) calls on the Government to translate its ‘new directions’ for Australia’s immigration detention system into policy, practice and legislative change as soon as possible.

Senator Milne to move on the next day of sitting:

That the following matter be referred to the Environment, Communications and the Arts Committee for inquiry and report by 29 May 2009:

Australia’s climate change response, with particular reference to:

(a) the adequacy or otherwise of the Government’s greenhouse gas emission reduction target of 5 per cent by 2020 and 60 per cent by 2050 below 2000 levels in avoiding dangerous anthropogenic interference with the climate, defined as a global temperature rise of more than 2 degrees;

(b) whether or not, if the global community pursues a 550 ppm target until 2020, there is any prospect of achieving a 450 ppm target, i.e. is an ‘overshoot’ emission trajectory realistic and what are the risks involved;

(c) whether or not, if the global community pursues a 550 ppm target, the Govern-
ment’s greenhouse emission reduction targets of 5 per cent by 2020 and 60 per cent by 2050 below 2000 levels constitutes a fair and proportionate contribution to the global abatement task;

(d) what emission targets would be consistent with achieving a 300 ppm, 350 ppm and a 400 ppm atmospheric concentration target, equitably shared between industrial and developing nations, and between industrialised nations; and

(e) the debate into global negotiations to date on per capita emission targets and whether or not the Government’s arguments on per capita emissions are consistent with globally understood principles of equity underpinning burden sharing arrangements.

Senator Ludwig to move on the next day of sitting:

That the Social Security Legislation Amendment (Employment Services Reform) Bill 2008, be now read a second time.

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

That the Senate—

(a) notes with regret the number of people who have been killed in the recent hostilities in Gaza;

(b) expresses deep concern regarding the 437 Palestinian children killed; and

(c) calls on the Government to:

(i) provide urgent additional funding to the United Nations Relief and Works Agency for Palestine Refugees in the Near East in addition to the $5 million already committed, and

(ii) investigate options for the immediate relocation of injured Palestinian children and their families to receive medical treatment in Australia.

Senator Farrelly (South Australia) (3.58 pm)—by leave—At the request of Senator Heffernan, Chair of the Select Committee on Agricultural and Related Industries, I move:

That the Select Committee on Agricultural and Related Industries be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 4 February 2009, from 3.30 pm, to take evidence for the committee’s inquiry into the pricing and supply arrangements in the Australian and global fertiliser market.

Question agreed to.

NOTICES
Postponement

Senator Parry (Tasmania) (3.59 pm)—by leave—At the request of Senator Abetz, I move:

That general business notice of motion no. 332 standing in the name of Senator Abetz for today, proposing an order for the production of a document by the Chair of the Economics Committee (Senator Hurley), be postponed till the next day of sitting.

Question agreed to.

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Barnett for today, proposing a reference to the Legal and Constitutional Affairs Committee, postponed till 5 February 2009.

General business notice of motion no. 183 standing in the name of Senator Milne for today, proposing the introduction of the Energy Efficiency Opportunities Amendment (Mandatory Implementation) Bill 2008, postponed till 24 February 2009.
LEAVE OF ABSENCE

Senator FARRELL (South Australia) (4.00 pm)—by leave—I move:

That leave of absence be granted to Senator McEwen from 3 to 5 February 2009, on account of parliamentary business overseas.

Question agreed to.

Senator PARRY (Tasmania) (4.01 pm)—by leave—I move:

That leave of absence be granted to Senator Adams from today, 3 February, to Tuesday, 12 May 2009, on account of ongoing medical treatment in Western Australia.

I think that all of our thoughts will be with Senator Adams and we wish her a speedy return to the Senate.

Honourable senators—Hear, hear!

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Prime Minister

The DEPUTY PRESIDENT—The President has received a letter from Senator Abetz proposing that a definite matter of public importance be submitted to the Senate for discussion, namely:

The incompatibility in the Prime Minister’s claim to be an economic conservative while also repudiating neo-liberalism.

I call upon those senators who approve of the proposed discussion to rise in their places.

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

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

Senator ABETZ (Tasmania) (4.03 pm)—The Australian people are right to expect the Prime Minister to deal with the economic circumstances we face in a statesmanlike and businesslike manner rather than engage in pseudo-intellectual babble as a veneer to cover for the fact that Labor has no real idea and no experience in how to handle our current situation. Labor is lurching from one stunt to the next with no plan for the future. Remember just 12 months ago Labor was condemning us for overheating the economy: inflation was out of control and we were overheating the economy. Indeed, we had been given 16 warnings, allegedly, by the Reserve Bank on this very issue. Today, 12 months later, is there any talk about the economy being overheated? Absolutely not. These economic incompetents opposite are now desperately trying to restimulate the economy. Having so turned down the economy, now they have to restimulate it. Their attack on us on that occasion failed and, can I tell you, circumstances will show that Mr Rudd’s latest attempt will also fail.

The Australian people are right to feel deceived. The Australian people are right to feel let down. At the last election, courtesy of hundreds of thousands of dollars of schmick advertising gimmickry, Mr Rudd convinced Australians that he was an economic conservative—always has been, always will be. He believed in balanced budgets with no caveat about ‘over the economic cycle’. It was balanced budgets, full stop. And he said he believed in tax cuts: he was an economic conservative.

Those of us who read his first speech when he attacked that great British Prime Minister Margaret Thatcher’s economic policies and his quite bizarre speech on the GST knew he was not, had not been, nor would ever be, an economic conservative. We also knew that he did not understand economics. Indeed, his repudiation of the Hawke-Keating era and embracing of the Whitlam era shows his true colours and reaffirms his
incapacity to grasp the economic imperatives from which social benefits can be derived.

Recently, Mr Rudd, assisted by anonymous others—and I do not blame them for wanting to remain anonymous—scribbled an avalanche of words about the global financial crisis, which is loosely called an ‘essay’. Its thesis, premise and content are undergraduate at best. His false construct of what he imagines neoliberalism to be does not hide his yearning for the old divisive class warfare mentality. His treatise, full as it is of false constructs and frenzied rewriting of history that would make even Stalin blush, and its breathtaking disregard for the actual facts provides no solutions, no remedies, no answers, just vitriol. In these times the Australian people do not want a Prime Minister engaging in petulant and frenzied scribbling as to how everything is somebody else’s fault. Instead of wasting his time confirming what an intellectual lightweight he is, the Prime Minister should have been developing policies that will boost productivity and position Australia for the future to take full advantage of the recovery which will surely come.

No amount of words—not even 7,700 of them—no amount of pseudointellectual babble will hide the fact that Mr Rudd’s response to date has been knee-jerk and reactive, with the short term in mind. The hard earned budget surplus has been splashed out like a quick sugar fix with nothing to show other than depleted coffers.

Mr Rudd’s scribbles use the word ‘crisis’ six times in just one sentence but provide not a single answer. He falsely states that neoliberalism is the cause of the current crisis and of course that the Liberal Party is the embodiment of that philosophy and all that is evil and wrong with the world. Yet only a year ago Mr Rudd was telling us and the Australian people that he was an economic conservative—not a neoliberal—just like Mr Howard and the Liberals. So, clearly, whatever neoliberalism is in Mr Rudd’s imagination, it is not the policy of the previous government—a policy which he adopted and said was his approach to economic management.

So whilst Mr Rudd was busily condemning the former government for what is no longer its economically conservative position—it is instead some imaginary neoliberalism—of too much financial deregulation, his deputy was overseas in Davos crowing about the sound regulatory framework introduced by—guess who?—those nasty neoliberals, those nasty economic conservatives Messrs Howard and Costello. Labor talk with a forked tongue on these issues. For cheap domestic political purposes Mr Rudd is willing to condemn us for not having enough bank regulation, but he then sends his deputy overseas to talk up the Australian financial framework as not only being good but being world leading. The Labor Party have to make up their minds as to how they want to attack us. First it was a matter of us letting the genie out of the bottle with inflation because we overheated the economy. Now the economy is collapsing and they have to reheat the economy. They are attacking us for deregulating too much, but then they say that it is something that the world should be following. So instead of this sort of divisiveness and the falsehoods that Mr Rudd is peddling in this essay, he should be listening to his deputy.

All the while, as this squabble goes on within the Labor Party and as this silly article is being digested, thousands of Australian jobs are being lost. And with jobs being lost, what is Mr Rudd saying? To the businesses of Australia he is saying, ‘Don’t sack anybody. You have a duty to keep people employed.’ Hello, what is he doing at the Australian Taxation Office, where 143 people
have just lost their contracts? The efficiency dividend means that people are being put off in every Public Service department. So what he says is, ‘Do as I say, not as I do.’ Of course we need wage restraint, but not for his chief of staff! This is the sort of economic mishmash that this country has to put up with under the leadership—if I can loosely call it that—of Mr Rudd.

I just ask one question: can somebody remind me how a certain family made its huge wealth? It was off the back of job seekers in a deregulated labour market. If I recall, that might be a certain family. If they do it, it is wonderful and it is all part of the social democratic ethos, but if other people do it, it is evil greed and it is to be condemned.

Mr Rudd’s attacks in his essay have been all over the shop. I must say that it does not make much sense. It does not flow. What he seeks to suggest is that, somehow, keeping budgets in surplus was bad and that wave after wave of tax reductions was bad. But then I remind myself of what Labor’s policies were at the last election. Who introduced billions of dollars worth of tax cuts? It was none other than Mr Rudd. Who promised that he would ensure that the budget would always be balanced? There was no caveat about the economic cycle. It must have been that neoliberal Mr Rudd.

The man, at very best, is confused. This is a man who one day will tell you that he is an economic conservative and then a social democrat. In between those—somewhat and somewhere—he was also, I think, a Christian socialist. Each day he has got a different label, depending on the audience and what suits him. The simple fact is that the people of Australia do not want the Prime Minister to engage in these pseudointellectual exercises that highlight the fact that he is a lightweight in this area. They want him to sit down and manage the economy and ensure that Australian jobs are protected so that, ultimately, after all of these debt problems—private debt that is being replaced by public debt—we have an economy where the private sector can lead the recovery. That is what this country needs and that is the sort of leadership that Australia desperately needs Mr Rudd to provide.

Senator HURLEY (South Australia) (4.13 pm)—It was interesting to hear that diatribe, but let us talk about a few of the facts here. In the article under discussion the Prime Minister wrote:

Neo-liberalism and the free-market fundamentalism it has produced has been revealed as little more than personal greed dressed up as an economic philosophy.

He went on to say:

The current crisis is the culmination of a 30-year domination of economic policy by a free market ideology that has been variously called neo-liberalism, economic liberalism, economic fundamentalism, Thatcherism or the Washington consensus.

Neo-liberalism is a late 20th century philosophic doctrine, a continuation of classical liberalism influenced by the neoclassical theories of economics. The central principle of neo-liberal policy is untrammelled free markets and free trade.

Senator Brandis—That is the policy you took to the last election.

Senator HURLEY—The Labor Party did not take untrammelled free markets as a policy to the last election.

Senator Brandis—Yes, you did.

Senator HURLEY—And I do not think—

Senator Brandis interjecting—

The ACTING DEPUTY PRESIDENT (Senator Humphries)—Order!

Senator HURLEY—I do not think that the Liberal Party took the notion of untrammelled free markets to the last election or any other election either. Some people on the
Liberal side of this chamber seem to be rewriting history.

Senator Brandis interjecting—

The ACTING DEPUTY PRESIDENT—Order! Senator Brandis!

Senator HURLEY—It is an interesting concept that now we are being asked to believe that the Liberal Party is in favour of untrammelled free markets and is against regulation of any sort. I presume that involves the Liberal Party only because on the economics committee the National Party, in the form of Senator Joyce, has been strenuously arguing for more regulation in the consumer sector in any case.

What I quoted is what was said by the Prime Minister. The Prime Minister wrote that this philosophy, in line with the Thatcher-Howard era, is anti tax, anti regulation and anti government intervention. Now I think we see very clearly, in what is happening in the world financial and economic markets, that this is a policy that was indeed doomed to failure. The Prime Minister indeed did say during the last election that he was an economic conservative, and I think those on the other side need it spelt out for them very clearly what this means. It means he believes in maintaining a budget surplus over the economic cycle and is committed to removing trade barriers and realising our free trade objectives. Indeed, this is also a platform policy position of our party and has long been so. What it does not mean, has never meant and never will mean, as far as the Labor Party is concerned, is that we would sit on our hands while the unemployment queues grow and Australians lose their homes, assets and savings, watching idly because we believe that the market will sort it out. I am absolutely bewildered as to what those opposite attribute the global financial crisis to if greed and unregulated financial markets are not a part of that. We then ask ourselves, given what the Liberal Party is now saying, ‘What would the Liberal Party have done in response to the global financial crisis?’

Senator Brandis interjecting—

Senator Chris Evans—Mr Acting Deputy President, I rise on a point of order. I am one to always encourage witty interjections across the chamber and occasional banter, but I think Senator Brandis is testing the patience of the chamber by constantly shouting during Senator Hurley’s speech. I think there is a balance in these matters and I suggest to you that perhaps he has overstepped the mark and we might allow Senator Hurley a little more respect in terms of her making her speech.

The ACTING DEPUTY PRESIDENT—Yes, I will take that point of order. Senator Abetz was heard in silence. I am not sure what the standing orders say about interjecting from a seat other than one’s own in any case, Senator Brandis.

Senator Brandis—I am the shadow minister.

The ACTING DEPUTY PRESIDENT—I see. Interjections are still disorderly, Senator Brandis.

Senator HURLEY—We have to ask ourselves what the Liberal Party would have done. Which bits of the stimulus package or the current government’s response do they regard as radical or even simply non-conservative? Would it have been the guarantee that the savings people have in their banks are safe? Would the Liberal Party not give that? The Liberal Party certainly did not reject that proposal at the time. Would they not give extra assistance to pensioners at the end of last year, as part of that stimulus? In fact, at the time the opposition were stridently calling for extra assistance for pensioners and there are several instances of bonuses having been given to
pensioners by the Howard government, so let us assume that that response would have received approval. Would they not have increased spending on vital infrastructure in conjunction with the states? Do the Liberal Party now reject that response by the Rudd government? Do they not now agree with the idea that we give assistance to those building commercial buildings to support jobs in that sector and to support that sector generally— because we do know as a fact that one of the problems under the Howard government is that there were a lack of tradespeople in the building sector that caused great bottlenecks in our economy. So what is the opposition’s position?

There was a quote in the Adelaide Advertiser of the Leader of the Opposition, Malcolm Turnbull, who said the problem was not going into deficit but how to get out of it later on. Its report said:

“I don’t think with these forecasts there’s any doubt that a deficit is inevitable, given the reduced tax revenues, but the one thing that is not inevitable is that a Labor Government will get out of a deficit,” he told reporters.

So our conservative Prime Minister seems well in tune with the conservative Leader of the Opposition, who has been saying that a deficit is inevitable and has asked how the Labor Party is going to get out of it. That is a fair question, and he has the response. He has the response given today by the Prime Minister, who said:

As the economy recovers, and grows above trend, the Government will take action to return the budget to surplus by:

- banking any increase in tax receipts associated with the economic recovery, while maintaining its commitment to keep tax as a share of the economy on average below the level it inherited; and
- holding real spending growth to 2 per cent a year.

That is the very specific commitment by the Prime Minister and the Labor government to restoring over the economic cycle our surplus once the crisis in global financial circles is dealt with. There is an interesting quote from John Maynard Keynes, who said, ‘The difficulty lies not so much in developing new ideas as in escaping from old ones.’ I would suggest very strongly that is the position of the opposition as of now as they cannot escape from their old ideas even though the world has changed all around them. The world has changed greatly, which the opposition continue to reject. They continue to oppose anything that the government does without a coherent economic plan of their own.

Without a coherent response, without any constructive response of their own, they are content to sit back. We have the Leader of the Opposition, who was once a merchant banker, who has been immersed in the financial situation and who should, with his shadow Treasurer, accept that the world has changed. Now who is the shadow Treasurer? I think Ms Bishop is the shadow Treasurer, but we have not heard much from her at all. You would think that with that kind of expertise we might get some sort of constructive approach to the current global financial situation, but when it suits the opposition they ignore the fact that there is any kind of global economic downturn at all. On the other hand, when it suits them, they talk about the government’s poor response without producing anything that involves a response of their own.

So the question still is: what would the Liberal Party do? I am very proud to be part of the government that has proposed a response that improves infrastructure in Australia, improves education in Australia, improves training in Australia and puts forward an environmental package that ensures that any growth will be sustainable. I am very
proud that the government, in response to the economic downturn, has put forward a package that looks very firmly to the future.

Senator MILNE (Tasmania) (4.23 pm)—I rise today to respond to Senator Abetz’s matter of public importance on whether the Prime Minister is actually a neoliberal or an economic conservative. I do not think there is any evidence to suggest that the government has moved away from neoliberalism, so I do not know what the debate is. It seems to me that it is only a matter of degrees. The Rudd government did go to the people with a very strong position and say, ‘We will not rock the boat in fiscal terms or change the way that the Howard government has managed the economy.’ People were out there asking, ‘Are you going to increase spending to public education?’ The government’s response seemed to be, ‘We’re not going to significantly change. We’re not going to discuss education policy; we’re going to lock in the funding to private education that the Howard government increased all those years—that’s going to stay the same.’

When I moved a motion in this Senate to require those companies that identified energy efficiency opportunities to implement them—to require them to implement the opportunities that they identified—I recall Senator Evans stood up and said very clearly: ‘Regulation isn’t necessary. It should be voluntary. Everybody in this chamber agrees it should be voluntary. Companies should not be made to do the right thing. They will see that they need to do the right thing.’

I come back to education. There is a huge disappointment out there in the public education sector that we have a Minister for Education still talking about vouchers, still talking about giving people the option of going to private tutoring as opposed to putting more teachers in public education. There are a whole range of issues like that. At the moment we have talk about a green car in Australia at the same time as the government is saying we need to advance the free trade negotiation with Saudi Arabia so that we can put six-cylinder vehicles into the Middle East. Now where is the consistent philosophy there?

What we have with the rescue packages—we had $10 billion in December and $42 billion has been announced today—is $52 billion going into the Australian economy, but essentially there is no consistent philosophical base for that. It is a scattergun approach. Before Christmas it was: ‘Let me give you all those dollars. Go out and spend it.’ I remember the Minister for Finance and Deregulation saying: ‘Go and spend it on whitegoods. Go and buy washing machines and all the rest of it.’ This is at a time when we have a global crisis with climate change and with energy consumption and we need to restructure the economy. We are faced with peak oil prices and yet this was, ‘Here’s $10 billion, go out and spend it!’

Einstein said you cannot solve problems with the same mentality that created them and yet we had the Rudd government going out there saying, ‘The problem was greed, excess consumerism and unsustainable use, so here’s $10 billion to go out and do more of it.’ This was in order to keep people employed in the retail sector so that people could buy more things that they probably did not need in a lot of cases. I admit that a lot of people did save that money, and good on them if they did. But look at the casino turnover and the poker machine turnover in Tasmania. Last week I was shocked to see the figures on poker machines in Tasmania, where each poker machine earned more than the average wage in Tasmania. A lot of that money was just thrown in all sorts of directions but with no view to restructuring the Australian economy. There was no sugges-
tion that the old system is broken and needs to be fixed. Now we have another $42 billion. I totally support the money being spent on infrastructure in schools. I am delighted to see that money is going to be spent on providing infrastructure in Australian schools. But it is not infrastructure alone that drives education. Where is the additional funding for public education in order that you would have the staffing of those schools? It is all very well to have new infrastructure, but what about the staffing? What is it that the schools are designed to deliver for Australian students? What sort of education system do we want?

We are hearing the idea that the government might have turned away from neoliberalism, but have I heard about the abolition of HECS? Have I heard about the abolition of fees for tertiary education? That would be a shift from neoliberalism to something different, but we have not heard that. Fees in universities are there to stay under the Labor government. They were introduced under a Labor government and maintained under the Howard government, which went even further with the full-fee-paying courses. While there has been some modification to that under the Rudd government, it is still a case of students having to pay fees for tertiary education. Then we heard floated the other day the idea of sending young people out to pay off their HECS by doing voluntary work in the community. That is effectively providing a subsidy, so you might as well pay people who are better qualified to do that work. If you want people to work in aged-care facilities, train them and pay them to work in aged-care facilities; do not just try to shift the burden to students in our community.

I do not see that the Rudd government has changed very much at all. The Rudd government was out there saying today that we have to get the Doha Round reorganised. That is what the minister said in question time. He said that we must get it back on track. Free trade is everything; unfettered free trade is still the philosophy of the Rudd government, just as it was the philosophy of the Howard government. It is all about undervaluing the Public Service and overvaluing the private sector with regard to the delivery of services. That is consistent across parties.

What we need is a new philosophy which recognises that the major crisis that we are facing now is that posed by climate change and peak oil. We have a financial collapse. The system is broken. This was an opportunity. We could have put $52 billion into restructuring the Australian economy in order to go to a low-carbon or zero-carbon economy and create jobs.

The one good thing about today’s package was in relation to energy efficiency. For the first time, the Rudd government has acknowledged that addressing climate change creates jobs. If you are going to make people’s homes more energy efficient, you have to employ people to go and do that. That stimulates business and jobs. But how much more would it do if you retrofitted the whole country, as the Greens have been suggesting for some time, not only with insulation but with solar hot water? What if you used the money to drive the manufacturing sector in relation to renewable energy? What about investing in public transport—in public services—instead of the private car? Why can’t we see that we need a massive restructure and that we need a different way of viewing the world? That is not going to happen with this package.

I remain unconvinced that there has been any shift away from the neoliberalism that has dominated political thought in this country for the last 30 years. It is absolutely still there. There has been a lot of lost opportunity here. Half the package announced today
is supposedly about supporting jobs. But effectively it is just a cash handout. There is an undirected cash handout across a whole range of sectors, giving people $950 here and $550 there to go and spend. This is about the Rudd government avoiding being seen to take Australia into a technical recession. It is not about restructuring the Australian economy for a low-carbon future and doing something that is consistent across the board—a whole-of-government approach—that would shift us from that old philosophical way of doing things, which celebrated greed and has not allowed for proper regulation particularly of the fat cats. Obscene salaries have been paid to corporate executives, and that is still the case in this country. I cannot see that Senator Abetz has anything to worry about. If he looks carefully, he will find that the Rudd government is in exactly the same fiscal conservative and neoliberal mode that their predecessor, the Howard government, was in.

Senator MASON (Queensland) (4.33 pm)—I am delighted to take part in this debate. I woke up on Saturday morning and looked at the Weekend Australian and thought, ‘Gee, overnight, Mr Rudd has announced the death of capitalism.’ I read a bit further and I thought that it got a little bit better because Mr Rudd said that he is going to fix it. Better still, he is going to refashion capitalism in his own image. That made me wonder, because I am no longer sure what Mr Rudd stands for. As my friend Senator Abetz has pointed out, he came to this place as a Christian socialist and used to cite Dietrich Bonhoeffer. He sometimes described himself as a social democrat. In more recent times leading up to the last election he described himself as an economic conservative.

Senator Brandis interjecting—

Senator MASON—Senator Brandis is right. Mr Rudd said that he wore that badge with honour. He was a fiscal and economic conservative—so much so that he tried to outdo the coalition government. Leading up to the last election, Mr Rudd promised that he would rename the Department of Finance and Administration the Department of Finance and Deregulation. He was going to outdo the coalition; he was going to deregulate further. Then I read today in the Mr Rudd’s speech introducing the great stimulus package that this crisis was created by an ideology of unrestrained greed turbocharged by unregulated financial markets. And who was ‘Captain Zero’ leading up the last election? Mr Rudd. I wonder what the department will be called shortly. Will it become the Department of Finance, Reregulation and No Greed?

Let us have a bit of a look at the history of all this. I would like to give credit to the Labor Party. The Hawke and indeed Keating governments, after the Campbell report into the deregulation of the financial markets in 1982 at the end of the Fraser era, picked up the baton and deregulated the financial markets. And it was a good thing for this country. It was supported, I might add, by the opposition. That was a very good thing for this country. They lowered tariffs, which was also a good thing. I concede straight away that that was difficult, because many of their own interest groups fought against that.

Mr Hawke and Mr Keating led by example from the front—generally, I might add, without support. But they did the right thing. The fathers or godfathers of neoliberalism in this country are Mr Hawke and Mr Keating. That is a fact. I note that in this funny little essay, produced by friends of Mr Rudd and Mr Rudd, he talks about the ideological origins of the current crisis. The ideological origins of the current crisis in terms of Aus-
Australian political ideology go back 25 years to the election of the Hawke government.

Hawke and Keating were not bad at it; they were good at it. But, of course, the Howard and Costello government was even better. In terms of economic growth and prosperity, it was the greatest government in our nation’s history. Let us face it: we inherited $96 billion worth of debt, paid that off and gave the incoming government $22 billion in surplus. We had the lowest unemployment for years and had 50 per cent growth in the economy in this country in the last 10 years. So-called neoliberalism was a stunning success. I would like to stress it. Mr Rudd, in introducing the economic stimulus package today, said:

We do not know for sure how long or deep the global recession will be. Because we acted responsibly to build a strong budget last year, Australia has an enviable budget position. Australia has an enviable budget position because of Peter Costello and John Howard. That is the reason. If we had not been the government when it inherited $96 billion in deficit, this country would be in absolutely dire straits. Thank God for the previous government.

Let me just add this too. The Labor Party likes to talk a lot about social justice and helping people who are disadvantaged. There are many in Australia, and I accept that, but the most disadvantaged people in the world are in the developing countries of Africa and Asia. More people in the last 20 years have come out of poverty than at any other time in the course of human history. Hundreds of millions of people have come out of poverty. Do you know what the engine for this has been? The free market.

Senator Chris Evans—Chinese communism, maybe?

Senator MASON—The free market. The Chinese gave up communism and adopted the free market. Because they did, hundreds of millions of people have been rescued from poverty. It is probably the greatest thing the free market has done in the last 20 years. It has done great things in Australia and terrific things in much of Western Europe but particularly in the developing countries. And what has happened to those countries in Western Europe that did not adopt the dreaded neoliberalism? Countries like France have stagnated and have had 10 per cent unemployment for the last 25 years. The countries that have succeeded in the West have been the dreadful neoliberals that Mr Rudd now derides. We have never believed in untrammelled markets. That is why we have perhaps the best prudential regulations in the world. I heard what Senator Hurley said. That is not right. We have never said there should be no prudential regulations. In fact, as Ms Gillard said in Davos just the other day, we have the strongest and perhaps the best in the world.

Senator Brandis—Introduced by Peter Costello.

Senator MASON—Introduced by Peter Costello. The question that Mr Rudd and his friends do not address is the really interesting point. It is that, since the Second World War, the democratic left in the West has developed no coherent ideology. They did have socialism, which was the nationalisation of the major means of production and exchange, and what happened? That failed. Tony Blair said it failed. Every leader in the democratic left said it failed. No-one adopted it. Ever since the failure of socialism, there has been no coherent ideology. We had the third wave developed by Mr Blair, but Mr Rudd now says that was cosying up too much to the marketplace; he is going to develop a new ideology. If you read that funny little essay, there are only two policy prescriptions. The first is getting more people to the table and consulting more widely—perhaps that is fair
enough—and the other one is—guess what—spend, spend and spend. That is his main policy prescription; he has no other one. What concerns the coalition is where this will end. None of us doubt that there is a crisis. Indeed, the role of government now is to ameliorate the pain in the community. We all accept that. That is the role of government now. But to say that it has been a failure over the last 30 years defies logic. Mr Rudd is a hollow man.

Senator ARBIB (New South Wales) (4.41 pm)—I am pleased to rise in this matter of public importance debate on the Prime Minister on the day when the federal government is putting in place one of the largest stimulus packages this country has ever witnessed. We need to address a global crisis so serious that it almost rivals the Great Depression, yet we are debating here in the chamber economic theory. It just goes to show the priorities of those on the opposite side of the chamber. This is a crisis taking place right now. Australians are losing jobs and Australian businesses are closing. Rather than come into the chamber with solutions and ideas, what do they provide and want to argue about? Economic theories. It shows the current state of the Liberal Party. Like Senator Mason, I woke up a week ago and opened up the newspapers and read about the Young Liberal conference.

Senator Cash—An outstanding conference.

Senator ARBIB—Thank you. I will take the interjection—an outstanding conference. It surely highlighted what today's Liberal Party is really about. On the one side, we had Senator Fifield arguing, ‘We should move to the right; we should stay loyal and true to our beliefs on workplace relations.’

Senator Cameron—More Work Choices.

Senator ARBIB—More Work Choices. We had Senator Abetz saying: ‘We should stay in the centre. We should not move to the left, we should not move to the right; we should stay in the centre.’ Of course, we had the shadow spokesperson for education saying, ‘We should move to the left.’ This is the current state of debate in the Liberal Party—not solutions or a plan to meet the economic crisis but a debate about ideology, a debate you cannot even get straight in your own party. I have never really been into theories. It is not something I have spent much time thinking about in my lifetime. I am more into practice and the way policies get implemented. The one thing I have observed in my time in the Senate and in my time in politics, when you talk about ideology, is that the opposite side are extreme. In terms of the marketplace, they are extremists; they are purists. Unlike Senator Mason, we actually do believe in the marketplace and we believe in capitalism, but we do not believe it should be unfettered.

There are some fantastic examples of how the Liberal Party operated in government and how they operate today. When you talk about what the Liberal Party truly stand for and about their ‘let the market rip’ and Gordon Gekko styles, there is no better icon than Work Choices, with the individual contracts or AWAs and workers losing conditions, penalty rates, redundancy and holiday pay. These are the policies of the Liberal Party and the policies of the National Party. This is the unfettered ‘let the market rip and bugger the consequences’ philosophy.

Let us look at the Liberal Party’s commitment to services and infrastructure. When countries around the world were investing in education, health and infrastructure, the Howard government was taking money out of those areas. The Howard government was stripping money from education, five per cent; stripping money from health, five per cent; and stripping money from infrastructure, 10 per cent. These are the policies of
the Liberal Party, the policies of the ‘let the market rip’ conservatives. With child care we talk endlessly about the problems of ABC Learning. We do not talk too much about the policies of the other side of the chamber which allowed ABC Learning to operate without suitable regulation and to collapse, costing jobs and money and, in the end, putting the livelihoods of families and children at risk. Again, it was due to the policies of those on the other side of the chamber.

*Honourable senators interjecting—*

**The ACTING DEPUTY PRESIDENT**

( **Senator Humphries**)—Order! I cannot hear Senator Arbib.

**Senator ARBIB**—This ideology is important today to how both sides of the chamber are approaching the economic crisis. We all know that this is a crisis that started in the United States with the subprime loans, CDOs and the market derivatives. We all know greed and market capitalism got out of control. There was inadequate regulation in the marketplace and inadequate regulation of public and private bodies, and the result was an economic crisis. As a result this banking liquidity crisis has now become much more serious. In the last three or four months we have seen a banking crisis become a global recession. For Australia things have also become much more serious. Six out of our 10 top trading partners are now in recession. China, our largest partner, making up 15 per cent of our exports, has issued data to show that its growth is going to be cut in half. Japan, our second largest trading partner, is now in recession and is talking about two years just to get out of recession.

Over the last two days the Treasurer and the Prime Minister have been outlining the effect that the global recession will have on our economy. One hundred and fifteen billion dollars has been taken out of government revenue and there is huge pressure on our budget. There are two ways governments can deal with a problem like this. On the opposition side of the chamber it is an easy solution. Do nothing and let the market sort the problem out. Let people suffer until it works its way through the system. Let the scavenger funds go out and pick up a cheap bargain, a cheap property or a portfolio, because that is how the market works.

That is not the Labor way. That is not what we believe in. We are going to intervene in the economy and intervene in the marketplace to ensure that the country has the stimulus it needs to create growth. Today’s $42 billion package is a commitment to taking the action that this country needs to support jobs. We talk a lot about economic figures and we debate theories in here, but in the end a global recession has a huge influence on the livelihoods of everyday Australians. People are going to lose their jobs, people are going to lose their homes and small businesses are going to close.

In relation to the package today I think it has gone down brilliantly. For what we can expect, do not listen to me; let us listen to the experts. Macquarie senior economist Brian Redican today said:

*It’s much bigger than most people expected. It looks like they are bringing forward infrastructure spending to make it more timely and the fact they are forecasting big deficits for 2009/10 and 2010/11 means they are serious about doing all they can to support the economy.*

Listen to ICAP senior economist Adam Carr:

*It’s a pretty decent package. When you look at monetary and fiscal stimulus, one can only assume that inflation pressures are going to build through the economy and any talk of deflation is preposterous.*

The government has a very powerful influence over the economy. If they choose to spend such a large amount, it will provide employment, it will get money flowing through the economy and it will increase GDP.
This is what the experts are saying and the same was said by the Commonwealth Bank. And it is not just the government; today the Reserve Bank also acted and cut interest rates by one per cent to help families and mortgage holders. *(Time expired)*

**Senator Ryan** (Victoria) (5.51 pm)—I, like Senator Mason, woke up on Saturday morning, but I did not actually think we had seen the end of capitalism. I was somewhat more optimistic. I just thought that we had thrown out 25 years of this nation’s policy direction. But then I realised: no, it was only an article by the Prime Minister in the *Monthly*. I realised what this was. Just like it has been with all the state governments—to which Senator Arbib, amongst others, is most closely associated—the government needed someone to blame. It starts off with the state governments blaming their predecessors or the state governments blaming the Commonwealth. But this federal government could not do that. It had to find another purpose. So for the first six months of Labor being in office, we had the Treasurer acting as Major Nelson and, as I have said before, talking and dreaming about his genie. He realised after six months that the problem was that the genie was just a dream. Inflation was not the problem. As the former Treasurer and the Leader of the Opposition had outlined, we had much bigger problems on the horizon. Six months after everyone else realised it was going to be an issue, the Labor government woke up and realised that there was a global financial crisis. That is okay. Governments deal with challenges.

On this side of the chamber, we came to office with a huge deficit. We had an Asian financial crisis, a collapse in the currency and a run on our neighbours’ currencies. We did not run around and do what this government is doing. For the first time ever, we have had a government running around talking down confidence. It ran around telling everyone how miserable their lives were going to be for the next two years. When we were in government, we told people the truth: ‘This is a very difficult period, but the government will help you through it. The government will take a long-term view and not a short-term politically expedient view.’ But just like its state counterparts, this Labor government is a leopard that does not change its spots. It simply says something so often that it makes it true. There are now three forms of truth in Australia: there is the truth, there is something that is not the truth, and then there is a Ruddism. A Ruddism is when you say something so often or when you make this action with your hands to make a point in front of a TV camera so often that everyone becomes so ‘on message’, due the great work of people like Senator Arbib, that you simply make it true.

**Senator Brandis**—It is an aspiration.

**Senator Ryan**—It is an aspirational truth, Senator Brandis. You are quite right. In the article in the *Monthly*, the government has embarked on a new sort of cult. I remember the movie *Dead Poets Society*. It was quite popular when I was young. This government has become the ‘Dead Economist Society’, with the heart paddles on Keynes in an effort to get him going again after the stagflation of the seventies, and there is also an attempt to raise the ghost of the late Hayek. The government is obsessed with battles of the past. But the problem we have now is that earning credibility in Fitzroy and attacking so-called neoliberalism is not a solution to any of the issues that we now face.

As has been outlined by previous speakers in the matter of public importance debate, the Prime Minister has claimed to be a Christian Democrat. He has claimed to be an economic conservative. He is now claiming to be a Social Democrat. If this were Germany,
he would be a government of national unity on his own. If we compare what has happened over the last 20 years in places like Germany or western Europe, which have had those sorts of governments, with what has happened in Australia in that time, the answer is very clear: liberalism has succeeded in Australia. The facts speak for themselves. Where would you have rather been if you were a young person leaving school or university over the past 20 years? What country would you have rather been in to buy a house or start a business? No-one will answer Germany. No-one will answer France. They will say Australia, because it is the land of opportunity, and its economically liberal policies have provided people with the opportunity to make a start in life.

The Ruddism that the government is trying to put forward is that Liberals do not believe in the state. That is simply not true. We put the Australian Prudential Regulation Authority in place, as has already been outlined. The very reason our banking system is the most robust in the world is that we put in place the independence of the Reserve Bank over the opposition and threatened constitutional challenges of the Labor Party. We reformed the Trade Practices Act. We put in place the very measures that ensured the strength of Australia today. The key issue is not that the Liberals oppose regulation; we actually believe it is appropriate. The attack on neoliberalism by the Prime Minister is nothing more than a power grab by people who have been waiting 34 years to reregulate the economy, to reregulate people’s lives and to tell them what they can buy, when they can buy it, when they can go out, where they can drive and what they can do. That is exactly what this attack is; it is nothing more than a long-suppressed urge to control the lives of others—unlike what the economically liberal approach of the last 25 years has done.

I was watching Lateline last night and the person being interviewed said:

We have a floating exchange rate. The thing saving us through the Asian crisis was that we went down to 48c. When the terms of trade boom came to protect us from inflation it went up to 96. In less well times it went down to 64 or 65—in other words, it is completely flexible. The same with wages. We had a flexible labour market returning 4.5 per cent for wages for the last 15 years. That is the point. We are not opposed to that.

That was the former Prime Minister Paul Keating, whom I am not often prone to quoting in this place. We are not going to do what the Labor Party did in opposition. We are not going to run away from our values, which put this country in very good stead and which left the current government with the strongest economy and the strongest budget position in the Western world. In 1996 those opposite ran away, and even today they are running away, from some of the few good things that the previous Labor government did.

What is neoliberalism? I was trying to think what it might be. Is it surplus budgets? It seems to be, because they are no longer present. I have learnt that the definition of ‘balance over the cycle’ is that Labor run deficits and we pay back the debt. Is it flexible labour markets? Yes, it is. Is it free trade? I like the fact that Australian workers do not have to pay in real terms three times as much for their shirts as they used to pay, because we no longer have tariffs. They can buy a car made in Japan or Europe—something that is not restricted to the wealthy in our society. They are not taxed or penalised for making a choice about where they want to spend their money.

What have the last 25 years delivered? They have delivered record economic growth and unprecedented prosperity for all of Australia. Until Saturday, that was the view of both sides of politics. We argued over many
of the differences that we had, but we did not try and misrepresent what had happened. The Labor Party stands condemned for the article written by the Prime Minister. It stands condemned for trying to misrepresent what has been achieved in this country over the last 25 years, through the sacrifices of many.

Senator CAMERON (New South Wales) (4.58 pm)—This matter of public importance debate is absolutely unbelievable. It demonstrates that the coalition are living in a time warp. I think the movie that influenced Senator Ryan was none other than *Wall Street*, with Gordon Gekko. At a time of economic of global economic crisis, the Liberal Party come in here with a time-warped defence of economic liberalism. At a time when governments around the world are actively intervening in the operation of the market in the interests of economic stability and the wellbeing of their country, Senator Abetz wants to engage in an ideological defence of the failed theories of neoliberalism.

Senator Abetz and the Liberal Party are stricken by an ideological blindness that means they cannot accept that the theories that have underpinned the Howard government’s approach have failed. Senator Abetz must now accept that the grab bag of ideas that made up neoliberalism have led to the global economic meltdown and huge inequalities; they have led to poverty and to inefficiencies in our economy. Senator Abetz knows that the foundations of economic fundamentalism—the dogma that markets are self-correcting, that markets allocate resources efficiently and that markets serve the public interest to the exclusion of all else—has been exposed as no more than a theory that has been discredited by the historic developments of recent times.

I know it is hard for the Liberal Party to accept that Friedrich von Hayek, Milton Friedman, Margaret Thatcher, Ronald Reagan and John Howard were wrong to place the future of society in the hands of the market. We believe there must be a role for government. Multi millions of dollars have been spent by the neoliberals on think tanks, media blitzes and public relations exercises to convince the public that neoliberalism is the only way forward and that it is some natural condition for humankind. How wrong can you be when you see the very fundamentals of the international economy under unprecedented pressure? After three decades of neoliberalism, John Maynard Keynes is back in town—and he is back in town in every country in the world, including the United States. It is not surprising that the Nobel prize-winning economist Joseph Stiglitz said that ‘learning the lesson that neoliberalism is not supported by economic theory and not supported by historical experience may well be the silver lining in the cloud now hanging over the global economy’. This is the lesson that the Liberals have to learn.

It is clear that Senator Abetz and the Liberal Party have not learned the lessons that unfettered neoliberalism will destroy the economy. Malcolm Turnbull continues to dogmatically defend the market in the face of global evidence of the danger of allowing the market to operate in an unfettered and uncontrolled manner. Letting the market rip is a discredited, dangerous and unacceptable way forward. We will never adopt the approach that says there is no alternative. And we will never accept the neoliberal approach espoused by Thatcher:

*It is our job to glory in inequality and see that talents and abilities are given vent and expression for the benefit of us all.*

We will never ‘glory in inequality’. That is the reason the Australian public tossed you lot out on your ears. That is the reason that Work Choices became the epitome of inequality in this country. And that is the reason
why you are here, belatedly and hopelessly, trying to defend neoliberalism. We will never glory in inequality, as you on the other side have done. We will make sure the markets operate in the interests of the Australian community. (Time expired)

The ACTING DEPUTY PRESIDENT (Senator Hurley)—Order! The time for consideration of the matter of public importance has concluded.

MINISTERIAL STATEMENTS

Nation Building and Jobs Plan

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (5.04 pm)—On behalf of the Prime Minister, Mr Rudd, I table a ministerial statement responding to the global financial and economic crisis.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Hurley)—Pursuant to standing orders 38 and 166, I present documents listed below which were presented to the President, the Deputy President and temporary chairs of committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised. I also present documents and responses to resolutions of the Senate as listed below. In accordance with the usual practice and with the concurrence of the Senate I ask that the government responses be incorporated in Hansard.

The list read as follows—

Committee reports

Legal and Constitutional Affairs Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Effectiveness of the Sex Discrimination Act 1984 in eliminating discrimination and promoting gender equality (received 12 December 2008)

Environment, Communications and the Arts Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008 (received 18 December 2008)

Government responses to parliamentary committee reports

Joint Standing Committee on the National Capital and External Territories—Report—The way forward: Inquiry into the role of the National Capital Authority (received 11 December 2008)

Parliamentary committee reports. President’s report on government responses outstanding as of June 2008 (received 16 December 2008)

Parliamentary Joint Committee on Intelligence and Security—Review of security and counter terrorism legislation (received 23 December 2008)

Parliamentary Joint Committee on Intelligence and Security—Inquiry into the proscription of ‘terrorist organisations’, under the Australian Criminal Code (received 23 December 2008)

Finance and Public Administration Committee—Report—Knock, knock who’s there? The Lobbying Code of Conduct (received 15 January 2009)

Joint Committee of Public Accounts and Audit—411th report: Progress on equipment acquisition and financial reporting in Defence (received 27 January 2009)

Ministerial statement

Immigration—Changes to the 2008-09 skilled migration program—Ministerial statement by the Minister for Immigration and Citizenship (Senator Evans).

Government documents

Australian Building and Construction Commissioner—Report for 2007-08. [Received 22 December 2008]
Australian Communications and Media Authority—Communications report for 2007-08. [Received 5 December 2008]
Australian Crime Commission—Report for 2007-08. [Received 9 January 2009]
Australian Electoral Commission—Report for 2007-08—Correction. [Received 2 February 2009]
Australian Landcare Council—Report for 2007-08. [Received 11 December 2008]
Australian Political Exchange Council—Report for 2006-07. [Received 22 December 2008]
Australian Rail Track Corporation Ltd (ARTC)—Report for 2007-08. [Received 16 December 2008]
Classification Board and Classification Review Board—Reports for 2007-08—Addendum. [Received 24 December 2008]
Commonwealth Electoral Act 1918—2008 Redistribution into electoral divisions—Western Australia—Report, together with composite maps [2] and compact disc of supporting information. [Received 16 January 2009]
Dairy Australia Limited—Report for 2007-08. [Received 18 December 2008]
Department of Education, Employment and Workplace Relations—Australian vocational education and training system—Report for 2007. [Received 12 December 2008]
Department of Finance and Deregulation—Consolidated financial statements for the year ended 30 June 2008. [Received 9 December 2008]
Estimates of proposed additional expenditure for 2008-09—Portfolio additional estimates statements—Portfolios and executive departments—Health and Ageing portfolio. [Received 10 December 2008]
Executive Director of Township Leasing—Report for 2007-08. [Received 10 December 2008]
Export Wheat Commission—Report for the period 1 October 2007 to 30 June 2008. [Received 17 December 2008]
Federal Magistrates Court of Australia—Report for 2007-08—Errata. [Received 27 January 2009]
Gene Technology Regulator—Quarterly report for the period 1 July to 30 September 2008. [Received 21 January 2009]
High Court of Australia—Report for 2007-08. [Received 16 December 2008]
Inquiry into the case of Dr Mohamed Haneef—Report by the Hon. John Clarke QC, November 2008. [Received 23 December 2008]
Government response. [Received 23 December 2008]
Members of Parliament (Staff) Act 1984—Report for 2007-08. [Received 23 December 2008]
National Capital Authority—Report for 2007-08. [Received 9 December 2008]
National Health and Medical Research Council (NHMRC)—NHMRC Licensing Committee—Report on the operation of the Research Involving Human Embryos Act 2002 for the period 1 April to 30 September 2008. [Received 15 December 2008]
Native Title Act 1993—Native title representative bodies—Central Land Council—Report for 2007-08. [Received 10 December 2008]
Pharmaceutical Benefits Pricing Authority—Report for 2007-08. [Received 18 December 2008]
Private Health Insurance Administration Council—Report for 2007-08 on the operations of the registered health benefits organisations. [Received 17 December 2008]

Tax expenditures statement 2008, dated January 2009. [Received 29 January 2008]

Reports of the Auditor-General

Auditor-General—Audit reports for 2008-09—

No. 12—Performance audit—Active after-school communities program—Australian Sports Commission. [Received 10 December 2008]

No. 13—Performance audit—Government agencies’ management of their websites—Australian Bureau of Statistics; Department of Agriculture, Fisheries and Forestry; Department of Foreign Affairs and Trade. [Received 16 December 2008]

No. 14—Financial statement audit—Audits of the financial statements of Australian Government entities for the period ended 30 June 2008. [Received 17 December 2008]

No. 15—Performance audit—the Australian Institute of Marine Science’s management of its co-investment research program—Australian Institute of Marine Science. [Received 18 December 2008]

No. 16—Performance audit—the Australian Taxation Office’s administration of business continuity management—Australian Taxation Office. [Received 22 December 2008]

No. 17—Performance audit—Administration of Job Network outcome payments—Department of Education, Employment and Workplace Relations. [Received 28 January 2009]

Departmental and Agency Contracts—Order for Production of Documents—Document

Departmental and agency contracts for 2008—Letter of advice—Department of Agriculture, Fisheries and Forestry.

Departmental and Agency Appointments—Order for Production of Documents—Documents

Departmental and agency appointments—Additional estimates—Letters of advice—Agriculture, Fisheries and Forestry portfolio agencies. [Received 2 February 2009]

Australian Institute of Family Studies portfolio agencies. [Received 2 February 2009]

Broadband, Communications and the Digital Economy portfolio agencies. [Received 29 January 2009]

Defence portfolio agencies. [Received 30 January 2009]

Infrastructure, Transport, Regional Development and Local Government portfolio agencies. [Received 30 January 2009]

Treasury portfolio agencies. [Received 2 February 2009]

Veterans’ Affairs portfolio agencies. [Received 30 January 2009]

Departmental and Agency Grants—Order for Production of Documents—Documents

Departmental and agency grants—Additional estimates—Letters of advice—Agriculture, Fisheries and Forestry portfolio agencies. [Received 2 February 2009]

Attorney-General’s portfolio agencies. [Received 27 January 2009]

Australian Institute of Family Studies portfolio agencies. [Received 2 February 2009]

Defence portfolio agencies. [Received 30 January 2009]

Department of Broadband, Communications and the Digital Economy. [Received 29 January 2009]

Infrastructure, Transport, Regional Development and Local Government portfolio agencies. [Received 30 January 2009]
Treasury portfolio agencies. [Received 2 February 2009]
Veterans’ Affairs portfolio agencies. [Received 30 January 2009]

Senate Committee Reports—Register 2008 Supplement—Document
Senate Committee Reports—Consolidated register of Senate committee reports— 2008 supplement.

Business of the Senate—1 January to 31 December 2008—Document
Business of the Senate—1 January to 31 December 2008.

Questions on Notice Summary—Document
Questions on notice summary—12 February to 31 December 2008.

Standing Order 37(3)—Access to Committee Documents—Documents
Standing order 37(3)—Access to committee documents—Reports to the Senate [2].

Auditor-General—Audit Report No. 18 of 2008-09—Document
Auditor-General—Audit report no. 18 of 2008-09—Performance audit—The administration of grants under the Australian political parties for democracy program—Department of Finance and Deregulation.

Environment—Pesticides—Document
Environment—Pesticides—Letter to the President of the Senate from the Minister for Agriculture, Fisheries and Forestry (Mr Burke) responding to the resolution of the Senate of 25 November 2008, dated 13 January 2009.

Industry—Fishing—Moreton Bay—Document
Industry—Fishing—Moreton Bay—Letter to the President of the Senate from the Premier of Queensland (Ms Bligh) responding to the resolution of the Senate of 27 November 2008, dated 2 January 2009.

Environment—Tasmania—Tarkine Forest—Document
Environment—Tasmania—Tarkine Forest—Letter to the President of the Senate from the Minister for Infrastructure, Transport, Regional Development and Local Government (Mr Albanese) responding to the resolution of the Senate of 1 December 2008, dated 22 December 2008.

Environment—South Australia—Trees For Life—Document
Environment—South Australia—Trees For Life—Letter to the President of the Senate from the Chief Executive Officer, Trees For Life (Ms Dundon) responding to the resolution of the Senate of 2 December 2008, dated 11 December 2008.

Ordered that the Business of the Senate for 1 January to 31 December 2008 be printed.

The government responses read as follows—

AUSTRALIAN GOVERNMENT RESPONSE
REPORT OF THE JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL AND EXTERNAL TERRITORIES
THE WAY FORWARD – INQUIRY INTO THE ROLE OF THE NATIONAL CAPITAL AUTHORITY
Minister for Home Affairs
DECEMBER 2008

Introduction
On 19 February 2008, the Minister for Home Affairs, the Hon Bob Debus MP, requested the Joint Standing Committee on the National Capital and External Territories (‘the Joint Standing Committee’) to inquire into and report on the role of the National Capital Authority (‘the Authority’).

The terms of reference for the inquiry required the Joint Standing Committee to review the:
- administration of the National Capital Plan (‘the Plan’);
- Authority’s governance arrangements;
- level of oversight required to achieve the highest standards in design in the Australian Capital Territory (ACT);
- opportunities for greater cooperation with ACT Government planning authorities; and
- promotion of the national capital.

CHAMBER
The Joint Standing Committee identified three key objectives for its inquiry:

- to ensure that the Commonwealth protect and promote the unique design of Canberra because it represents the intrinsic character of the national capital;
- where possible, align land administration with planning jurisdiction; and
- foster greater co-operation and collaboration between the Commonwealth and the ACT Governments on planning and related matters.

On 16 July 2008, the Joint Standing Committee tabled its report The Way Forward – Inquiry into the Role of the National Capital Authority (‘the Report’).

The Government will take the opportunity of this latest Joint Standing Committee report to consider how best to meet the Commonwealth’s obligation to the national capital. Issues considered in the process may be outside the scope of the Joint Standing Committee’s specific recommendations, but will address the issues raised.

The Government acknowledges the important work of the Joint Standing Committee and wishes to maintain the momentum created by the inquiry and Report. However, the Government will not immediately commit to all the current recommendations because it might need to implement the recommendations differently after a review of planning and land management responsibilities (discussed in the Government’s response to Recommendation 14).

**Background**

The Authority was established in 1989, under the Australian Capital Territory (Planning and Land Management) Act 1988 (‘the Act’). The Authority comprises five members: currently a part-time Chairperson; a full-time Chief Executive; and three part-time non-executive members.

The functions of the Authority are established under section 6 of the Act. The functions are:

- to prepare and administer the National Capital Plan;
- to keep the Plan under constant review and to propose amendments to it when necessary;
- on behalf of the Commonwealth, to commission works to be carried out in Designated Areas in accordance with the Plan where neither a Department of State of the Commonwealth nor any Commonwealth authority has the responsibility to commission those works;
- to recommend to the Minister the carrying out of works that it considers desirable to maintain or enhance the character of the national capital;
- to foster an awareness of Canberra as the national capital;
- with the approval of the Minister, to perform planning services for any person or body, whether within Australia or overseas; and
- with the Minister’s approval, on behalf of the Commonwealth, to manage national land designated in writing by the Minister as land required for the special purposes of Canberra as the national capital.

The Act establishes the Plan, which ensures that Canberra and the Territory ‘are planned and developed in accordance with their national significance’. The Act also establishes the Territory Plan, which ensures, in a manner not inconsistent with the Plan, that the ACT is planned and developed to provide the people of the Territory with an attractive, safe and efficient environment in which to live and work and have their recreation.

The powers of the Minister are established by section 7(1) of the Act, which allows the Minister to give the Authority general direction, in writing, as to the performance of its functions.

The process for developing and amending the Plan is set out in sections 14 to 23 of the Act. In performing this function, the Authority has the independence to propose amendments to the Plan, which the Minister may approve.

**Summary of the Report**

The Joint Standing Committee proposed that the governance arrangements of the Authority should allow more independence to the Authority, commensurate with its status as a statutory authority. The Joint Standing Committee also recommended...
the development of a single integrated planning document for the ACT, comprising the National Capital Plan and the Territory Plan. The plan would be integrated through agreed definitions and clear geographic boundaries.

Chapters 1-3 of the Joint Standing Committee’s report provide a summary of the Joint Standing Committee’s role, previous reviews undertaken of the Authority and the role of the Authority. Recommendations are contained in Chapter 2 and Chapters 4-11.

The Joint Standing Committee’s report contains 22 recommendations. The Government accepts 13 of those recommendations in full, in part or in principle.

The Government does not accept four recommendations that primarily relate to delegating planning powers to the ACT, the functions of the proposed National Capital Consultative Council and providing funding for a three dimensional digital plan.

The Government notes that the proposed Council is similar in form to the Minister for Home Affairs’ Minister’s Canberra Consultative Forum. This forum enables ACT region representatives to express their views to the Minister for Home Affairs and the ACT Chief Minister. The Government considers that any changes to the Forum and the establishment of a new council should only have a consultative function, rather than any specific decision-making or recommenderatory functions.

The Government has noted five recommendations relating to: the position of Commonwealth Architect; airport planning; the preparation of a joint sustainable transport plan; resourcing for the Authority; and an independent review mechanism for certain decisions of the Authority.

The Government considers that the creation of the position of Commonwealth Architect may duplicate the role or the services currently available to the Authority.

Recommendation 1: That the Commonwealth Government affirm its direct and enduring commitment to the future of Canberra as a planned national capital on behalf of all Australians.

The Commonwealth has an enduring interest and commitment to the future of Canberra as a planned national capital on behalf of all Australians. The ACT is vested in the Commonwealth by virtue of section 125 of the Constitution for establishing the Seat of Government. Canberra is the home of our democratic institutions such as the Parliament of Australia and the High Court. Canberra is a unique capital city. It is one of only four capital cities in the world that has been planned as a capital city from its inception.

Canberra is also home to the memorials that honour the men and women who sacrificed their lives to protect the interests and values of the people of Australia. In Canberra, icons of national significance, like the National Museum of Australia, reflect our national identity, ideals and aspirations.

The Government affirms its direct and enduring commitment to the future of Canberra as a planned national capital on behalf of all Australians.

Recommendation 2: That the Australian Capital Territory (Planning and Land Management) Act 1988 be amended to include the following provisions:

- That the National Capital Authority board consists of a Chairperson and seven members.
- That a minimum of two National Capital Authority board members be from the ACT region.
- That a person appointed as a National Capital Authority board member by the Commonwealth Government must have qualifications or expertise relevant to a field related to the Authority’s functions as set out in section 6 of the Australian Capital Territory (Planning and Land Management) Act 1988.
- That the Chief Executive no longer have ex-officio status on the National Capital Authority board.
- That the appointment of Chief Executive should be made on recommendation of the National Capital Authority board and the Chief Executive be fully accountable to the board.

Recommendation 1: That the Commonwealth Government affirm its direct and enduring commitment to the future of Canberra as a planned national capital on behalf of all Australians.

The Government accepts this recommendation.
The Government accepts this recommendation in part.
The Government agrees in principle to amending the Act to provide for the Authority comprising a minimum of five and a maximum of seven members. However, the Government will consider the overall structure of the Authority in the context of the inter-governmental committee that will consider how to best align and streamline planning and land management (discussed in the Government’s response to Recommendation 14).
The Government also agrees that greater engagement of local and national perspectives is one way of ensuring that the ACT and Commonwealth Government interests in the development of the national capital are properly considered.
The Government does not agree that the Chief Executive should not be a member of the Authority. The Chief Executive will continue to remain on the Authority board, while being responsible for staff of the Authority as an Agency Head for the purposes of the Public Service Act 1999 and the Financial Management and Accountability Act 1997. The Chief Executive will continue to provide operational and advisory support to the Authority in the exercise of its statutory functions.

Recommendation 3: That the Australian Capital Territory (Planning and Land Management) Act 1988 be amended to require the Chairperson of the National Capital Authority to appear twice a year before the Joint Standing Committee for the National Capital and External Territories.

The Government accepts this recommendation in principle.

The Government supports increased accountability measures to allow for greater scrutiny of the operations of the Authority. The Chairperson should be accountable for the Authority’s performance of its statutory functions. The Government notes that the appropriate mechanism to achieve the objective of this recommendation is an amendment to the Joint Standing Committee’s Standing Resolution of Appointment and will refer consideration of the change to the Committee Secretariat.

Recommendation 4: That a National Capital Consultative Council be established. This Council would have representatives from the Commonwealth Government and the ACT Government, the community and business. The Council would be co-chaired by the responsible Minister and the ACT Chief Minister.

The Government accepts this recommendation in principle.

The Government agrees that consultative mechanisms enabling the Commonwealth to hear from the ACT Government, ACT community and business representatives would provide valuable information and support to the reform process.

The Government notes that the Minister for Home Affairs has an existing Canberra Consultative Forum and will consider whether this forum can form the basis for a National Capital Consultative Council.

The Forum, and its predecessor, the Canberra Region Ministerial Forum, has been a longstanding mechanism for fostering links between the Commonwealth Government, the ACT Government and the Canberra business community.

The Council will assist the Government in its further consideration of the planning relationship between the Commonwealth Government and the ACT Government in the context of its review to streamline planning and land management responsibilities in the ACT (discussed in the Government’s response to Recommendation 14).

Recommendation 5: That the Commonwealth Government establish the position of Commonwealth Architect within the Department of the Prime Minister and Cabinet.

The Government notes this recommendation.

The Government, including the Authority and the responsible Minister, has the power to obtain any advice it requires in the performance of its functions. This includes obtaining architectural services. Section 44 of the Act allows the Minister, upon recommendation of the Authority, to appoint a committee to give advice to the Authority or to assist in the performance of its functions.

The Government expects that the Authority will continue to seek advice of highly skilled and experienced architects when required. The Government will also retain the ability to obtain architectural advice on its building and/or land manage-
ment projects through normal departmental procurement mechanisms.

The Government is also concerned that the creation of the position of Commonwealth Architect may only serve to duplicate and complicate the role of the Authority in the exercise of its statutory functions relating to planning and development of areas of land in the ACT.

If the Government is provided with further evidence that the position of Commonwealth Architect is desirable, and will not duplicate the functions of the Authority, then it may be considered further.

**Recommendation 6:** That the *Australian Capital Territory (Planning and Land Management) Act 1988* be amended to require all draft amendments to the National Capital Plan and all proposed works (with the exception of de-minimus works) in the Parliamentary Zone to be referred to the Joint Standing Committee on the National Capital and External Territories for its consideration and report, if necessary, within three months.

The Government accepts this recommendation in principle.

The Government values the important role the Joint Standing Committee plays in scrutinising and reporting on draft amendments to the Plan. Since its inception, the Joint Standing Committee has undertaken several reviews of the Authority and its operations.

However, the Joint Standing Committee is established by resolution of appointment of both Houses of Parliament. The Speaker of the House of Representatives and the President of the Senate must introduce amendments to the resolution. Both Houses of Parliament must agree to any amendment to the resolution of appointment of the Joint Standing Committee.

The Government is encouraged by the Joint Standing Committee’s resolve to review all draft amendments to the Plan and all proposed works (with the exception of de-minimus works) in the Parliamentary Zone. The Government notes that any expansion of the Joint Standing Committee will likely involve an increase in responsibilities and administrative burdens to the Joint Standing Committee. The Joint Standing Committee has indicated that it is willing to accept this eventuality.

The Government will consider how best to implement this recommendation in the context of its review to streamline planning and land management responsibilities in the ACT (discussed in the Government’s response to Recommendation 14).

**Recommendation 7:** In the interest of improving uniformity between the two planning systems, the Development Assessment Forum model should be assessed by the National Capital Authority for its relevance and application to the National Capital Plan and a report provided to the Joint Standing Committee and Minister within three months from the date of the Government Response to this report.

The Government accepts this recommendation in principle.

The Government will ask the Authority to make an assessment of the relevance and application of the Development Assessment Forum model in the context of its review to streamline planning and land management responsibilities in the ACT (discussed in the Government’s response to Recommendation 14).

**Recommendation 8:** That existing relevant Commonwealth and Territory legislation be amended to protect the heritage of all Designated Areas in Canberra.

The Government accepts this recommendation in principle.

The Government understands that, although the ACT can list heritage places in Territory Land that is Designated Area, the usual statutory systems of the ACT and Commonwealth governments to protect the places do not generally apply. The Government will work with the ACT Government to consider how best to implement this recommendation in the context of aligning and streamlining planning and land management responsibility (discussed in the Government’s response to Recommendation 14).

**Recommendation 9:** That the role of the National Capital Authority be clarified to include promotion of the national cultural icons located in the Central National Area.
The Government accepts this recommendation in principle.

The Authority’s current promotion function under section 6(e) of the Act is to foster an awareness of Canberra as the national capital. The Government accepts that greater clarity may be given to this particular function to provide certainty as to the scope and purpose of the Commonwealth’s role in this area.

**Recommendation 10:** That the National Capital Consultative Council prepare a domestic and international tourism and marketing plan for the national capital for consideration by both the ACT and Commonwealth Governments in their next respective budgets. In addition, the Committee recommends that such a plan factor in the Centenary of Canberra celebrations in 2013.

The Government does not accept this recommendation.

Under Schedule 4 of the Australian Capital Territory (Self-Government) Act 1988, the ACT Government has responsibility for governing matters relating to tourism. The Government recognises that the Commonwealth has a responsibility to promote the national capital for its national significance. However, the Government considers that the preparation of a joint tourism and marketing plan would enmesh the Commonwealth Government in areas of traditional responsibility of the ACT Government.

The Government agrees that the Centenary of Canberra in 2013 is an opportunity to celebrate the role of Canberra as a national capital to Australia. Australians should be afforded an opportunity to experience and learn more about Canberra as a national capital.

The Government is committed to celebrating and commemorating Canberra’s centenary and will work with the ACT Government to ensure that there is a national celebration of the capital as a place of national significance and meaning that represents our national identity, heritage, culture and democratic values.

The Government is canvassing options for how best to celebrate and commemorate Canberra’s centenary in consultation with the ACT Government.

**Recommendation 11:** That the Department of Infrastructure, Transport, Regional Development and Local Government consult with the National Capital Authority to ensure that the Airport Master Plan and the major development plan is in line with the National Capital Plan.

The Government notes this recommendation.

The *Airports Act 1996* (‘the Airports Act’) and associated regulations provide a comprehensive regulatory regime to ensure orderly land use planning and development of the leased Commonwealth airports. The Airports Act requires the airport lessee companies prepare key planning documents such as master plans, major development plans and environmental management strategies. Airport lessee companies must provide a 60 business day public consultation period prior to lodgement of the plan/strategy with the Minister for Infrastructure, Transport, Local Government and Regional Development. This provides the community with the opportunity to scrutinise an airport’s planning intentions and proposed developments, including environmental and other impacts.

Airport lessee companies must also advise in writing State, Territory and Local Government planning authorities of their intention to submit a draft major development plan to the Infrastructure Minister. In deciding whether or not to approve the plan, the Infrastructure Minister must have regard to the outcome of the consultations undertaken by the airports lessee company.

On 10 April 2008, the Infrastructure Minister announced the Government’s commitment to the development of a National Aviation Policy Statement.

The Government recognises that a key challenge at major airports is integrating planning for the development of airport sites with consideration of the impacts of development outside airports. The National Aviation Policy Statement is a more appropriate forum to consider the planning issues for Canberra International Airport, within a whole-of-Government framework.

The National Aviation Policy Green Paper will outline possible policy directions, settings and reforms for the Australian aviation industry and will be released for public comment in the latter...
half of 2008. A Government White Paper will be finalised in mid-2009 addressing each of the key short, medium and long term challenges identified.

**Recommendation 12:** That the National Capital Consultative Council make recommendations to the Commonwealth Government for a policy to govern future locations of Commonwealth Government agencies in Canberra.

The Government does not accept this recommendation.

The Government considers that the proposed National Capital Consultative Council, or the existing Minister’s Canberra Consultative Forum, should not have specific decision or recommendatory powers but should remain a consultative forum. However, the Government acknowledges the impact of the Commonwealth’s accommodation decisions on the ACT and the ACT’s town centres. The Government commits to working with the ACT Government to ensure that it is consulted on matters that are relevant to the holistic development of Canberra as the national capital.

**Recommendation 13:** That the Commonwealth and the ACT Government prepare a joint Sustainable Transport Plan which is recognised in both the National Capital Plan and the Territory Plan.

The Government notes this recommendation.

The Government acknowledges that there should be close consultation between the Commonwealth and ACT Governments in developing a sustainable approach to Canberra’s transport needs and that planning needs to take account of transport implications.

The Government does not agree that the transport issue should be considered solely within the planning framework. The Government will work with the ACT Government to canvass options for how this recommendation may be implemented.

**Recommendation 14:** That, as a possible interim measure to resolve duplication, the Commonwealth consider amendments to the *Australian Capital Territory (Planning and Land Management) Act 1988* to permit the National Capital Authority and ACT Planning and Land Authority to negotiate a memorandum of understanding to delegate the planning jurisdiction for Territory Land which has designated status under the National Capital Plan from the NCA to ACTPLA. Such delegation would need to be accompanied by the necessary resources to fulfil these functions.

The Government does not accept this recommendation.

The multi-layered framework for planning and land management in the ACT creates a significant amount of confusion for stakeholders wishing to develop, maintain or enhance areas of the national capital.

The Government does not consider that a Memorandum of Understanding, permitting the ACT Planning and Land Authority to be a delegate under the Act, would achieve a reduction in the complexities associated with planning and land management responsibilities.

However, the Government is seeking to reduce duplication in responsibilities between the Commonwealth and ACT planning authorities. The Government will establish an inter-governmental committee comprised of representatives of Commonwealth departments, the ACT Government and other stakeholders.

The inter-governmental committee will determine options for how best to simplify the planning and land management responsibilities that are divided amongst several stakeholders in the ACT. The inter-governmental committee will report to the Government with options for implementation as soon as practicable.

**Recommendation 15:** That, in the interests of removing unnecessary complexity and red tape:

- ‘Special Requirements’ be removed from the National Capital Plan;
- All areas of National Land previously subject to Special Requirements be converted to Designated Areas; and
- Any areas of Territory Land previously subject to ‘Special Requirements’ where the Commonwealth has a significant and enduring planning interest be converted to Designated Areas until a broader review of the National Capital Plan and Territory Plan is undertaken to assess whether such areas should
be considered for future gazettal as National Land.

The Government accepts this recommendation in principle.

The Government will consider how best to implement this recommendation through the options prepared by the inter-governmental committee for simplification of planning and land management responsibilities in the ACT.

**Recommendation 16:** The strategic goal of ecologically sustainable development should be embedded as a major principle in the *Australian Capital Territory (Planning and Land Management) Act* 1988.

The Government accepts this recommendation in principle.

The Government considers that the United Nations Environmental Program Melbourne Principles for Sustainable Cities provide a comprehensive and integrated understanding of sustainable development principles for cities which should inform any changes to the simplification of the planning system in ACT. The Melbourne Principles are accessible at: http://www.cidb.org.za/Documents/KnowledgeCentre/melbourne_principles.pdf

The Government is committed to encouraging ecologically sustainable development. The Government will consider the best ways to encourage ecologically sustainable development in Canberra through the options prepared by the inter-governmental committee for simplifying the planning and land management responsibilities in the ACT and the review of the Commonwealth’s national capital responsibilities.

**Recommendation 17:** That the *Australian Capital Territory (Planning and Land Management) Act* 1988 be amended to enshrine the policies and principles of national significance as described in the proposed National Capital Land Use Plan in a schedule of the Act, and that the proposed Implementation Strategy be included as a disallowable instrument. The Act should also be amended to specify a requirement for the National Capital Land Use Plan and Implementation Strategy to be reviewed every three to five years.

The Government accepts this recommendation in principle.

The Government acknowledges that the meaning of national significance in the Plan should be clarified and established within the legislation establishing the ACT’s planning system.

The Government will consider how best to implement this recommendation through the options prepared by the inter-governmental committee for simplification of planning and land management responsibilities.

**Recommendation 18:** That the National Capital Authority and ACT Planning and Land Authority form a joint working group to achieve a single integrated document which:

- Comprises the statutory plans, and agrees on clear geographic boundaries between the two plans based on the committee’s objective that, where possible, land administration be aligned with planning jurisdiction;
- includes harmonised language, definitions and structure;
- provides guidelines for interpretation of the two plans;
- provides advice to the Commonwealth Government on enshrining the policies and principles relating to national significance across the Australian Capital Territory in the form of the National Capital Land Use Plan in the *Australian Capital Territory (Planning and Land Management) Act* 1988; and
- provides advice to the Commonwealth and ACT Governments on the key elements of the Implementation Strategy.

The Government accepts this recommendation in principle.

The Government intends to simplify complexities and ambiguities, particularly relating to definitions, used in both the National Capital Plan and the Territory Plan. The Government recognises that the development of a single integrated framework and the simplification of terms and guidelines has positive benefits for individuals and businesses seeking to develop areas of land in the ACT.

The Government will work closely with the ACT Government to establish the best ways to implement this recommendation. This will be achieved through the options prepared by the inter-
governmental committee for simplification of planning and land management responsibilities.

**Recommendation 19:** That the National Capital Authority be resourced to participate in the working parties and reviews as required.

The Government notes this recommendation.

The Government will work with the Authority to ensure its full participation and engagement in the inter-governmental review of planning and land management responsibilities in the ACT.

**Recommendation 20:** That any draft amendment(s) to the National Capital Plan proposing uplift of Designated Areas and a formal geographic re-alignment of planning jurisdiction be referred to the Joint Standing Committee on the National Capital and External Territories for inquiry.

The Government accepts this recommendation in principle.

The Government agrees that significant changes to the planning system and the Plan should be subject to the scrutiny of the Joint Standing Committee. However, the framework for the inter-governmental committee establishing options for simplification of the planning system in the ACT is yet to be determined. The Government does not wish to pre-empt any decision it may take about the future use of Designated Areas and/or the geographic realignment of planning and land management responsibilities in the ACT.

The Government will consider how best to implement this recommendation in the context of aligning and streamlining planning and land management responsibilities in the ACT.

**Recommendation 21:** That, in the interest of aligning the National Capital Authority’s planning system with the ACT’s, the *Australian Capital Territory (Planning and Land Management) Act 1988* be amended to include a provision for decisions on development applications made under the Act to be subject to review through the Commonwealth Administrative Appeals Tribunal.

The Government notes this recommendation.

The Government is committed to balancing the concerns of ACT residents about planning and development decisions with protecting the Commonwealth’s interests in the development of the national capital. The Government will consider this recommendation through the options prepared by the inter-governmental committee for simplification of planning and land management responsibilities in the ACT.

**Recommendation 22:** That the Commonwealth provide resources to the National Capital Authority to continue the development of a cost effective three-dimensional integrated plan in digital format which is available online with the purpose of gaining efficiencies in planning and enhancing consultation.

The Government does not accept this recommendation.

The Government does not consider that the development of a digital format plan for the ACT is a priority when considered against the recommendations already proposed by the Joint Standing Committee. The Government further considers that the Authority should review the need for a digital plan against proposed changes to the planning framework and the available technology.

It will be open to the Authority, should it consider it appropriate, to seek funding for such a project within the normal Government fiscal and resource allocation processes.

**Other Actions**

In addition to implementing the Joint Standing Committee’s recommendations, the Government has also decided to enhance the available powers of the responsible Minister.

The Government considers it appropriate for the responsible Minister, on behalf of the Commonwealth, to intervene directly in a matter that is in the national interest. The determinative power will be a reserve power, of last resort, accompanied by safeguards that require the responsible Minister to make a direction in writing and to table the direction and the reasons for the making of the direction before the Parliament.

The Act provides for the Authority to prepare and administer the Plan and to suggest amendments to the responsible Minister for his or her approval. The Minister may approve the proposed amendments or direct the Authority to consider a particular matter or make suggestions for the Authority’s consideration. However, there is no provision in the Act that allows for the breaking of a
“deadlock” situation, should the Authority decline to change a proposed amendment that the Minister is not prepared to approve.

The Government will amend the Act to allow the responsible Minister to issue binding policy directions to the Authority about its operating model, including consultation and best practice business planning.

The Auditor-General recently criticised the Authority’s management of diplomatic leases. The Government has already formed an inter-departmental committee in response to a recommendation from the Auditor-General relating to the development of a whole-of-Government approach to administering diplomatic leases.

GOVERNMENT RESPONSES TO PARLIAMENTARY COMMITTEE REPORTS RESPONSE TO THE REPORT TABLED BY THE PRESIDENT OF THE SENATE ON 26 JUNE 2008

Circulated by the Leader of the Government in the Senate
Senator the Hon Chris Evans
December 2008

FOREWORD

On 26 June 2008 the President of the Senate tabled a report of outstanding government responses to Parliamentary Committee reports, listing parliamentary committee reports to which government responses were outstanding.

This document presents the government’s response to the President’s report of 26 June 2008.

A CERTAIN MARITIME INCIDENT (Select) Report on a Certain Maritime Incident

A government response is being considered.

ADMINISTRATION OF INDIGENOUS AFFAIRS (Select) After ATSIC – Life in the mainstream?

This report was addressed by the passage of the previous government’s legislation in 2005 which amended the Aboriginal and Torres Strait Islander Commission Act 1989. No further action required.

AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY (Joint, Statutory) Examination of the annual report of the Integrity Commissioner 2006-07

Response not required.

AUSTRALIAN CRIME COMMISSION (Joint, Statutory) Review of the Australian Crime Commission Act 2002

The response is in the final stages of preparation.

Examination of the Australian Crime Commission Annual Report 2004-2005

The response is in the final stages of preparation.

Inquiry into the manufacture, importation and use of amphetamines and other synthetic drugs (AOSD)

The response is in the final stages of preparation.

Inquiry into future impact of serious and organised crime in Australian Society

The response is in the final stages of preparation.

Examination of the Australian Crime Commission Annual Report 2006-07

The response is in the final stages of preparation.

COMMUNITY AFFAIRS LEGISLATION Tobacco advertising prohibition

Given the bills which are the subject of this report are no longer on the Parliamentary Legislative Schedule there is no longer a context in which to provide a response.

Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005

The issues in this report were dealt with during the debate on this bill in the Parliament, and no further response is required.

COMMUNITY AFFAIRS REFERENCES Workplace exposure to toxic dust


Beyond petrol sniffing: renewing hope for Indigenous communities

Response overtaken by 2008 Senate Inquiry into Petrol Sniffing And Substance Abuse in Central
Australia. The inquiry includes a response to the 2006 Report.

COMMUNITY AFFAIRS STANDING

Funding and operation of the Commonwealth State/Territory Disability Agreement

The government response is being considered and will be tabled in due course.

National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2007 [Provisions]

The issues in this report were dealt with during the debate on this bill in the Parliament, and no further response is required.

Health Insurance Amendment (Medicare Dental Services) Bill 2007 [Provisions]

The issues in this report were dealt with during the debate on this bill in the Parliament, and no further response is required.

Highway to health: better access for rural, regional and remote patients

The government response is being considered and will be tabled in due course.

A decent quality of life—Inquiry into the cost of living pressures on older Australians

Presented to the President on the 5 September 2008.

Alcohol Toll Reduction Bill 2007 [2008]

Given the bill which is the subject of this report is no longer on the Parliamentary Legislative Schedule there is no longer a context in which to provide a response.

Mental health services in Australia - Interim report

Response not required.

Ready-to-drink alcohol beverages

While no response is required, the report will be taken into account when the relevant legislation is considered by the Parliament.

A matter relating to the Positron Emission Tomography (PET) Review 2000


CORPORATIONS AND FINANCIAL SERVICES (Joint, Statutory)

Report on the regulations and ASIC policy statements made under the Financial Services Reform Act 2001

A number of recommendations outlined in the report have been addressed. The government is considering the outstanding recommendations and will take appropriate action.

Inquiry into the review of the Managed Investments Act 1998

The government is considering the report and will prepare a response in due course.

Inquiry into Regulation 7.1.29 in Corporations Amendment Regulations 2003 (No.3), Statutory Rules 2003 No.85

The government is considering the report and will prepare a response in due course.

Money matters in the bush-Inquiry into the level of banking & financial services in rural, regional & remote areas of Australia

The response is being developed. A number of matters considered by the report have undergone substantial change since the report was tabled in 2004. This has required consideration of the recommendations against the changed industry and policy environment.

Report on the ATM fee structure

The response is being developed. A number of matters considered by the report have undergone substantial change since the report was tabled in 2004. This has required consideration of the recommendations against the changed industry and policy environment. Report is a subsidiary report to Money Matters in the Bush.

Corporations amendment regulations 2003

The dollar disclosure requirements in the Corporations Amendment Regulations (No. 10) were implemented in August 2007. The government is considering the outstanding recommendations and will take appropriate action.

Corporations Amendment Regulations 7.1.29A, 7.1.35A and 7.1.40(h)

The government is considering the report and will prepare a response in due course.

Property investment advice - Safe as houses?

The government has consulted on this matter in a Green Paper dated June 2008 and is considering
the submissions provided by stakeholders. In addition, the government has secured a COAG agreement to include investment property loans in a new federal Universal Consumer Code of Conduct.

Statutory oversight of the Australian Securities and Investments Commission, December 2005

The Australian Securities and Investment Commission is an independent statutory body. Recommendations relating to ASICs operational arrangements are a matter for ASIC. Recommendations relating to government policy will be considered as part of normal government business.

Corporate responsibility: Managing risk and creating value

The government is considering the recommendations in this report and will prepare a response in due course. On 19 May 2008, the Prime Minister announced that the Australian Government would provide $2 million over three years to the St James Ethics Centre to develop the capacity of Australian businesses to identify and adopt more responsible business practices.

Statutory oversight of the Australian Securities and Investments Commission, August 2006

The Australian Securities and Investment Commission is an independent statutory body. Recommendations relating to ASICs operational arrangements are a matter for ASIC. Recommendations relating to Government policy will be considered as part of normal government business. The Government notes that subjects of recommendation three (of three) were dealt with in the context of Parliamentary debate on the Corporations Amendment (Simpler Regulatory System) Bill 2007 in both the House of Representatives and the Senate; and in the Treasury discussion paper, Review of Sanctions in Corporate Law, released in March 2007.

Corporations Amendment (Takeovers) Bill 2006 [Exposure Draft]

The recommendations were dealt with in the context of parliamentary debate on the bill in both the House of Representatives and the Senate. No further response is required.

Statutory oversight of the Australian Securities and Investments Commission, March 2007

The Australian Securities and Investment Commission is an independent statutory body. Recommendations relating to ASICs operational arrangements are a matter for ASIC. Recommendations relating to government policy will be considered as part of normal government business. The government has consulted on this matter in a Green Paper dated June 2008 and is considering the submissions provided by stakeholders.

Corporations Amendment (Insolvency) Bill 2007 [Exposure Draft]; Corporations and Australian Securities and Investments Commission Amendment Regulations 2007 [Exposure Draft]

Response to the report was included in the Second Reading Speech to the Corporations Amendment (Insolvency) Bill 2007. No further response is required.

Corporations Legislation Amendment (Simpler Regulatory System) Bill 2007 and related bills

The recommendations were dealt with in the context of parliamentary debate on the bill in both the House of Representatives and the Senate. No further response is required.

Structure and operation of the superannuation industry

The government is considering its response and will prepare a response in due course.

Statutory oversight of the Australian Securities and Investments Commission, August 2007

The Australian Securities and Investment Commission is an independent statutory body. Recommendations relating to ASICs operational arrangements are a matter for ASIC. Recommendations relating to government policy will be considered as part of normal government business.

Better shareholders - Better company: Shareholder engagement and participation in Australia

The government is considering the report and will prepare a response in due course.
CORPORATIONS AND SECURITIES (Joint, Statutory)
Report on aspects of the regulation of proprietary companies
The government is considering the report and will prepare a response in due course.

ECONOMICS LEGISLATION
Report on annual reports (No. 1 of 2006)
The government response is being prepared and will be tabled in due course.

ECONOMICS REFERENCES
Consenting adults deficits and household debt – Link between Australia’s current account deficit, the demand for imported goods and household debt
The government response is being considered and will be tabled in due course.

ECONOMIC STANDING
Private equity investment in Australia
The report has no recommendations. No response required.

Reserve Bank Amendment (Enhanced Independence) Bill 2008 [Provisions]
The government response is being finalised and will be tabled in due course.

Australia’s space science and industry sector - Interim report
Response not required.

Tax Laws Amendment (Budget Measures) Bill 2008
The government does not propose to respond, as committee’s recommendation were overtaken by the release of MYEFO on 5 Nov 2008.

ELECTORAL MATTERS (Joint, Standing)
Civics and electoral education

Review of certain aspects of the administration of the Australian Electoral Commission
The government response was tabled in the Senate and the House of Representatives on 18 September 2008.

Advisory report on Schedule 1 of the Tax Laws Amendment (2008 Measures No. 1) Bill 2008
Response not required.

EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES
Bridging the skills divide
The government response is being considered and will be tabled in due course.

Indigenous education funding – Interim report and Final report
A government response is being considered and will be tabled in due course.

Student income support
On 13 March 2008, the Minister for Education, the Hon Julia Gillard MP announced a major Review of Australian Higher Education to examine the future directions of the higher education sector, including consideration of widening access to higher education and the role of student support programs in promoting social inclusion and individual opportunity. The Review will report to the government by the end of 2008. In the context of the change of government and given the timing of the Review, the Senate Inquiry report has been overtaken by Higher Education Review. For this reason, the government does not propose to respond to the Senate Inquiry Report.

EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION STANDING
Workforce challenges in the transport industry
The government response is being considered and will be tabled in due course.

Quality of school education
A government response is being considered and will be tabled in due course.

ENVIRONMENT, COMMUNICATIONS AND THE ARTS STANDING
The effectiveness of the broadcasting codes of practice
The government response is being considered and will be tabled in due course.
Regulating the Range, Jabiluka, Beverley and Honeymoon uranium mines

The report was overtaken by the previous government’s response to the House of Representatives Standing Committee on Industry and Resources Australia’s uranium: Greenhouse friendly fuel for an energy hungry world, tabled on 29 March 2007. Therefore, no response is required.

Lurching forward, looking back: Budgetary and environmental implications of the Government’s Energy White Paper

The report has been overtaken by events and the government will not be tabling a response.

The performance of the Australian telecommunications regulatory regime

The government does not propose to respond to the report as it has been overtaken by events.

Living with a salinity – a report on progress: The extent and economic impact of salinity in Australia

The government response is currently being updated to reflect the new NRM Program, Caring for our Country, input from other areas of the Department of Agriculture, Fisheries and Forestry and other Departments. The response is expected to be tabled in the first quarter of 2009.

About time! Women in sport and recreation in Australia

A government response to the report is being prepared and will be tabled in due course.

Conserving Australia – Australia’s national parks, conservation reserves and marine protected areas

The government’s response is being considered and will be tabled in due course.

Indigenous art – Securing the future – Australia’s Indigenous visual arts and craft sector

The government response was tabled on 8 August 2008.

Sexualisation of children in the contemporary media

The government response is being considered and will be tabled in due course.

FINANCE AND PUBLIC ADMINISTRATION REFERENCES

Staff employed under the Members of Parliament (Staff) Act 1984

A government response is being considered.

Matter relating to the Gallipoli Peninsula

The government response is being considered and will be tabled in due course.

Government advertising and accountability

A government response is being considered.

FINANCE AND PUBLIC ADMINISTRATION STANDING

Department and agency contracts – Second report on the operation of the Senate order for the production of lists of departmental and agency contracts (2003-06)


Transparency and accountability of Commonwealth public funding and expenditure

Interim response provided to the committee on 16 April 2008. The final response is being prepared and will be tabled in due course.


The recommendations were dealt with in the context of Parliamentary debate on the bill in the House of Representatives and the Senate. No response required.

Annual reports (No.2 of 2007)

The government response is being prepared and will be tabled in due course.

Annual reports (No. 1 of 2008)

The government response is being prepared and will be tabled in due course.
Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2008

The government response is being considered and will be tabled in due course.

FOREIGN AFFAIRS, DEFENCE AND TRADE (Joint, Standing)

Inquiry into Australia’s trade with Mexico and the region

The government response was tabled in the Senate and the House of Representatives 18 September 2008.

Australia’s aid program in the Pacific

The government response was tabled in the Senate and the House of Representatives 27 November 2008.


The government response was tabled in the Senate and the House of Representatives 13 November 2008.

FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION

Export Finance and Insurance Corporation Amendment Bill 2006

The recommendations were dealt with in the context of parliamentary debate on the bill in both the House of Representatives and the Senate. No further response is required.

FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES

The removal, search for and discovery of Ms Vivian Solon – Final report

A government response was tabled in the Senate 27 November 2008.

FOREIGN AFFAIRS, DEFENCE AND TRADE STANDING

Blue water ships: consolidating past achievements

The recommendations of the Senate Standing Committee from Foreign Affairs, Defence and Trade Inquiry into Naval Shipbuilding will be addressed through the articulation of Strategic Industry Capabilities in the Defence White Paper.

Reforms to Australia’s military justice systems – second progress report

No government response required as there were no recommendations.

Australia’s public diplomacy: building our image

The government is considering the response, which will be tabled when approved.

Reforms to Australia’s military justice system: Third progress report

No government response required as there were no recommendations.

HOUSING AFFORDABILITY IN AUSTRALIA (Senate Select)

A good house is hard to find: Housing affordability in Australia

The government response is being considered and will be tabled in due course.

INTELLIGENCE AND SECURITY (Joint, Statutory)

Review of security and counter terrorism legislation

The response is being considered and will be tabled in due course.

Inquiry into the proscription of terrorist organisation under the Australian Criminal Code

The response is being considered and will be tabled in due course.

Review of the re-listing of the Kurdistan Workers’ Party (PKK)

The response is being considered and will be tabled in due course.

LEGAL AND CONSTITUTIONAL AFFAIRS STANDING

Unfinished business: Indigenous stolen wages

The government response is being considered and will be tabled in due course.


Dealt with in the context of parliamentary debate on the bill; no further response required.
Telecommunications (Interception and Access) Amendment Bill 2008
Dealt with in the context of parliamentary debate on the bill; no further response required.

Stolen Generation Compensation Bill 2008
The government response is being considered and will be tabled in due course.

LEGAL AND CONSTITUTIONAL REFERENCES
Reconciliation: Off track
The government response is being considered and will be tabled in due course.

The road to a republic
A government response is being considered.

MEDICARE (Senate, Select)
Medicare – healthcare or welfare? and Second report: Medicare Plus: the future for Medicare?
These reports have become out of date with the passage of time and the government does not propose to respond.

MENTAL HEALTH (Select)
A national approach to mental health - from crisis to community – Final report
This report has been overtaken by further national reforms in this area and the recently released final report of the Senate Community Affairs Committee Inquiry into mental health services in Australia: Towards Recovery: mental health services in Australia, tabled on 25 September 2008 to which the government response is being considered. Hence no further action is being taken on A national approach to mental health – from crisis to community.

MIGRATION (Joint, Standing)
Negotiating the maze – Review of arrangements for overseas skills recognition, upgrading and licensing
The government response is being revised for further consideration.

Temporary visas…permanent benefits: Ensuring the effectiveness, fairness and integrity of the temporary business visa program
The government response will be finalised following the review of the Subclass 457 visa program.

MINISTERIAL DISCRETION IN MIGRATION MATTERS (Senate, Select) Report
The government response is being revised to reflect the government’s recent changes and reform agenda in respect to ministerial intervention arrangements.

PUBLIC ACCOUNTS AND AUDIT (Joint, Statutory)
Developments in aviation security since the Committee’s June 2004 Report 400: Review of aviation security in Australia – An interim report (Report No. 406)
Sent to Joint Committee of Public Accounts and Audit for tabling on 23 October 2008.

Review of Auditor-General’s reports tabled between 18 January and 18 April 2005 (Report No. 407)
The government response is being prepared and will be tabled in due course. Finance’s response to recommendations 2 and 13 was provided 3 September 2007.

Developments in aviation security since the Committee’s June 2004 Report 400: Review of aviation security in Australia (Report No. 409)
Sent to Joint Committee of Public Accounts and Audit for tabling on 23 October 2008.

Tax administration (Report No. 410)
Government response was tabled in the Senate and House of Representatives 13 November 2008.

PUBLICATIONS (Joint, Standing)
Printing standards for documents presented to Parliament
The government response is being considered and will be tabled in due course.

RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION
An appropriate level of protection? The importation of salmon products: A case study of the administration of Australian quarantine and the impact of international trade arrangements
Government response was tabled in the Senate 25 September 2008.
Biosecurity Australia’s import risk analysis for pig meat
Government response was tabled in the Senate 25 September 2008.

Administration of Biosecurity Australia – Revised draft import risk analysis for bananas from the Philippines
Government response was tabled in the Senate 25 September 2008.

Administration of Biosecurity Australia – Revised draft import risk analysis for apples from New Zealand
Government response was tabled in the Senate 25 September 2008.

The administration by the Department of the Agriculture, Fisheries and Forestry of the citrus canker outbreak
Government response was tabled in the Senate 25 September 2008.

RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES

Iraqi wheat debt – repayments for wheat growers
The government’s response is being reviewed in consultation with relevant agencies and will be tabled once approved.

RURAL AND REGIONAL AFFAIRS AND TRANSPORT STANDING

Water policy initiatives – Final report
The report has been overtaken by events and the government will not be tabling a response.

Australia’s future oil supply and alternative transport fuels – Final report
The response has been prepared and will be tabled in due course.

Options for addition water supplies for South East Queensland
Government response was tabled in the Senate 4 December 2008.

TREATIES (Joint Standing)

Treaties tabled on 27 March and 9 May 2007 (86th report)
Response not required.

Treaties tabled on 12 March 2008 (91st report)
The government response is being considered and will be tabled in due course.

Parliamentary Joint Committee on Intelligence and Security

Review of Security and Counter-Terrorism Legislation
Tabled 4 December 2006
(Note: This Review took into account recommendations made by the Security Legislation Review Committee (Sheller Committee)

Government response to recommendations
(Note: Any legislative amendments to Part 5.3 of the Criminal Code require the approval of the majority of the States and Territories in accordance with the Inter-Governmental Agreement on the Counter-Terrorism Laws.)

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<td>Rationale / Community education and publicity 1. The Committee recommends that the Government support/sponsor a study into the causes of violent radicalisation in Australia to inform Australia’s counter-terrorism strategy.</td>
<td>The Government supports this recommendation. The Government recognises that communities have an important role to play in protecting our national security and is committed to engaging the community on a range of national security matters. Considerable research has already been undertaken by Australian and overseas universities and think tanks on the causes of violent radicalisation. The Government is actively considering how best to take this forward in the Australian context. Several jurisdictions have already undertaken relevant...</td>
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**Recommendation** | **Response**  
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Further reviews  
2. The Committee recommends that:  
(a) the Government appoint an independent person of high standing as an Independent Reviewer of terrorism law in Australia.  
(b) the Independent Reviewer be free to set his or her own priorities and have access to all necessary information;  
(c) the Independent Reviewer report annually to Parliament  
(d) the Intelligence Services Act 2001 be amended to require the PJCIS to examine the reports of the Independent Review tabled in the Parliament.  
  
Effectiveness and Implications:  
Impact on Arab and Muslim Australians  
3. The committee recommends that Australian police forces review their media policies to ensure that official studies and begun specifically targeted programs.  
In addition, as an ongoing task, the Attorney-General’s Department (the Department) has undertaken considerable work to educate communities and create public awareness of the counter-terrorism laws. This has included the distribution of pamphlets in eight different languages spoken in Australia and has involved Departmental officers speaking at public forums. Future activities could involve extending the range of languages in which information pamphlets are produced (depending on community needs), preparing supplementary explanatory material where a significant change to the counter-terrorism laws is introduced and providing presentations to a range of community groups and stakeholders about impending key amendments to counter-terrorism legislation. In order to enhance the effectiveness of existing education and public awareness programs, attention will be directed towards extending counter-terrorism public information arrangements.  
The Government supports the development of a framework for the regular reviewing of the counter-terrorism legislation through the establishment of a new statutory office in the Prime Minister’s Portfolio, to be known as the National Security Legislation Monitor, reporting to Parliament.  
Ongoing review of the counter-terrorism legislation is consistent with the Government’s policy imperative to ensure the laws operate in an effective and accountable manner.  
The National Security Legislation Monitor will bring a more consolidated approach to ongoing review of the laws. This will avoid the past practice of ad hoc reviews on particular aspects which has resulted in a less holistic approach and can be resource-intensive for both the reviewing body and the relevant agencies involved in the review.  
It is only after there has been experience with the legislation that its practical operation and effectiveness, and implications for national security and human rights can be fully assessed. A formal mechanism for regularly examining the use of the laws and drawing out lessons from their practical operation would ensure ongoing improvement of those laws.  
The Government supports this recommendation.  
See discussion for recommendation 1.
Recommendation Response

4. The Committee recommends that AGD increase its efforts to ensure comprehensive information about the terrorism law regime is available to the public in appropriate community languages.

The Government supports this recommendation. See discussion for recommendations 1 and 3.

5. The Committee recommends that Australia’s counter terrorism strategy encompass:

(a) a commitment to the rights of Muslims to live free from harassment and enjoy the same rights extended to all religious groups in Australia;
(b) wide dissemination of information about mechanisms for complaint or redress in relation to law enforcement, intelligence agencies and the media; and
(c) a statement on the importance of informed and balanced reporting to promote social cohesion.

The Government supports this recommendation. See discussion for recommendation 1.

6. The Committee recommends that:

(a) the offence of treason be restructured so that conduct constituting treason apply only to persons who owe allegiance to Australia or who have voluntarily placed themselves under Australia’s protection;
(b) the conduct of others, which falls within the scope of paragraphs 80.1(1)(a)(b)(c), should be dealt with separately;
(c) the offence of assisting the enemy under paragraph 80.1(e) and (f) be clarified to cover ‘material assistance’;
(d) paragraph 80.1(f) be amended to require knowledge of the existence of armed hostilities.

The Government supports sub-recommendation (a) in relation to providing an allegiance or duty requirement within the treason offence. Historically, it was always intended that the treason offence contain an allegiance element. Therefore, it is important that the provision expressly state this so it is clear that the presence of a betrayal of an allegiance or duty to the state is integral to the operation of the treason offence.

The Government supports sub-recommendation (c). The offence already requires that assistance provided to the enemy be real or concrete and not mere rhetoric or expressions of dissent. Clarifying the conduct standard as one of ‘material assistance’ is reflective of how the offence is intended to operate. The ALRC made similar recommendations in its Report entitled Fighting Words: A Review of Sedition Laws in Australia (ALRC 104) (see recommendation 11-2)

The Government does not support sub-recommendations 6(b) and 6(d). In recommendation 6(b), the PJCIS recommends that the types of treasonable conduct set out in subsections 80.1(a)-(c) be separated. Implementation of the recommendation would not serve to improve the operation of the offence. Recommendation 6(d) proposes amending the fault elements of the treason offence. This is not supported as


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<td>Definition of Terrorist Act 7. The Committee recommends that the requirement that the person intends to advance a political, religious or ideological cause be retained as part of the definition of terrorism.</td>
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<td>Advocacy 8. The Committee recommends that the current exemption for advocacy, protest, dissent and industrial action be retained as part of the definition of terrorism.</td>
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<td>Psychological harm 9. The Committee recommends that psychological harm not be included in the definition of a terrorist act. Alternatively, that the Government consult with the States and Territories on this issue and give consideration to the question in light of other amendments to the definition.</td>
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**Response**

- it would confine the scope of the offence to those circumstances where the defendant knew about the existence of armed hostilities. The offence in section 80.1(f) currently requires that a person intentionally engage in conduct which is intended to assist an enemy (either country or organisation) which is engaged in armed hostilities against the Australian Defence Force. In proving that a person intended to assist the enemy, the prosecution would be required to prove that the defendant was aware that the ADF was engaged in armed hostilities against the enemy and provided assistance regardless. The defence of ‘good faith’ applies to the treason offence.
- The Government supports recommendation 7 in relation to retaining the element ‘intention to advance a political, religious or ideological cause’ as part of the definition of terrorist act. The definition of terrorist act focuses on the motive associated with a terrorist act that distinguishes such violence from other non-terrorist acts. The Government supports recommendation 8 in relation to retaining the current exemption for advocacy, protest, dissent and industrial action within the definition of terrorist act. The policy objective in introducing this qualification was to distinguish terrorism from acts of legitimate political protest or unlawful civil protest with no ‘terrorist act’ connection.
- The Government supports the alternative option in this recommendation to consult the States and Territories to give consideration to including psychological harm within the definition of terrorist act. The general definition of harm in the Criminal Code includes harm to a person’s mental health, whether temporary or permanent. In order to ensure consistency within the Criminal Code, the notion of harm which applies to the definition of ‘terrorist act’ in section 100.1(2)(a) (being serious harm that is physical harm) could be expanded to include psychological harm. Psychological harm can be just as damaging as physical harm. Fear associated with the threat of terrorism or the implications associated with the commission of a terrorist act manifest beyond tangible physical harm. Amendment to the definition would be consistent with the recommendations made by the Sheller Committee and the submissions made to the PJCIS by bodies such as the Law Institute of Victoria and the Gilbert & Tobin Centre of Public Law.
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| Threat of a terrorist act                                                       | The Government supports in principle recommendation 10, and will consult the States and Territories on clarifying the application of ‘threat of action’ within the definition of terrorist act.  
As the Sheller Review and PJCIS review both raised issues in relation to the concept of threat within the definition, a clarification to the definition would assist in making it clear that the threats of action relate to damage which is likely to be caused as a result of the terrorist threat as opposed to damage which is actually caused by a terrorist act. |
| 10. The Committee recommends that ‘threat’ of terrorist act be removed from the definition of terrorism and be dealt with as a separate offence. |                                                                                                                                                                                                           |
| International organisations                                                      | The Government supports recommendation 11 to recognise that international organisations, such as the United Nations, may be the target of terrorist violence.                                                 |
| 11. The Committee recommends that the definition of terrorism recognise that international organisations may be the target of terrorist violence. |                                                                                                                                                                                                           |
| Law of armed conflict                                                            | The Government does not support recommendation 12. Acts of terrorism may still occur during armed conflict; therefore the unqualified exclusion of armed conflict will encourage misapplication of the principles of public international law. The express exclusion of conduct regulated by the law of armed conflict from the definition of terrorist act would neither add to nor detract from Australia’s international obligations and is unlikely to add clarity to the operation of relevant Criminal Code provisions. |
| 12. The Committee recommends that to remove doubt the definition of terrorism be amended to include a provision or a note that expressly excludes conduct regulated by the law of armed conflict. |                                                                                                                                                                                                           |
| 13. The Committee recommends that a separate hoax offence be adopted but that penalties reflect the less serious nature of a hoax as compared to a threat of terrorism. | The Criminal Code currently contains offences for the commission of hoaxes that are made either via the post or a telecommunications network. However, if a terrorist-related hoax is committed without the use of the post or a telecommunications network, it will not be captured by the offence. Given the potential for a terrorist-related hoax to cause significant alarm to the community and to divert valuable law enforcement and emergency services, the creation of a terrorist-related hoax offence is warranted. |
| (a) The Committee does not recommend the repeal of ‘advocacy’ as a basis for listing an organisation as a terrorist organisation but recommends that this issue be subject to further review. | The advocacy criteria will be reviewed by the 2010 COAG review. Recommendation 14(b) provides that section 102.1 (1A) (the definition of advocacy) be amended so as to require there to be a ‘substantial’ risk that a person be led by the statement/praise to engage in a terrorist act as opposed to a ‘risk’. It has always been intended that the risk threshold associated with an organisation directly praising the doing of a terrorist act be real and apparent on the evidence presented and not fanciful or speculative. |
| (b) The Committee recommends that ‘risk’ be amended to ‘substantial risk.         |                                                                                                                                                                                                           |
Recommendation | Response
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Terrorist organisations 15. The Committee recommends that the Government consider: (a) replacing the membership offence with an offence of participation in a terrorist organisation; and (b) whether ‘participation’ should be expressly linked to the purpose of furthering the terrorist aims of the organisation. | The Government does not support this recommendation. The concept of ‘participation’ is less formal than the concept of membership in an organisation and therefore has the propensity to introduce a level of ambiguity if included as an offence provision.

Training 16. The Committee recommends that the training offence be redrafted to define more carefully the type of training targeted by the offence. Alternatively, that the offence be amended to require that the training could reasonably prepare the individual or the organisation to engage in, or assist with, a terrorist act. | The Government supports in part recommendation 16 in relation to clarifying that the offence does not capture legitimate activities (such as those provided by humanitarian aid organisations). The purpose of the terrorist organisation offences is to ensure that terrorist organisations are disbanded. In order to achieve this, it is appropriate that providing training to, or receiving training from, such organisations is an offence without the training itself having to be connected to a terrorist act.

Terrorist financing 17. The Committee recommends that: (a) it be a defence to the offence of receiving funds from a terrorist organisation that those funds were received solely for the purpose of the provision of representation in legal proceedings; and (b) that the legal burden be reduced to an evidential burden. | The Government does not support recommendation 17. The Government does not support recommendation 17(a) as section 102.6(3) already provides that if funds are received for the sole purpose of funding legal representation, then the transaction does not fall within the ambit of the offence with the defendant bearing a legal burden of proof. This subsection effectively operates as a defence and as such recommendation 17(a) is already accommodated within the legislative framework. Further, the Government does not support recommendation 17(b). This legal burden requires the defendant to prove on the balance of probabilities that the funds were received solely for the purposes of legal representation. It is preferable that the defendant be required to prove the issue on the balance of probabilities as opposed to merely pointing to evidence which suggests that a reasonable possibility exists (evidential burden) because the evidence concerned will be readily available to the defendant but not the prosecution.
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<td><strong>Support to a terrorist organisation</strong>&lt;br&gt;18. The Committee recommends that the offence of providing support to a terrorist organisation be amended to ‘material support’ to remove ambiguity.</td>
<td>The Government supports recommendation 18.&lt;br&gt;Describing the type of support which will qualify for the purpose of the offence as ‘material support’ does not represent an elevation of the conduct standard because the level of support which must be proven needs to be real and concrete. This amendment will serve to clarify that the level of support required goes beyond ‘mere support’.</td>
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<td><strong>Association offence</strong>&lt;br&gt;19. The Committee recommends that the offence of ‘associating with a terrorist organisation’ be re-examined taking into account the recommendations of the Sheller Committee.</td>
<td>The Government supports recommendation 19. The Government will refer the matter for examination by the new National Security Legislation Monitor once appointed.</td>
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<td><strong>Strict liability</strong>&lt;br&gt;20. The Committee recommends that strict liability provisions applied to serious criminal offences that attract the penalty of imprisonment be reduced to an evidential burden.</td>
<td>The Government notes recommendation 20. The Government will refer the matter for examination by the new National Security Legislation Monitor once appointed.</td>
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<td><strong>Financing of terrorism</strong>&lt;br&gt;21. The Committee recommends that:&lt;br&gt;(a) section 103.1 be amended by inserting ‘intentionally’ after ‘the person’ in paragraph (a) and removing the note;&lt;br&gt;(b) that recklessness be replaced with knowledge in paragraph (b).&lt;br&gt;(c) the Committee recommends that paragraph 103.2(1)(b) be redrafted to make clear that the intended recipient of the funds be a terrorist.</td>
<td>The Government does not support recommendation 21. The note within the offence makes it clear that the fault element in paragraph 103.1(a) of the terrorist financing offence is intention by virtue of the application of section 5.6 of the Criminal Code. Further, elevating the standard of proof from recklessness to knowledge would be contrary to the standard Criminal Code fault element for a circumstance which is recklessness. The PJCIS suggests that further clarity can be achieved by amending s 103.2(1)(b) to specify that the intended recipient of the funds is a ‘terrorist’. The inclusion of this term has no definitional point of reference as the term ‘terrorist’ is not used in the Criminal Code. Also, the use of the term ‘terrorist’ instead of ‘person’ in the offence would pre-emptively suggest that it has already been established that the person the subject of the offence is a person who has engaged in a terrorist act.</td>
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<td><strong>Charter of the United Nations Act</strong>&lt;br&gt;22. The Committee recommends that:&lt;br&gt;(a) external merit review of a decision to list a person, entity or asset under section 15 of the COUNA should be made available in the Administrative Appeals Tribunal;&lt;br&gt;(b) section 15 and regulation 6 be amended so that the Minister must be satisfied on reasonable grounds that the person, entity, asset or class of assets fall</td>
<td>The Government supports in part recommendation 22.&lt;br&gt;(a) The Government does not support recommendation 22(a) but supports amendment of COUNA to incorporate a periodic review mechanism. As noted by the PJCIS, judicial review of decisions by the Minister for Foreign Affairs to list a person, entity or asset under section 15 of the COUNA is available under the ADJR Act. There is also a mechanism in COUNA under which a person or entity listed by the Minister for Foreign Affairs under section 15 may apply to the Minister to have the listing</td>
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<td>within the scope of UNSCR 1373; (c) COUNA should be amended to provide that a person or entity listed by regulation is entitled to seek review as a step in the process of review by the Sanctions Committee.</td>
<td>revoked (see section 17 of the COUNA). (b) The Government supports recommendation 22(b) but notes that the legislation has been amended since the publication of the PJCIS report and section references in that report are now outdated. Regulation 6 referred to in the first PJCIS report no longer exists. Pursuant to changes introduced in the International Trade Integrity Act 2008, the relevant regulation is now regulation 20. The Government agrees that section 15 and regulation 20 should be amended to replace the word ‘satisfied’ with ‘satisfied on reasonable grounds’. This would bring Australia in line with international best practice which is reflected in the guidelines produced by the UN Counter-Terrorism Directorate and the Financial Action Task Force. (c) The Government does not support recommendation 22(c). All designations by the UN Al-Qaida and Taliban Sanctions Committee established pursuant to UNSCR 1267 are given effect through incorporation by reference in regulations made under section 6 of the COUNA. This is in accordance with Australia’s international obligations and Australia has no discretion in relation to individuals and entities listed or de-listed by this Committee. It is therefore inappropriate to provide for a review mechanism under COUNA. The Government does not support recommendation 23. Adopting this recommendation would limit Customs’ ability to access passenger information for legitimate border security purposes other than the investigation of serious crimes. The Government supports in principle recommendation 24. (a) The Customs Act currently allows the Australian Customs Service to retain data which is operationally necessary to perform its border security function. However, the Government agrees that it is important that strict privacy principles are followed when data is retained by law enforcement and security agencies. The Privacy Commissioner conducts regular audits of Customs’ records to ensure privacy principles of storage, handling and retention of data are strictly followed. (b) The European Union — Australia Passenger Name Record Agreement was signed on 30 June 2008. The Agreement has been presented to Parliament through the Joint Standing Committee on Treaties.</td>
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<td>Customs 23. That the Customs Act be amended to specify that access to passenger information for the purpose of another law of the Commonwealth is limited to the investigation of serious crimes proscribed by regulation.</td>
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<td>Customs 24. The Committee recommends that: (a) the Customs Act be amended to specify that retention of passenger information be permitted for a limited time in order to conduct analysis; (b) that the Minister for Customs report to the Parliament on the status of negotiations with European States in relation to passenger information.</td>
<td>(a) The Customs Act currently allows the Australian Customs Service to retain data which is operationally necessary to perform its border security function. However, the Government agrees that it is important that strict privacy principles are followed when data is retained by law enforcement and security agencies. The Privacy Commissioner conducts regular audits of Customs’ records to ensure privacy principles of storage, handling and retention of data are strictly followed. (b) The European Union — Australia Passenger Name Record Agreement was signed on 30 June 2008. The Agreement has been presented to Parliament through the Joint Standing Committee on Treaties.</td>
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<td>Recommendation</td>
<td>Response</td>
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<td>Customs 25. The Committee recommends that the Privacy Commissioner retain an ongoing oversight role in relation to passenger name records, which includes biannual monitoring of the Passenger Analysis Unit.</td>
<td>The Government supports recommendation 25 in relation to the oversight role of the Privacy Commissioner. The Privacy Commissioner and Customs have entered into an agreement to establish a rolling PAU privacy compliance audit program. Under the agreement, the Office of the Privacy Commissioner will perform a privacy audit of the Passenger Analysis Unit biennially.</td>
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<td>26. The Committee recommends that: (a) the subject of a seizure warrant involving entry to premises should be provided with a statement of rights and obligations; (b) that Customs bears the onus of proving the basis of the seizure.</td>
<td>The Government will give further consideration to recommendation 26 to ensure there are appropriate safeguards within all law enforcement and security seizure powers. A whole of government approach should be settled on this issue prior to determining an approach for specific warrants under the Customs Act. The Government does not support recommendation 26(b) which is understood to be directed at applications for return of goods after they have been lawfully seized. The Government considers that where Customs have lawfully seized an item in an investigation after obtaining a warrant issued by a judicial officer (in which the applicant would have had the onus of establishing the necessity in all the circumstances of the seizure in question), a person whose items have been seized should be required to prove why those seized items should be returned to them.</td>
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Inquiry into the proscription of ‘terrorist organisations’ under the Australian Criminal Code

Tabled 20 September 2007 Government response to recommendations
(Note: Any legislative amendments to Part 5.3 of the Criminal Code require the approval of the majority of the States and Territories in accordance with the Inter-Governmental Agreement on the Counter-Terrorism Laws.)

<table>
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| The implications and community impacts of proscription Recommendation 1: The Committee recommends that: (a) The Attorney-General’s Department develop a communication strategy that is responsive to the specific information needs of ethnic and religious communities; (b) There be direct consultation on the management of visa security assessments between ASIO, the Inspector-General of Intelligence and Security and the UN High Commission for Refugees. | The Government supports recommendation 1(a). As noted in the Government response to the recommendations of the PJCIS’ report entitled Review of Security and Counter-Terrorism Legislation, the Attorney-General’s Department has undertaken considerable work to educate communities and create public awareness of the counter-terrorism laws. Future activities may involve extending the range of languages in which information pamphlets are produced, preparing supplementary explanatory material where there is a significant change to counter-terrorism laws, and providing presentations to a range of community groups and stakeholders about impending key amendments to counter-terrorism legislation. The Government notes recommendation 1(b). ASIO is conscious of the need to avoid unnecessary delay in dealing with the significant volume of matters for which it
**Recommendation** | **Response**
--- | ---
must undertake a security assessment, and has implemented a number of strategies to this end. This activity is monitored by the IGIS who is periodically briefed on ASIO’s progress. Unlike the proscription legislation contained in the Criminal Code, security assessments deal only with individuals and not with groups. The Government is committed to ensuring Australia is fully compliant with its obligations under the Refugees Convention and will raise and address any issues of concern when Australian representatives next meet with the UNHCR. The Government supports this recommendation by requiring ASIO and the Attorney-General’s Department to develop an unclassified protocol which outlines the key indicators which are taken into consideration when determining whether an organisation meets the statutory test for proscription. This recommendation refers to the six non-statutory factors ASIO uses as a guide to inform them when assessing whether an organisation meets the legislative requirements for listing as a terrorist organisation under the Criminal Code. The ‘six ASIO criteria’ were initially referred to by the former Director-General of ASIO, at a hearing on 1 February 2005 during the PJCIS’ review of the listing of six terrorist organisations. These criteria do not form an exhaustive list of issues considered by ASIO as ASIO considers a wide range of security factors when providing advice on organisations. The Government supports this recommendation. Section 102.1A of the Criminal Code provides for the Committee to review the listing and re-listing of terrorist organisations by the Government. The maintenance of these provisions will ensure that the Criminal Code provides a transparent and accountable mechanism for the Government to outlaw terrorist organisations and organisations that threaten the integrity and security of Australia or another country. The Government supports this recommendation and will adopt the practice of giving consideration to delaying the commencement of a listing regulation (when an organisation is listed for the first time) until after the Parliamentary disallowance period has expired. As recognised by the PJCIS, flexibility must be maintained within this approach so in circumstances where the Attorney-General considers that a listing should commence immediately (for example for security reasons), there remains scope for a regulation to commence when it is lodged with the Federal Register of Legislative Instruments (FRLI).
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| Recommendation 5:  
The Committee recommends that strict liability not be applied to the terrorist organisation offences of Division 102 of the Criminal Code. | The Government notes recommendation 5 in line with recommendation 20 of the PJCIS Report on the Review of Security and Counter-Terrorism Legislation. The Government will refer the strict liability components of the offences for examination by the new National Security Legislation Monitor once appointed. The Government supports this recommendation. The Government will further consult with the Committee on streamlining the administration of proscription. |
| Recommendation 6:  
The Committee recommends that:  
(a) a regulation listing an entity should cease to have effect on the third anniversary of the date it took effect; and  
(b) the Government consult with the Committee on streamlining the administration of proscription to enable periodic review of multiple listings during the parliamentary cycle. | The Government supports this recommendation. (a) Refer to the comment on recommendation 1. (b) Refer to Government response to the PJCIS Report on the Review of Security and Counter-Terrorism Legislation. (c) The Government supports the recommendation that the proscription power be included in the review of counter-terrorism laws scheduled for the 2010 COAG review. |
| Recommendation 7:  
The Committee recommends that:  
(a) the Attorney-General’s Department be responsible for the publication of comprehensive data on the application of terrorism laws;  
(b) an Independent Reviewer be established and the Committee be conferred with responsibility for examining the Independent Reviewer’s reports to Parliament;  
(c) the application of the proscription power be included in the review of counter-terrorism laws scheduled for 2010 under the auspices of the Council of Australian Governments. | The Government supports these recommendations. (a) Refer to the comment on recommendation 1. (b) Refer to Government response to the PJCIS Report on the Review of Security and Counter-Terrorism Legislation. (c) The Government supports the recommendation that the proscription power be included in the review of counter-terrorism laws scheduled for the 2010 COAG review. |

GOVERNMENT RESPONSE TO SENATE STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION REPORT

KNOCK, KNOCK... WHO’S THERE? THE LOBBYING CODE OF CONDUCT

January 2009

INTRODUCTION

The Australian Government welcomes the report of the Senate Standing Committee on Finance and Public Administration into the Lobbying Code of Conduct ‘Knock, knock... who’s there? The Lobbying Code of Conduct’. The Lobbying Code of Conduct (the Code) was adopted by the Government in May 2008 to promote trust in the integrity of government processes and ensure that contacts between lobbyists and Australian Government representatives are conducted in accordance with public expectations of transparency, integrity and honesty. In adopting the Code, the Government recognised that lobbying is a legitimate activity and part of the democratic process. However, there was a
concern that Government representatives who are the target of lobbying activities are not always fully informed as to the identity of the people who have engaged a lobbyist to speak on their behalf. The Government considered that this information can be fundamental to the integrity of its decisions and should be freely available to those who are lobbied and to the wider public.

RESPONSE TO RECOMMENDATION
The Committee made one recommendation.

Recommendation 1
That the Senate Standing Committee on Finance and Public Administration conduct an inquiry into the operation of the Lobbying Code of Conduct in the second half of 2009.

Response
The Government notes the Committee’s recommendation.
The Government will keep the operation of the Register of Lobbyists under review and, if necessary, will consider the need for any changes to the Code and the way the Register operates.

COALITION SENATORS’ MINORITY REPORT
The Deputy Chair of the Committee, Senator Mitch Fifield, with Senator Concetta Fierravanti-Wells and Senator Scott Ryan, lodged a minority report with six recommendations.

Recommendation 1
That the Cabinet Secretary’s powers to exclude a lobbyist from the register be devolved to the Secretary of the Department of the Prime Minister and Cabinet.

Response
The Government does not support Recommendation 1 of the Minority Report.
The Government considers it is entirely appropriate that the Minister responsible for the Code, the Cabinet Secretary, have absolute discretion under the Code to direct the Secretary of the Department of the Prime Minister and Cabinet not to register a lobbyist or individual, or to remove a lobbyist or individual from the Register.
The Government expects that this power would be exercised rarely and only after affording natural justice to the individual or individuals concerned as is required under clause 10.5 of the Code. The Government notes that, to date, no lobbyist has been refused registration or removed from the Register at the direction of the Cabinet Secretary.

Recommendation 2
That a decision to exclude an individual or entity from the register be subject to appeal to the Administrative Appeals Tribunal, to ensure that legal resource is not cost prohibitive.

Response
The Government does not support Recommendation 2 of the Minority Report.
The lobbying Code of Conduct has been established by Executive decision and any decisions made under the Code are not subject to appeal to the Administrative Appeals Tribunal (AAT).
The Government notes that the AAT does not have any power to review decisions of Ministers or officials unless they are made under an Act, Regulation or other legislative instrument that provides specifically that the decision is subject to review by the AAT.
The Code provides for natural justice to be afforded to effected lobbyists and there are avenues of legal appeal if necessary.

Recommendation 3
That coverage of the Code be expanded to embrace unions, industry associations and other businesses conducting their own lobbying activities.

Response
The Government does not support Recommendation 3 of the Minority Report.
The purpose of the Register of Lobbyists is to allow Ministers and officials to establish whose interests a lobbyist represents when they seek to influence Government officials.
Ministers and public servants cannot determine whose interests a third party lobbyist is promoting unless the lobbyist discloses that information to them.
Concerns about transparency do not arise in relation to in-house lobbyists and employees of peak industry bodies, trade unions and religious organisations, as it is clear whose interests they
represent when they lobby Government representatives.

**Recommendation 4**
That post-employment restrictions on MOPS staff be removed from the Code.

**Response**
The Government does not support Recommendation 4 of the Minority Report. Clause 7 of the Code provides that persons who were, after 1 July 2008, employed in the Offices of Ministers or Parliamentary Secretaries under the Members of Parliament (Staff) Act 1984 (the MOP(S) Act) at Adviser level and above, as well as senior public servants and senior members of the Australian Defence Force, are prohibited, for a period of 12 months after they cease their employment, from engaging in lobbying activities, as a third-party lobbyist, relating to any matter that they had official dealings with in their last 12 months of employment. This is consistent with the policy underpinning the Code: that Ministers and other Government representatives have a right to know who stands to benefit from lobbying activities.

The Code therefore does not restrict former senior ministerial staff members from lobbying on behalf of companies that employ them after they cease their employment. However, it does impose a temporary restriction on their ability to work as third-party lobbyists on behalf of clients who operate in an area in relation to which they had official dealings in their last 12 months as a member of staff.

Former Ministers (and Parliamentary Secretaries) are subject to greater restrictions under the Standards of Ministerial Ethics. Ministers and Parliamentary Secretaries are required to undertake that, for a period of 18 months after ceasing to be a Minister, they will not lobby, advocate or have business meetings with members of the Government, public service or Defence Force on any matter that they had official dealings as a Minister in their last 18 months in office. This restricts a former Minister or Parliamentary Secretary from lobbying Government representatives during the specified period, even in an in-house capacity.

**Recommendation 5**
That the status of the Code Q&A section on the PM&C website be clarified to establish whether it forms part of the Code itself.

**Response**
The Government supports Recommendation 5 of the Minority Report.

The operation of the Register of Lobbyists is underpinned by the Lobbying Code of Conduct. The Questions and Answers (Q&As) on the Register of Lobbyists website (http://lobbyists.pmc.gov.au/lobbyistsregister/) do not form part of the Code. They have been designed to provide further information about the application of the Code.

However, to avoid any ambiguity or potential misunderstanding a preamble has been added to the Q&As page on the Lobbyists Register website confirming that the Q&As do not form part of the Code, but have been designed to provide guidance on the Code and the operation of the Register.

**Recommendation 6**
That the Code should not be expanded to apply to non-executive members of either House of Parliament nor to non-ministerial MOPS staff.

**Response**

The Executive cannot regulate the activities of Members of Parliament and any attempt to do so might amount to an improper interference with the free performance by a Member of his or her duties as a Member, contrary to section 4 of the Parliamentary Privileges Act 1987.

The Government notes that individual senators and members and non-ministerial staff can adopt the Code to limit their contacts with third-party lobbyists to those on the Register if they wish.

**Government Response to the Parliamentary Joint Committee on Public Accounts and Audit Report 411 – Progress on equipment acquisition and financial reporting in Defence.**

**Recommendation**
The committee recommends the Department of Defence address the Committee’s findings and
provide an update to the Committee at a public hearing to be held 12 months from the tabling of this report.

Response
Agreed. The Department of Defence will provide the Committee with an update of its progress at a public hearing to be held around August 2009.

Defence notes and agrees with the findings made by the JCPAA in Report 411 Progress on equipment acquisition and financial reporting in Defence.

Defence is committed to continuous improvement in financial management and the Chief Finance Officer Group is happy to advise the committee that for the first time in seven years Defence received an unqualified audit report for its 2007-08 financial statements.

However, the CFOG agrees with the Committee that the large investment in financial training should be accompanied by the development of techniques to measure the effectiveness of this investment. Going forward, the key evaluation metrics to assess the financial training requirement and effectiveness will be based on areas of financial management risk and identified financial weaknesses. These metrics will be regularly monitored with reference to Defence’s controls framework, audit findings and compliance reporting issues.

In relations to Kinnaird Reform, the Defence Materiel Organisation wishes to reassure the Committee that it continues to work with Defence to improve the effectiveness and efficiency of procurement and containment activities.

The need to continue with reforms underway in the DMO and in defence capability development processes is a key theme of David Moritmer’s review of defence procurement and sustainment. The report entitled “Going to the Next Level” was tabled in the Parliament on 23 September by the Minister for Defence.

The DMO worked with the ANAO, with respect to the Major Projects Report, and the pilot report was tabled in the Parliament in November 2008. The report provides a standardised suite of information, and offers improved transparency and accountability.

Ordered that the committee reports be printed.

BUDGET
Portfolio Additional Estimates Statements

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (5.04 pm)—by leave—I move:

That the portfolio additional estimates statement just tabled be referred to the Community Affairs Committee for examination and report in accordance with the resolution of the Senate agreed to on 4 December 2008.

Question agreed to.

COMMITTEES

Legal and Constitutional Affairs Committee

Senator BARNETT (Tasmania) (5.06 pm)—by leave—I move:

That the Senate take note of the report.

The Senate Legal and Constitutional Affairs Committee report entitled Effectiveness of the Sex Discrimination Act 1984 in eliminating discrimination and promoting gender equality was tabled out of session just before Christmas. I want to make a few comments on this report, noting in particular that there was a chair’s report and there was a Liberal senators’ report. At first instance I want to thank the committee secretariat for their assistance and professionalism in preparing the report. It was challenging to pull the report together in the time available. There were some time pressures. It is a substantial report. It was a big effort to have it done in the time allotted. I thank them.

The other Liberal senators who joined me in presenting the Liberal senators’ report include Senator Mary Jo Fisher, Senator Russell Trood and participating member Senator
Helen Kroger. The chair was Labor senator Trish Crossin. I think it is important to note the Liberal senators’ report here in the Senate. We do support the administrative and technical amendments that are set out in our report and indeed the majority of the recommendations to improve the operation of such legislation. It was timely to review the Sex Discrimination Act. As a result of the inquiry’s work, some of those recommendations have been implemented.

The inquiry was limited in terms of time and in terms of the evidence that provided the foundation for the chair’s report, or the majority report, and its recommendations. We certainly were not convinced that the inquiry process was sufficiently rigorous. The chair’s report is very extensive in its ambit and does give rise to considerable concern, particularly if you look at the recommendations. In our view the committee did not hear from a sufficiently broad range of religious or educational organisations, which stand to be significantly affected if the recommendations in the chair’s report are translated into legislation. That is one of the reasons I am raising the concerns here today in the Senate.

In terms of Australia’s position, the act has I believe helped reduce discrimination against women. There is evidence of that in our report on page 168. In international comparisons Australia has an enviable record in relation to gender equality. Interestingly, the UN Development Program’s gender-related development index ranked Australia second in 2007-08. The index measures the extent to which countries are delivering equality for men and women by looking at factors including education enrolment, income and life expectancy.

We made a number of comments in our report regarding measures to redress the gender imbalance in teaching. They are set out on page 169. We are concerned by the evidence that some educational outcomes for boys are lagging behind outcomes for girls and consider that redressing the imbalance between male and female teachers is a key means of improving the outcomes for boys. At the moment the act prohibits targeted initiatives aimed at increasing the number of male teachers on the basis that that discriminates against women. This is a retrograde and disappointing situation to be in. Liberal senators noted the view expressed by Jim Wallace of the Australian Christian Lobby that the act should not prevent commonsense approaches to addressing the shortage of male teachers. We also noted the submission made by Family Voice Australia that the act should be amended as proposed by the coalition some years ago with the Sex Discrimination Amendment (Teaching Profession) Bill 2004.

We have made observations regarding access to assisted reproductive technology, surrogacy and adoption. We have made some very strong comments in regard to exemptions, and they are that they should remain. The passage of the legislation at the time involved a prolonged period of negotiation regarding appropriate exemptions from the prohibitions on discrimination under the act and those negotiations involved a complex balancing of different rights and interests.

I want to make an observation with respect to voluntary organisations. The majority report proposed the removal of section 39, which creates an exemption for voluntary organisations. This is something that we Liberal senators do not support. We think volunteer organisations provide an invaluable service to our community. They should be supported in every way, shape and form. They are undervalued and they deserve respect and support in every way possible. It would be disappointing to impose what some people might say are significance compliance costs
on such organisations that would only lessen their ability to sustain their contribution. There was no evidence to the committee in our view that discrimination by voluntary organisations in relation to membership is a widespread problem. Rather, the arguments for removal of this exemption rested almost entirely on an ideological objection to the provision and the theoretical possibility of such discrimination occurring.

Liberal senators want to make very clear our view that we support maintaining an exemption for those with combat duties in the armed services and for sporting organisations. We disagree with the view expressed by the government senators that there were strong arguments for the removal of such exemptions with respect to certain religious institutions. Liberal senators recognise the importance of retaining appropriate exemptions for religious organisations. Freedom of religion is a fundamental human right and any restriction on freedom of religion should be limited to what is required to achieve a legitimate public purpose. The government senators make it clear in their report that there should be a review. They are interested in a review in that regard. We made our position clear that we support an exemption for religious organisations and that that should be maintained and that it should also be maintained for those with combat responsibilities and those involved in sporting organisations.

We do not support signing up to the optional protocol to CEDAW, the Convention on the Elimination of All Forms of Discrimination against Women. We believe, in short, that Australian law should be decided in Australia by Australians under our jurisdiction and that there are appropriate mechanisms for dealing with all forms of discrimination against women. You do not need to accede to that optional protocol and become beholden, at least to some degree, to a UN committee, which is in my view unrepresentative and certainly not democratic in its form. This is consistent with the Liberal senators’ dissenting report of the Joint Standing Committee on Treaties which opposes the accession to the optional protocol to CEDAW. Of course, there are different views on these matters, but this is certainly the view of the opposition senators in that report.

The government announced after the tabling of the joint standing committee report that it has commenced the process required to accede to the optional protocol. That is disappointing. I feel an accession to that particular protocol is giving up rights and responsibilities which should be meted out here by Australians in our jurisdiction and in our courts. We have adequate judiciary and judicial mechanisms to ensure that can occur. There was no evidence received by the inquiry to justify providing an overarching level of appeal to an unaccountable UN body. On the contrary, it is clear that the avenues available under the Commonwealth, state and territory laws for hearing and determining complaints of sex discrimination are more than adequate.

In conclusion, yes, we do support a number of administrative and technical measures to improve the operation of the bill and we hope that the government will respond to those recommendations. If the government does proceed along the lines of some of the far-reaching recommendations in the majority report or the Labor senators’ report, then no doubt those legislative mechanisms will be forwarded to the Senate and they will no doubt be of concern to many people in the Australian community.

Question agreed to.

TARKINE WILDERNESS

Senator MILNE (Tasmania) (5.16 pm)—by leave—I move:

That the Senate take note of the document.
I rise today to take note of the government response to a resolution of the Senate pertaining to the proposal by Forestry Tasmania to build a road in the Tarkine wilderness. The motion was moved by my colleague, Senator Bob Brown, and it read:

That the Senate—

(a) notes local government and community opposition to a road, proposed by Forestry Tasmania, through a section of the Tarkine forest; and

(b) calls on the Government to ensure no federal funding is used, directly or indirectly, for this road unless or until local government concerns are addressed.

The Greens are pleased that the Minister for Infrastructure, Transport, Regional Development and Local Government, the Hon. Anthony Albanese, has now responded, pointing out that the Tasmanian government is responsible for providing funding to Forestry Tasmania for forestry roads, including any proposed roads within the Tarkine forest and that the Australian government is not providing funding for any roads within the Tarkine forest. I acknowledge the minister’s response and thank the federal government for recognising that it would be a complete waste of taxpayers’ money for the federal government to inject money into a road for which there is zero stakeholder support. Nobody in the local area supports this road. In fact, the Cradle Coast area reject the road and it is Forestry Tasmania and the Tasmanian government that are pushing it.

You have to ask yourself: why is it that Forestry Tasmania is so desperate to push a so-called tourism road into the Tarkine wilderness? What a surprise that Forestry Tasmania’s proposed road would go past its dismal swamp tourism venture—which I have to tell the Senate is losing money hand over fist. What a try-on to get more money out of governments to seal a road past a supposed tourism asset which is going broke and, furthermore, would allow sealed access to logging coops. What a surprise that it would be seeking tourism money to seal a road to give better access to logging coops. I am glad that the federal government has recognised this is yet another try-on from Forestry Tasmania to secure yet more subsidies to prop up its completely unsustainable operations.

It is particularly relevant at the moment with the global economic crisis that Forestry Tasmania is basically allowing Gunns to access Tasmania’s forests at very little return to the Tasmanian taxpayer. I would certainly be appreciative if the federal government could have a better look at what is going on because the global price of native forest woodchips has collapsed, as predicted, as a result of the global financial crisis. Forestry Tasmania did a deal with Gunns—a forestry agreement—that said that the price that it pays for woodchips would be directly relative to the export price and that it will go down accordingly. So all the risk is born by the Tasmanian taxpayer and Forestry Tasmania and not by the company. Where else in the world do you get deals where, as a private corporation, your profits are guaranteed and the state loses money?

We have virtually got to the point where Tasmania is getting nothing for the logging industry taking away our forests. Now that there is no market for export woodchips, what a surprise that Forestry Tasmania is rushing out and wanting to turn them into so-called renewable energy, which of course it is not, by burning the native forests. Gunns is proposing to have a native forest burning furnace at their pulp mill, and no doubt it will be rushing in to try to convert it to biochar. So the whole thing will be, ‘We have to keep logging those forests and we’ll come up with any reason at all to try to keep logging them,’ when in fact there is a huge potential to save those forests as the green carbon
stores that they are and actually market them to the tourism industry. Tourists want to come and look at standing forests, not fight with forestry trucks on their backs on Tasmania’s roads as the log trucks generate more and more accidents in Tasmania.

We have had yet more accidents over the summer. We have so many log trucks on the roads and we have tourism vehicles on the roads, and with the state of the roads there is the inevitability of accidents because many of the roads are way too narrow to be able to accommodate the scale of the log trucks. You only had to see the queue of log trucks in Tasmania when young people managed to highlight the fact that so many of our carbon stores are going through the woodchipper for export to Japan. There was a queue of log trucks as far as the eye could see. The plant at Triabunna was shut down for only about 40 minutes. That gave people a sense of just how many of Tasmania’s forests are being logged unsustainably, with virtually no return to the taxpayer. There is a huge loss of carbon to the atmosphere and a huge loss of our carbon stores and biodiversity. To think that they would dress up what is effectively yet another logging road as some sort of tourism operation is a joke.

The Bartlett government, the Labor government in Tasmania, is supporting this road—what a surprise—but it is on hold now because the Tasmanian government is also under the hammer because of the financial crisis. The road is on hold, but it should never be supported. The community does not support it. It certainly wants to have more tourism facilities in the Tarkine. That is exactly what the Greens support: to have the area saved and see the 447,000 hectares of wilderness actually protected and given World Heritage status. It is the largest temperate rainforest in the Southern Hemisphere. It has more than 60 species listed as rare, threatened and endangered. It has a huge diversity of landscapes and rich Indigenous and European cultural heritage.

Conservationists and tourism operators are working towards full protection of the Tarkine and a well-resourced Parks and Wildlife Service to be able to manage the area. All of them want a well thought out conservation and tourism strategy. Nobody except Forestry Tasmania, the logging industry and the Bartlett government wants to see more roads pushed through rainforest. It is an outrageous proposition. It will lead to yet more road kill at night and loss of biodiversity. The area is already under great threat because Forestry Tasmania is using taxpayers’ money to fund that logging operation. It is also seeking, as I just indicated, to coopt taxpayers’ tourism money for the Tarkine region for a road through pristine rainforests in the heart of the area. That road will open up the Tarkine to weeds, pests, diseases and greater risk of arson and wildfire.

I would remind the Senate that it was only last year that an off-road vehicle user lit a fire in the Tarkine that wiped out 30,000 hectares of the area, including a precious stand of Huon pines. Because the rules of arson relate to loss of property and the fact that native forest is not regarded as property having any value, there is virtually no penalty for arsonists. At the time they built that Tarkine road, we said very clearly—and I was one of the people arrested there—that this would give access to arsonists and illegal logging of the Tarkine. The road to nowhere was a stupid idea and it remains a stupid idea. To make matters worse, to build yet another road—a link road, a loop road—for forestry at the cost of $23 million would have been an abuse of taxpayers’ money. So I am delighted that the minister has said that no federal funding will go to Forestry Tasmania’s stupid link road to try and prop up its dismal swamp operations and to give sealed road access to its logging coops.
I congratulate the federal government, but I would like the federal government to reopen discussion about Tasmania’s forests. We are seeing the precious forests of the Florentine being logged and having a road pushed in there. It is a tragedy. We need to see the regional forest agreements overturned and, instead, our precious native forests valued for their biodiversity and the carbon stores that they represent. That will be worth so much more financially, in terms of the climate, our quality of life and biodiversity in the future than any amount of woodchips shipped out to Japan.

Question agreed to.

AUDITOR-GENERAL’S REPORTS

Report No. 12 of 2008-09

Senator BARNETT (Tasmania) (5.28 pm)—by leave—I move:

That the Senate take note of the document.

I want to pass on a very hearty ‘congratulations’ to the Australian Sports Commission for their leadership in promoting healthy and active lifestyles in Australia, particularly for young Australians. In doing so, I note that this particular policy of the Active After-school Communities program was launched by the Howard government at a healthy lifestyle forum which I organised in Launceston in June 2004, where the Prime Minister, together with the then sports minister, Senator Rod Kemp—a very fine senator and a wonderful advocate for healthy lifestyles and the sports community—announced the funding package and the initiative, the Active After-school Communities program.

It is a fantastic program and it works. It ensures that children—Australian boys and girls across the country—have an opportunity to be more physically active doing things that they enjoy. It is not at all one-dimensional; they can play different types of sports. I just think it is tremendous. It is organised by the Australian Sports Commission. It is using government owned facilities and educational institutions otherwise left vacant during this time after school. It usually runs from about 3.30, I think, until five or thereabouts, and it uses those facilities.

It is a great idea. At this stage there is an estimated 150,000 children that are benefitting from this particular program. Initially it kicked off with $90 million in funding over three years to establish the Active After-school Communities program in over 3,000 primary schools and out-of-school-hours care services. As I said, that was for 150,000 children.

I also want to acknowledge the wonderful work of the volunteers—those mums and dads that are out there saying, ‘Look, I’ll give up my time and my resources to say: “Yes, this is a good program.” I’m going to help the Australian Sports Commission and their representatives’—whether they be in Tasmania or any state or territory across the country. I want to say thank you to the volunteers, because their volunteering should be recognised for what it does. They help make this program a success.

Of course, the program is designed to address the very serious obesity epidemic—not just in children but across the population. I will say more about that shortly. The then senator Rod Kemp gave a presentation at the time of the launch and his speech is included in a book that I released 18 months ago called The Millennium disease: responses to Australia’s obesity epidemic. At page 23 Senator Rod Kemp outlined the philosophy behind the importance of an Active After-school Communities program and also some of the details of that policy initiative that was announced by Mr Howard and him in Launceston in June 2004.

In the Active After-school Communities program performance survey it was found at
that time that 88 per cent of parents said that their children were previously inactive. It is fantastic. Isn’t it great to think that so many young children were inactive and are now active in those programs? The report also revealed that 81 per cent of children surveyed said they had fun; 75 per cent said they wanted to continue in the program; 89 per cent of school centres and deliverers believed that fundamental motor skills were being improved; 76 per cent of deliverers said that the program was stimulating local community involvement in sport and physical activity, and 88 per cent of school centres were satisfied with the program’s performance. Well, that is a very good survey result, in anybody’s book. Those are 70- to 80-plus per cent responses. Yes, that was some time ago, and I have not seen the latest figures, but I would imagine they would be similar. Those sorts of percentages and high satisfaction rates are very rewarding indeed, and encouraging for all of us.

The Auditor-General’s report sets that out and notes that in 2007-08 there were a total number of 150,000 participating children, the total number of participating sites was 3,250, and the total funding in that year was $43.1 million, with a total of $121.4 million over the four-year period from 2004-05, when it was first launched. The Auditor-General’s report also notes that it is continuing into the future. I just hope that the program will continue, and that it will continue to be a success. I am sure that if it is operated by the Australian Sports Commission it will be. I want to commend all those involved in the Australian Sports Commission, particularly in Tasmania—Ralph Morris and his colleagues. They are a wonderful group of people. They get on well with the families and the schools involved. The Campbell Town program, I know, has been particularly rewarding for the local community.

The program is definitely designed to address the obesity epidemic. It is very serious when you have one in five children in Australia that are overweight and one in 10 that are obese. It is a very serious issue, and we saw the news flash, just a few days ago, where there were recommendations for children that are morbidly obese to be removed from their families, as a last resort. I think all options should be on the table with respect to how we look after our young Australians. We have a duty of care, as members of parliament—federal and state members in particular—and we need to ensure that their best interests are protected.

Let us be clear about this: obesity leads to type 2 diabetes, it leads to cancer, it leads to heart conditions and it leads to a whole range of other health conditions. Obesity will certainly lead to early death, so this is very serious. And that is why this sort of initiative should be supported 100 per cent across the board, by all sides of parliament, to ensure that our children get the best possible start in life so that they can reach their full potential.

One thing I am concerned about is that the federal Labor government, with much fanfare, made obesity a national health priority. We all thought: ‘Well, this is good. They’re going to back that up with action, with strong decisive initiatives to help implement the policy that must be properly addressed.’ Here you have the big-picture, flashy PR, headline stuff: obesity a national health priority. But what has happened? They have been in government over 14 months—nearly 15 months—and very little has happened. In fact, no major initiatives have occurred with respect to addressing the obesity epidemic. This is something that should be noted by all members of the Senate and by members of the public. We need action.

I commend the obesity prevention task force, Professor Rob Moodie, Professor Paul

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CHAMBER
Zimmet and their colleagues. They are doing a good job taking on advice and consulting around the country—but we need action by government. You cannot just say that it is a national health priority and then sit back and do nothing. We are not going to stand for that. It is not right. The interests of Australian children need to be protected and supported. They need to be encouraged to live healthy, active lifestyles. You cannot just say that obesity is a national health priority and then do nothing. It is not on. They are having further consultations, devising further strategies and taking advice—but it has been 14 months. I call on the Minister for Health and Ageing, Nicola Roxon, to act and to implement the much needed action with respect to addressing the obesity epidemic.

In conclusion, the Active After-school Communities program is an excellent one. It has been commended in the 2008-09 Auditor-General’s report. I commend it to the Senate. I commend it to the public. I know it provides good outcomes for young, healthy Australians.

Question agreed to.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Hurley)—The President has received letters from party leaders requesting changes in the membership of committees.

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (5.38 pm)—by leave—I move:

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

Men’s Health—Select Committee—
Discharged—Senator Adams from 3 February 2009, Senator Cash from 12 May 2009

Appointed—Senator Cash from 3 February 2009, Senator Adams from 12 May 2009

Procedure—Standing Committee—
Discharged—Senator Siewert
Appointed—Senators Abetz and Bob Brown.

Question agreed to.

SAME-SEX RELATIONSHIPS (EQUAL TREATMENT IN COMMONWEALTH LAWS—SUPERANNUATION) BILL 2008
EVIDENCE AMENDMENT BILL 2008
AUSTRALIAN CURRICULUM, ASSESSMENT AND REPORTING AUTHORITY BILL 2008
NATIONAL MEASUREMENT AMENDMENT BILL 2008
TRANSPORT SECURITY AMENDMENT (2008 MEASURES No. 1) BILL 2008
WATER AMENDMENT BILL 2008
AGED CARE AMENDMENT (2008 MEASURES No. 2) BILL 2008
TAX LAWS AMENDMENT (EDUCATION REFUND) BILL 2008
EDUCATION LEGISLATION AMENDMENT BILL 2008
FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (FURTHER 2008 BUDGET AND OTHER MEASURES) BILL 2008
SAME-SEX RELATIONSHIPS (EQUAL TREATMENT IN COMMONWEALTH LAWS—GENERAL LAW REFORM) BILL 2008
TAX LAWS AMENDMENT (2008 MEASURES No. 5) BILL 2008
CORPORATIONS AMENDMENT (SHORT SELLING) BILL 2008
Assent

Messages from the Governor-General reported informing the Senate of assent to the bills.

TEMPORARY RESIDENTS’ SUPERANNUATION LEGISLATION AMENDMENT BILL 2008
Returned from the House of Representatives

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

BROADCASTING LEGISLATION AMENDMENT (DIGITAL TELEVISION SWITCH-OVER) BILL 2008
Returned from the House of Representatives

Message received from the House of Representatives returning the Broadcasting Legislation Amendment (Digital Television Switch-over) Bill 2008, informing the Senate that the House does not insist on its amendments Nos 2, 4, 5, 6 and 7 disagreed to by the Senate, and agreeing to the consequential amendment made by the Senate.

TAX LAWS AMENDMENT (POLITICAL CONTRIBUTIONS AND GIFTS) BILL 2008
Second Reading

Debate resumed.
Question put:
That this bill be now read a second time.
The Senate divided. [5.50 pm]
(The Acting Deputy President—Senator A Hurley)

Ayes…………… 35
Noes…………… 32
Majority……… 3

AYES

Arbib, M.V. Bilyk, C.L.
Bishop, T.M. Brown, C.L.
Cameron, D.N. Collins, J.
Conroy, S.M. Crossin, P.M.
Evans, C.V. Farrell, D.E. *
Faulkner, J.P. Feeney, D.
Fielding, S. Forshaw, M.G.
Senator Carr did not vote, to compensate for the vacancy caused by the resignation of Senator Ellison.

Question agreed to.

In Committee

Bill—by leave—taken as a whole.

Senator LUDLAM (Western Australia) (5.55 pm)—by leave—I move Australian Greens amendments (2) to (6), (8) and (10) to (20) on sheet 5633 revised together, as foreshadowed in the second reading debate:

(2) Schedule 1, item 8, page 7 (lines 9 and 10), omit the item, substitute:

8 Section 12-5 (table item headed “political parties”)

Repeal the item, substitute:

political contributions and gifts

deductions by companies for ......... 26-22

deductions by individuals for......... Division 30

(3) Schedule 1, item 9, page 7 (line 13), at the end of the heading to section 26-22, add “by companies”.

(4) Schedule 1, item 9, page 7 (line 14), omit “You”, substitute “Companies”.

(5) Schedule 1, item 9, page 7 (line 15), omit “You”, substitute “A company”.

(6) Schedule 1, item 10, page 8 (lines 26 to 28), omit the item, substitute:

10 Subsection 30-5(1)

Before “making”, insert “an individual”.

(8) Schedule 1, item 12, page 8 (lines 31 and 32), omit the item, substitute:

12 Subsection 30-5(1) (note 2)

After “gifts”, insert “by individuals”.

(10) Schedule 1, item 14, page 9 (lines 3 and 4), omit the item, substitute:

14 Subsection 30-15(2) (note 2)

After “gifts”, insert “by individuals”.

(11) Schedule 1, item 15, page 9 (lines 5 and 6), omit the item, substitute:

15 Subdivision 30-DA (heading)

After “Donations”, insert “by individuals”.

(12) Schedule 1, page 9 (after line 6), after item 15, insert:

15A Section 30-241

Omit “you” (twice occurring), substitute “an individual”.

(13) Schedule 1, page 9 (after line 6), after item 15, insert:

15B Section 30-242 (heading)

After “Deduction”, insert “by an individual”.

(14) Schedule 1, page 9 (after line 6), after item 15, insert:
15C Subsection 30-242(1)
Omit “You”, substitute “An individual”.
(15) Schedule 1, page 9 (after line 6), after item 15, insert:
15D Subsection 30-242(2)
Omit “you”, substitute “an individual”.
(16) Schedule 1, page 9 (after line 6), after item 15, insert:
15E Subsection 30-242(4)
Omit “You”, substitute “An individual”.
(17) Schedule 1, page 9 (after line 6), after item 15, insert:
15F Section 30-243 (heading)
After “deduction”, insert “by an individual”.
(18) Schedule 1, page 9 (after line 6), after item 15, insert:
15G Subsections 30-243(1) and (2)
After “deduction” (wherever occurring), insert “by an individual”.
(19) Schedule 1, page 9 (after line 6), after item 15, insert:
15H Paragraphs 30-243(2)(a) and (b)
Omit “you” (wherever occurring), substitute “the individual”.
(20) Schedule 1, page 9 (after line 6), after item 15, insert:
15I Subsections 30-243(3) and (4)
Omit “You” (wherever occurring), substitute “An individual”.

Just to remind the Senate, what we are doing here is supporting the intent of the legislation that the government has put before the Senate. These amendments are intended to restore the ability of individuals to claim tax deductions for donations up to a certain threshold made to political parties. As foreseen, we believe that any form of participation by people in Australia’s democratic process should be encouraged. This is, indeed, a public good. While we certainly support the intention of the government to strip tax deductibility entitlements from corporations and other entities, we believe that people should retain these rights. That is what these amendments are designed to accomplish.

Senator XENOPHON (South Australia) (5.57 pm)—I indicate my support for these amendments and reiterate my position: I supported the second reading of this bill on the basis that I could support these amendments of the Australian Greens. I think it is appropriate that there still be a tax deduction for donations made by individuals—not corporations—up to $1,500 for all the reasons I set out in my second reading contribution but principally because it allows individuals to be part of the political process and because to get rid of the tax deduction all together would, I think, unfairly disadvantage smaller parties and Independents. With respect to the Labor Party, I think that the government’s bill would also give an inherent advantage to the Labor Party, regarding contributions made by the union movement direct to the ALP, in the sense that there would still be tax deductibility for union contributions, which would indirectly find their way to the ALP. I think this approach of the Greens is an appropriate one. I do not think it is appropriate for corporations to obtain a deduction. I think this is an improvement on the status quo.

Senator RONALDSON (Victoria) (5.59 pm)—As honourable senators will be aware, our strong view has been that this bill should never have come before this chamber and that this bill should have been pulled, pending comprehensive campaign finance reform discussions. This amendment bill is of the government’s own making, quite frankly, and the government must wear the outcome of it. It had the opportunity to make this bill part of the campaign finance reform agenda. I indicate that the coalition will be supporting
the Greens amendments for a number of reasons.

The minority report on the initial bill in relation to this matter, the Tax Laws Amendment (2008 Measures No. 1) Bill 2008, quite clearly showed—as quite eloquently referred to by my colleagues Senators Birmingham and Ryan—that Treasury could not actually indicate what the savings were going to be in relation to this matter. It was a hotchpotch from the start. It was never, ever designed as campaign finance reform, as I indicated earlier.

The Labor Party refuse to acknowledge that, under their proposals, were this bill to go through, they would retain quite an extraordinary advantage, to the detriment of all the non-government parties. That, clearly, has been recognised by us and it has been recognised by the Greens. I again refer to the Joint Standing Committee on Electoral Matters, JSCEM, discussion, when the committee had to decide whether it would indeed deal with this bill. Senator Bob Brown voted with the coalition for the committee not to deal with it. It should be part of comprehensive campaign finance reform discussions. The Labor Party committee chair, with a casting vote, refused to make it so. So the outcome for the Labor Party today, as I said before, is entirely of its own making, and it must wear it.

The reality is that, as has been indicated by a number of speakers today, it is totally inappropriate for the Australian Labor Party to get very, very large donations—in fact, $36 million, as shown by the AEC yesterday—via union subscriptions which are tax deductions in the hand of the person who paid the subscription. Of course, that is then passed on to the Australian Labor Party. This bill seeks to give one treatment to people sending subscriptions to a union—and then back to the Australian Labor Party—but someone who wants to participate in the political process because they are passionate about it, who does not send this money back via a union subscription, is not able to get a tax deduction. That is totally inequitable. It is self-serving and it is only designed to continue an advantage.

The Labor Party stands condemned for that in this day and age, when we are seeing a diminution of community involvement in political parties and voluntary organisations, as I am sure honourable senators both younger and older than me will be aware. Because of the pressure on people’s time, they are no longer involved. This was one way for the average Australian who did want to participate in the political process, at a very low level of donation, in the main, to have the same advantage of tax deductibility as those who were donating via other methods such as subscriptions to unions and other organisations.

Our preference would have been for this bill to have been taken out and made part of campaign finance reform, but we have been swayed by the Greens argument that now is an appropriate time to bring these amendments in. We have thought long and hard about this, given our approach to this bill over many, many months. We have reflected on it, and the fact that it is a chance for all—or maybe all; I am not too sure what others, apart from the Greens and Senator Xenophon, are doing—to protect, one would hope, forever the right of individuals to make a small contribution to a political party or an individual within the system which is tax deductible. It is the same opportunity given to their next-door neighbour who might be putting in a donation by way of a union subscription or another method. So, having given this due consideration, we will be supporting the Greens amendments.
Senator LUDLAM (Western Australia) (6.04 pm)—I would just like to acknowledge the support of the coalition and Senator Xenophon for these amendments and, by way of that acknowledgement, add our voices to the fact that this is indeed very much the beginning of this process, not the end. It would have been better to have had these amendments going through the chamber tonight as part of a more integrated package that had been thought through very carefully, because this is crucial as it governs not only the way that we in here behave but also the process of democracy in this country. These amendments are a sensible measure that will get us a certain way down the track tonight, but we look forward to being part of the debate on the broader issues of campaign finance reform and electoral reform in Australia. I thank other senators for their support for these amendments.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (6.05 pm)—The government does not support these amendments. The government’s election commitment to remove tax deductibility for political donations is reflected in the bill as it stands. Amending the bill to allow deductibility for individuals’ donations would significantly diminish the savings in this measure and create an inconsistency between individual and business donations which is not justified. The government does not believe that it is appropriate to allow tax deductions for individuals and businesses who make political donations and, as a result, cannot agree to the amendments.

Senator FIELDING (Victoria—Leader of the Family First Party) (6.06 pm)—This is all a bit strange, isn’t it? Here we are, talking about treating political parties like charities. Giving a tax break for donations to political parties is a rort. Two-and-a-half years ago Family First moved an amendment in the Senate to abolish tax deductibility status for political parties and here we are today—we have Labor saying, ‘We don’t like tax deductibility for individuals but we do want it for our unions.’ You cannot have it both ways. At least the Liberals are consistent on this one. I do not know where the Greens are coming from, but, frankly, treating political parties like charities is an insult to charities. Giving a tax break for donations to political parties is just outrageous when you think about it. So, no, we do not support this amendment. It is sending all the wrong signals to Australians—that you can get a tax break by donating to political parties. It is treating us politicians like charities, and we are not charities. Political parties are self-interested and they should not be treated like charities. So Family First will not be supporting these amendments.

The CHAIRMAN—The question is that Australian Greens amendments (2) to (6), (8) and (10) to (20) on sheet 5633 revised, as moved by Senator Ludlam, be agreed to.

The committee divided. [6.12 pm]

(The Chairman—Senator the Hon. AB Ferguson)

Ayes........... 38
Noes........... 28
Majority........ 10

AYES

Barnett, G. 
Birmingham, S. 
Boyce, S. 
Bushby, D.C. 
Colbeck, R. 
Cormann, M.H.P. 
Ferguson, A.B. 
Fifield, M.P. 
Hanson-Young, S.C. 
Humphries, G. 
Joyce, B. 
Ludlam, S. 
Mason, B.J. 
Milne, C. 

Bernardi, C. 
Brandis, G.H. 
Cash, M.C. 
Coonan, H.L. 
Eggleston, A. 
Fierravanti-Wells, C. 
Fisher, M.J. 
Heffernan, W. 
Johnston, D. 
Kroger, H. 
Macdonald, I. 
McGauran, J.J.J. 
Nash, F.
Senator Polley did not vote, to compensate for the vacancy caused by the resignation of Senator Ellison.

Question agreed to.

Senator LUDLAM (Western Australia) (6.16 pm)—The Greens oppose schedule 1 in the following terms:

(1) Schedule 1, item 7, page 7 (lines 4 to 7), ITEM TO BE OPPOSED.

(7) Schedule 1, item 11, page 8 (lines 29 and 30), ITEM TO BE OPPOSED.

(9) Schedule 1, item 13, page 9 (lines 1 and 2), ITEM TO BE OPPOSED.

(21) Schedule 1, item 16, page 9 (lines 7 and 8), ITEM TO BE OPPOSED.

(22) Schedule 1, items 19 and 20, page 9 (lines 19 to 22), ITEMS TO BE OPPOSED.

These amendments are in the spirit of those that we have just voted on, so I do not intend to go into them in detail apart from to pick up on a point that the minister raised, which is that what we are doing here is setting up an inconsistency in donations between people and corporations, and that is exactly what we intend.

The CHAIRMAN—The question is that schedule 1 stand as printed.

Question negatived.

Senator FIELDING (Victoria—Leader of the Family First Party) (6.17 pm)—I move Family First amendment (1) on sheet 5708:

(1) Page 9 (after line 25), at the end of the bill, add:

Schedule 2—Amendment of the Commonwealth Electoral Act 1918

1 After section 294

Insert:

294A Limit on election funding

In section 294, the entitlement to election funding is limited to a maximum of $10,000,000.

This puts a limit on election funding to a maximum of $10 million, which will mean that the amount any political party can receive back from taxpayers is capped at $10 million. To try to put this in simple terms, at the last federal election the ALP got $22 million from taxpayers. The Liberal Party got $18 million of taxpayers’ money. That is a heck of a lot of money. Taxpayers were getting excessive television campaigns and mail in letterboxes and they were sick and tired of it. If they knew they were footing the bill for it, I think that they would be saying that there was something wrong with the system.

So Family First is saying: let us put a cap of $10 million maximum on the election funding that taxpayers have to put in for any political party. That will peg back the $22 million that Labor got back from taxpayers. So, there is a $12 million saving there. For the Liberal Party, at $18 million, there is $8 million saved there. So basically there is $20
million saved. Think of what $20 million taxpayers’ money could be spent on other than excessive television ads and mail drops. That $20 million could be spent on all sorts of things for the community, and I went through those in my speech before. That money could be spent on 57 dedicated breast cancer nurses. That is what $20 million would get. Rather than seeing more mail stuffed into our letterboxes and more advertising shoved down our throats on television, $20 million could be used for investing in more teachers or it could help the poor. I think that most Australians would say that that sounds a better deal than spending $20 million more of their funds when political parties are really spending enough as it is. I urge all senators to support the Family First amendment to limit to $10 million election funding to any political party by the public purse.

Senator RONALDSON (Victoria) (6.20 pm)—The coalition will not be supporting Senator Fielding’s amendment, but I will say that Senator Fielding has obviously raised an issue that needs to be discussed at some length in this campaign finance reform process. I would have preferred that discussion to take place in the context of that process, but I can understand that Senator Fielding has been moved to do that because the Labor Party themselves have not, in my view, done the right thing with the deductibility bill. That should also have been part of this wide discussion.

Back in March of last year, Senator Fielding supported the coalition motion on a reference to the Joint Standing Committee on Electoral Matters. Part of that was the appropriateness of current levels of public funding provided for political parties and candidates contesting federal elections. This is a debate that has to be had and it should not be done in isolation. It should be in toto. I agreed with Senator Ludlam when he said that this is just the start of the process. The coalition believes absolutely that this is just the start of the process. It needs a commonsense approach to an issue that the Australian community believes is a serious one, and quite rightly so. It will require the goodwill of everyone in this place. In fact, we are charged with the responsibility of putting in place a campaign finance reform proposal that restores some faith in the process to the Australian community and provides a workable solution to an issue that I think is of concern.

Senator Conroy—Why don’t you start by declaring Cormack.

Senator RONALDSON—I find it quite unbelievable that Senator Conroy has interjected in relation to this matter. Sometimes it is smarter to say nothing than to toss in a throwaway line. I appreciate that his recent ‘marriage’ to Senator Carr in Victoria has probably clouded his judgement a little bit. In fact, if it had happened to me it would have completely clouded mine.

I think it is extraordinary that we had evidence this morning that the federal Labor Party rejected a donation of $499,980 from the wife of Mr Stanley Ho but that the New South Wales division of the Labor Party was quite happy to accept—taking a figure off the top of my head—something approaching $600,000 or $800,000. And where did that money end up? In the finances of the federal Labor Party. So do not talk to me, Senator Conroy, about foundations. Please, jump up and tell the chamber that there are no foundations run by the Labor Party that are providing administrative support to the Australian Labor Party, because you know as well as I do that that is patent nonsense.

That sort of interjection is actually standing in the way of a sensible approach to this issue. We have all acknowledged that there is an issue and we all acknowledge that we have got to do something about it—or we
can play games. You were prepared to sit back and accept $61.4 million in funding from the union movement between 1 July 2006 and 30 June 2008, and then you come in here with legislation that is designed to protect union donations going to Australian Labor Party coffers but that denies tax deductibility for ordinary Australians who want to participate in the political process. The level is very small, but they are passionate about it. I think we have got a clear indication of who wants campaign finance reform and who does not. I suspect that it is this side of the chamber and the Greens and Family First and Senator Xenophon, but it is not the Australian Labor Party. So either we approach this sensibly or we have churlish and childish interjections about who is doing what.

I am backing the side that thinks we need to do something. I am backing the side of the Australian community, who think there is something terribly wrong with our system. They have watched the Wollongong sex and bribery scandal and they know that if we do not do something the only ones who will suffer will be the Australian community. But we have got this tax deductibility bill that does not resolve the Wollongong sex and bribery scandal.

Let us have a sensible discussion about where we are going to take the campaign finance reform agenda. Let us work together, which I think we are capable of doing, and let us get an outcome that is an appropriate legacy to restore some confidence in the system, because I think that confidence has, quite frankly, disappeared. It is incumbent upon us to do something about it. But when you are protecting your funding base by bringing in legislation that is designed only to maintain a difference in ability to raise funds, I do not think you are terribly serious about it. If it is trying to entrench a differential between the Australian Labor Party and every other political party in this country, I think the Australian Labor Party needs to have a good, long, hard look at itself. There is no point in going through processes such as the green paper and protesting that you are engaged in this process when today, 24 hours after the AEC released its figures for last year, you are prepared to debate in this place a bill with which you are trying to entrench that differential. It really does beggar belief. So let us do this properly and acknowledge the role of political parties and individuals within the political system and let us acknowledge that they do require funding to maintain their activities. Let us sit down and work out the best way of delivering that which restores some confidence back into the system for the Australian people.

**Senator CONROY** (Victoria—Minister for Broadband, Communications and the Digital Economy) (6.27 pm)—I indicate that we do not support Senator Fielding’s amendment. The government are committed to introducing fundamental reform of Australia’s political finance regime. This reform process is progressing, with the first electoral green paper on donations, funding and expenditure, which was released on 17 December 2008. That paper looks at all issues surrounding how political candidates and parties are funded, including whether donations should be banned or capped and what level of public funding is appropriate. The question of public funding is more appropriately dealt with through that process.

Given his interest in the issue, the government would encourage Senator Fielding of Family First to make a submission on the green paper by the 23 February deadline. The government will be consulting with Senator Fielding, as well as the opposition and other parties and senators, as it develops its response to the political consultation.
Senator XENOPHON (South Australia) (6.28 pm)—I indicate that I do not support Senator Fielding’s amendment because I believe that is best in relation to the whole issue of political donations and contributions and in terms of public funding as well. I think that what Senator Fielding has raised is an important point: that we need to look at the overall total levels of expenditure for campaigns. Whether or not we go down the path of the Canadian model is one of the options that has been discussed in the green paper. My principal reason for opposing this is that I believe that the bill is confined to the issue of tax deductibility of political donations and the sentiments of this amendment ought to be dealt with in a bill that covers the substantive issue of levels of campaign funding in terms of public funding and overall expenditure. That bill will hopefully be before this place in the not too distant future.

Senator FIELDING (Victoria—Leader of the Family First Party) (6.29 pm)—I think it is very important for those people who are following this debate to fully understand there is only one political party in Australia that actually thinks it is an absolute rort and a joke for tax deductibility status to be given to political parties. No other party here today wants to stand against that. In fact they are all tiptoeing around the issue. This particular amendment is also dealing with another rort. I will read out again this material from the Australian Electoral Commission’s website. It is under ‘Public funding paid’. In 2007 in public funding $22 million of taxpayers’ hard-earned money was paid to the Labor Party; $18 million was paid to the Liberal Party. How much is enough? Well, I think $10 million is enough for any political party to put across their point of view. We are turning people off by advertising so much and putting out letterbox drops during an election campaign. It is too much. We could save $20 million. We could use that $20 million of taxpayers’ money which could be saved by capping and stopping any political party from getting more than $10 million from the public purse. We could spend that $20 million on teachers and nurses and on all sorts of things.

This rort should not continue. I make it clear to the rest of the senators that Family First will oppose this bill for the two reasons that tax deductibility should not be there for any political party and that we should be capping the public funding of campaigns according to some reasonable position. So I am making it clear that Family First will vote against this bill. If the coalition members can muster themselves into this chamber, this bill will be defeated tonight for the reason that we have got to stop this rort now.

Question negatived.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (6.33 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Senator FIELDING (Victoria—Leader of the Family First Party) (6.33 pm)—by leave—Mr Deputy President, I ask that Family First’s no vote be recorded.

CORPORATIONS AMENDMENT (No. 1) BILL 2008 [2009]

Second Reading

Debate resumed from 3 December 2008, on motion by Senator Ludwig:

That this bill be now read a second time.

Senator BERNARDI (South Australia) (6.34 pm)—I rise to indicate the coalition will be supporting the Corporations Amend-
ment (No. 1) Bill 2008 [2009]. This bill prevents persons who were disqualified as company directors in New Zealand from becoming directors in Australia. The bill addresses a loophole in the existing law whereby people can effectively avoid disqualification by simply moving across the Tasman.

The objectives of this bill are in line with the principles espoused in the memorandum of understanding, or MOU, on business law harmonisation between the two countries. The benefits of mutually recognising director disqualification were raised by the former coalition government in 2006. That arose because in 1988 the Australian and New Zealand governments signed an MOU on the harmonisation of business law, thereby providing the starting point for dialogue between our two countries on business law issues. The original MOU has been subject to review every five years, the most recent of which took place in 2006 under the guidance of the then coalition Treasurer, Peter Costello. The 2006 review brought forth a revised agenda. Specific areas of business law such as director law harmonisation were identified, where it was thought that greater coordination would produce mutual benefits. New Zealand closed this regulatory gap by amending their Companies Act 1993 in 2006. The Australian bill is modelled on the New Zealand amendment of that year in order to provide cross-border consistency. This new level of harmonisation between the two nations takes us one step closer to achieving the one single economic market, the benefits of which will provide certainty and enhanced productivity and will assist cross-border entrepreneurship.

The Corporations Act will be amended by this bill to automatically disqualify someone from becoming company directors where they have been disqualified by the law of a foreign jurisdiction. Only New Zealand will be prescribed at this point but the facility to prescribe other jurisdictions will be established by this amendment. Also, the bill will provide a facility for the Australian Securities and Investments Commission to apply to a court in order to disqualify directors of prescribed jurisdictions.

Consultation with industry reveals that key industry stakeholders are in support of these measures. The Australian Institute of Company Directors has publicly stated its support. The institute explains that these measures will provide a statutory framework which will assist its organisation in work already undertaken to exclude directors. In summary, the coalition will of course be supporting this legislation because it was by our actions in the previous government that this legislation has been brought about. I commend the bill to the Senate.

Senator SHERRY (Tasmania—Minister for Superannuation and Corporate Law) (6.37 pm)—I was going to say ‘thanks to honourable senators’, but only one senator spoke, Senator Bernardi. I would like to thank him for taking part in the debate on the Corporations Amendment (No. 1) Bill 2008 [2009]. In summary, the bill establishes a framework by which individuals who are disqualified from managing companies in prescribed foreign countries can also be disqualified in Australia either automatically or by court order. As such, the bill will improve protection for investors and the integrity of Australia’s markets. New Zealand will be the first prescribed country that these provisions will operate in relation to; however, other countries will be able to be added at a later date.

The bill provides that a person will be automatically disqualified from managing
corporations in Australia where they have been disqualified by a court in a prescribed country. In addition, an Australian court will have the power to disqualify a person from managing corporations on application by the Australian Securities and Investments Commission where the person has been disqualified under the law of a prescribed foreign country. This provision will cover situations where, for example, a person has been disqualified by a foreign regulator.

These arrangements will ensure that all people disqualified in Australia on the basis that they have been disqualified in a prescribed foreign country have had their disqualification scrutinised by a court. In this way, the bill addresses the specific concern that people who are disqualified from managing corporations in New Zealand could still manage corporations in Australia simply by crossing the Tasman. The bill fulfils a requirement under the Australian and New Zealand governments’ memorandum of understanding on business law coordination, moving us a step closer to achieving the policy goal of establishing a single trans-Tasman economic market based on common regulatory frameworks. New Zealand enacted its complementary provisions in 2007 and in the interest of cross-border consistency these amendments have been modelled on those of New Zealand. The regulations will be drafted in such a way as to allow other countries to be added at a later date.

Finally, I can inform the Senate that the Ministerial Council for Corporations—MINCO—was consulted in relation to these amendments to the laws and the national corporate regulation scheme and has approved them as required under the corporations agreement. I have also commenced consultation with MINCO on the accompanying regulations. Provided that approval is received, the regulation should be ready to commence contemporaneously with the provisions of the bill. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator MILNE (Tasmania) (6.40 pm)—I move the Australian Greens amendment to this bill on sheet 5705:

(1) Schedule 1, page 3 (after line 6), after item 1, insert:

1A Paragraph 200F(2)(b)
Repeal the paragraph, substitute:

(b) the value of the benefit, when added to the value of all other payments (if any) already made or payable in connection with the person’s retirement from board or managerial offices in the company and related bodies corporate, does not exceed the amount worked out under subsection (4).

1B Subsections 200F(3), (4) and (5)
Repeal the subsections, substitute:

(3) For the purposes of paragraph (2)(b), other payments includes:

(a) payments of the market value of shares or share-based payments that become exercisable in connection with a person’s retirement from a board or managerial office in the company or in a related body corporate; and

(b) payments by way of pension or lump sum, including a superannuation, retiring allowance, superannuation gratuity or similar payment.

(4) The amount worked out under this subsection is:

(a) if the period or periods during which the person held a board or managerial office in the company or in a related body corporate total less than 12 months—the amount that is in the same proportion to $1,000,000
as that total period is to 12 months; or

(b) if the period or periods during which the person held a board or managerial office in the company or in a related body corporate totals 12 months or more—$1,000,000.

1C Paragraph 200G(1)(c)
Omit “subsection (2)”, substitute “subsection (3)”.

1D Subsection 200G(1)
Omit “In applying paragraph (c), disregard any pensions or lump sums that section 200F applies to.”, substitute “In applying paragraph (c), the value of the benefit includes any pensions or lump sums that section 200F applies to.”.

1E Subsections 200G(2) and (3)
Repeal the subsections, substitute:

(2) For the purposes of paragraph (1)(c), other payments includes:

(a) payments of the market value of shares or share-based payments that become exercisable in connection with a person’s retirement from a board or managerial office in the company or in a related body corporate; and

(b) payments by way of pension or lump sum, including a superannuation, retiring allowance, superannuation gratuity or similar payment.

(3) The payment limit is $1,000,000.

1F Subsections 200G(5) and (6)
Repeal the subsections.

As the Senate would be aware, the Greens support the bill and certainly think that it is reasonable to legislate to make certain that a person unfit to manage a corporation in a foreign jurisdiction should equally be found to be unsuitable here. However, the Greens would like to take this opportunity with the Corporations Act to seek greater accountability for large executive termination payouts.

In these times of economic turmoil, when calls for fiscal discipline and accusations of corporate negligence abound and when the public purse is being opened for the benefit of private interests, there is growing popular support for executive remunerative restraint. In fact, the Prime Minister has recognised this in his public comments on the issue, but we have seen no concrete outcomes.

The amendment the Greens are moving is very restrained and is not controversial. In fact, it places a limit on the magnitude of the golden handshake that executives might receive. It requires any handout that exceeds $1 million to be subject to the vote of shareholders—that is, it permits the owners of a company to have a say on whether they consider an executive’s performance is worth upwards of $1 million of their capital.

The amendment to the Corporations Act gives shareholders the power to restrict those termination payments. It requires shareholder approval for any termination payment, including vesting of unvested equity incentives above $1 million. Vesting is essentially a right to an asset, even if that asset is not yet in the person’s possession. Unvested equity incentive means that executives are given share option packages and they are part of termination payout deals. Those shares are committed but not exchanged during the course of employment and are realised upon termination, and that substantially increases the size of the termination payments.

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The Greens amendment specifically closes this loophole, which allows for the use of unvested incentives as part of termination payments. It is needed because currently the Corporations Act does not require shareholder approval for termination payments above a threshold of seven times the total remuneration. However, the provisions are not sufficiently tight to prevent any decent lawyer finding the loophole to which I have
referred. When some of the recent termination payouts are considered, this requirement is enthusiastically ignored.

According to research conducted in 2008 by governance advisory group RiskMetrics, boards of most companies surveyed flouted the law to pay departing executives extremely generous packages. For example, the survey found that the average CEO of a top Australian company received just over $3.4 million as a termination payment—or 201 per cent of the annual salary on termination. Twenty-three of the 33 CEOs surveyed received termination payments greater than $1 million. Many of these CEOs are from companies that participated in the excessive greed that has led to the financial crisis both overseas and here in Australia. They have walked away with their packages and the community is now paying. With the collapse in the share prices, the shareholders are paying. People are also paying with the collapse in the value of their superannuation.

We know that one of the largest termination payments was to Santos’s CEO, John Ellice-Flint. It was $16.8 million. He received that $16.8 million, including 2.313 million unvested options. The total package assumed that the options were vested at the time of termination. His base salary was $2,691,995. The payout turned out to be 625 per cent of his annual salary. I do not think that people in Australia are very happy with that kind of payout. Shareholders are certainly unhappy with it. Allan Moss’s termination payment from Macquarie Bank was up to $80 million. Come on! How many people are worth that? Look at Sol Trujillo’s current salary of $13.39 million. Imagine what he might get at termination. Nicholas Moore from Macquarie Bank earns $26.8 million. Look at Phil Green from Babcock and Brown. I am sure that the shareholders, given the current state of that company, would not be impressed with the $22.1 million salary and share package that he gets. And so it goes on. Looking at a payout other than the two that I have mentioned, David Murray from the CBA got $17.5 million.

This is a very sensible amendment. One of the first things that Barack Obama did as United States President was to move on these excessive corporate packages. He is about to do that. We have heard a lot from the Prime Minister, and yet nothing has happened. When the Greens moved this amendment last year it was rejected. But that was last year, when greed was okay and neoliberalism was the philosophy of choice. This year, that has changed. We are now no longer neoliberals. We believe that greed is a real problem in the market and that we need to fix it up. We are essentially giving the Senate another opportunity to vote on this now that there has been a change of position in relation to neoliberalism.

It is also clear that Obama gives the current Prime Minister some courage. Obama has broken new ground; he is moving on this. So there is a good reason for Australia to do so now that the US, the home of capitalism, is moving to recognise that there is excessive greed in these excessive termination payments. This amendment will close a loophole. It will allow shareholders a vote on this issue if payments are in excess of $1 million. It will make sure that the package is $1 million and cannot be camouflaged with options and shares and so on. It is perfectly reasonable. It is in line with community sentiment. I am sure that, now that we recognise that excessive greed has been a major driver of the current financial crisis, there will be a change of heart here in the Senate. I look forward to other senators supporting the Greens in making sure that these obscene termination payouts are stopped, that loopholes are closed and that we give sharehold-
ners the right to determine what happens to their money.

Senator SHERRY (Tasmania—Minister for Superannuation and Corporate Law) (6.48 pm)—In the brief time available, I want to commence my contribution on this issue. As Senator Milne has rightly pointed out, this amendment is identical to an amendment that I recall was moved on two occasions last year and which I spoke on. The first point that I want to make is on Senator Milne’s reference to the circumstances in the United States. The circumstances in the United States are quite different from the circumstances that exist in Australia. The circumstances in the US mean that we could probably dub it ‘the home of socialism’ now, I suspect, given the extent of bank bailouts, takeovers and mergers et cetera. That is one of the legacies of former President George Bush. There are other issues, but when we are discussing executive remuneration it is important to distinguish between the issues in the United States and the issues in Australia. In the US, what is known as the subprime crisis commenced with the distribution of mortgage based products that were miss-sold and in the passing of those securitised products—

Progress reported.

DOCUMENTS

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Order! It being 6.50 pm, the Senate will proceed to the consideration of government documents.

Consideration

The following government document tabled earlier today was considered:


ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

Economy

Senator CORMANN (Western Australia) (6.53 pm)—I rise to reflect on the government’s management of the economy. When it comes to managing the economy, we have a government that is completely out of its depth. We have a government that has not got a clue what it is doing. When faced with one of the most, if not the most, significant global economic downturns, it is behaving like a rabbit in the headlights. Let us just reflect on the events of the last two years. The Australian people were deceived before the last election into believing that Kevin Rudd would be an economic conservative. They were deceived into believing that, under Kevin Rudd, they would have the same responsible economic management as they had experienced and benefited from under 12 years of the Howard-Costello government.

What happened after the election? Let us reflect on the events. The Treasurer and the Prime Minister, for political reasons, talked up inflation and talked up interest rates so that they could find something to undermine the economic legacy of the Howard-Costello government. Of course, it was purely for political reasons and what they did was actually bad for the Australian economy. Then we had Labor’s first budget. Today we have had Kevin Rudd saying, ‘We protected the surplus in our first budget.’ Let us read the fine print: $20 billion worth of additional taxes and a $15 billion increase in net spending. Taxing, taxing, taxing, spending, spending, spending is the history of the Labor Party in this country and the history of social democratic administrations, as the Prime
Minister now wants to describe them, around the world. The reality is this: trying to spend your way out of trouble always ends up in tears.

So what have we got? We have a government that went on a pre-Christmas spending spree, which clearly has not worked. People in my home state of Western Australia are saying to me: ‘What is happening in Canberra? They are pissing all this money up against the wall and have nothing to show for it.’

The President—Senator Cormann, I think you should withdraw that word. That is not normal. Also, you should refer to people in the other place by their correct title.

Senator Cormann—Mr President, I withdraw that word. I was seeking to express to the chamber the sentiments that my constituents are putting forward to me. A $22 billion surplus has gone, wasted, with nothing to show for it. This was even before the pre-Christmas spending spree. What else do we have when it comes to economic management? The reality is that we have a government here that proposes ideologically based initiatives without thinking through the implications for our economy. We see it again and again.

Most recently, we have had some debates about the impact of the government’s proposed emissions trading scheme. Anybody across Australia, from any side of politics, that dares to ask any questions, that dares to insist on some scrutiny of the details or of the impact on jobs or on the economy gets howled down: ‘You’re a nonbeliever! You’re a sceptic! Don’t dare ask any questions.’ The problem for the government, of course, is that its own members and senators are starting to ask questions. Not only that but the National Secretary of the Australian Workers Union has started to ask questions because he is worried about the impact that the flawed design of this Carbon Pollution Reduction Scheme will have on the jobs of his members. We have a responsibility in this chamber to apply proper scrutiny to the government and what it is proposing, no matter how much bullying comes from the other side and no matter how many attempts there are to prevent us from doing our job.

I asked Senator Conroy today whether he was aware of the calls from Mr Paul Howes, the National Secretary of the Australian Workers Union, to have some additional Treasury modelling to assess the impact of the government’s proposed Carbon Pollution Reduction Scheme on the economy and on jobs. He did not take the question seriously. With absolute arrogance and contempt, he said, ‘I’m not even going to answer this question because it is based on the wrong premise.’ What does he mean—based on the wrong premise? We have Treasury modelling which was very clearly based on very optimistic assumptions and which, even according to the Treasurer himself and to Treasury officials themselves, did not assess the impact of the global financial crisis in terms of the forecast of that particular modelling. There are respected people ranging from Dr Brian Fisher, who reported to the Senate Select Committee on Fuel and Energy yesterday about his assessment of the Treasury modelling, all the way over to Mr Paul Howes, from the Australian Workers Union, who are saying: ‘The Treasury modelling was flawed. We are concerned. We think the government should have another look at this.’

On the one hand we have rhetoric from the government that we are facing the worst economic crisis ever and on the other hand they are saying that it does not really matter. There would be a significant shift in the way the economy in Australia will operate with the additional costs imposed as a result of the tax on carbon under the Carbon Pollution
Reduction Scheme, but the government is not prepared to talk about it. They are not prepared to talk about how we can ensure that there will not be further job losses as a result of what the government is trying to ram through this parliamentary system. We are not allowed to ask any questions because we just get dismissed as climate change sceptics or nonbelievers.

When I reflect on the events of the last 12 to 14 months since Kevin Rudd took over as Prime Minister, what I can see is a government whose first instinct, when faced with a challenge, is to tax, to spend and to come up with some ideologically driven initiatives which are actually going to make things worse rather than better. We have a precedent for this in our political history. This is what Gough Whitlam did in the 1972 to 1975 period. The government would be well advised to remember the experiences of the Whitlam years because after three years Australia threw them out. If you think that you can spend your way out of trouble, ultimately it ends up in tears.

I will give some free and gratuitous advice to the government. Governments cannot inject new money into the economy. All that governments can do is take money from taxpayers—either today’s taxpayers or, after borrowing money, tomorrow’s taxpayers—and distribute it according to their preferences. Does this government really believe that Labor governments are better able to ensure that the available resources in the economy are allocated to the needs of the Australian people than what can happen in the context of a free market? Does it really believe that? Does this government believe that it is a responsible act to borrow billions and billions of dollars, which will essentially bill future generations, so that it can follow its absolute obsession to spend, spend, spend, no matter what the consequences?

The government’s actions will end up in tears. It is not pursuing responsible economic policy. This is a government that has no answers other than to tax and to spend. Quite frankly, I do hope that this Senate is going to reflect very seriously on the possible consequences of what has been generally emerging over the last 18 months and earlier today.

**World Poverty**

**Senator FARRELL** (South Australia) (7.02 pm)—I rise today to speak on the issue of world poverty. A recent campaign by Micah Challenge Australia helped highlight to the house late last year the pressing issues of world poverty. As a result of the Micah Challenge visit, Senators Mark Arbib and Guy Barnett discussed in this place some weeks ago the devastating effects of poverty and I commend their contributions on this issue.

The Micah Challenge is an international movement of Christians running campaigns in 29 countries to encourage world leaders to meet the Millennium Development Goals. I had the opportunity to meet with one of the Micah Challenge delegations that visited parliament recently and I was impressed by their enthusiasm, their passion and their commitment to eradicating world poverty. I found it refreshing to sit down and listen to young people discuss their bold vision as to how developed countries such as Australia should address poverty in our region. Australians would all agree that we live in the lucky country despite the world economic crisis. However, it is difficult to comprehend just how unlucky so many billions of people in the world are and to comprehend the appalling conditions they face every day.

The Micah Challenge delegation informed me of some alarming statistics: 923 million of the world’s people are undernourished; 1.4 billion people live on less than US$1.25 a day; every year 9.2 million children under the age of five die from mostly preventable
illnesses and diseases that possibly no child in a developed country would die from; 2.6 billion people live in poor sanitary conditions that contribute to disease; 72 million primary school age children do not go to school; and 33 million people are living with HIV, with 2.5 million infections each year, predominantly in Africa.

These appalling statistics are nearly impossible to conceptualise. It is impossible to imagine the immense suffering of 923 million individual people or to try and visualise in one’s mind the enormity of 9.2 million children dying on an annual basis largely from preventable diseases. We cannot let the plight of 923 million people become just a number or just an abstraction. We must not let the size of the problem daunt policymakers or allow them to think that these issues are simply too hard to solve. Action can and must be taken.

The Millennium Development Goals agreed upon in Geneva in 2000 by nations around the world including Australia provide an important framework for tackling this urgent problem. There are eight Millennium Development Goals and the deadline for achieving these is the target year of 2015. They are lofty goals but ones that we should be doing our very best to achieve.

Goal No. 1 is to halve by 2015 the number of people whose income is less than $1 a day and who suffer from hunger. Goal No. 2 is to ensure that by 2015 all children complete at least a full course of primary schooling. Goal No. 3 is to achieve gender equality in primary and secondary education. Goal No. 4 is to reduce by two-thirds the under-five mortality rate. Goal No. 5 is to reduce by three-quarters the maternal mortality ratio. Goal No. 6 states that by 2015 the spread of HIV will be halted and that there will be a start on the reversal of the disease. Goal No. 7 is to halve the proportion of people without sustainable access to safe drinking water and basic sanitation. And, finally, goal No. 8 is to create a global partnership for development under an open, non-discriminatory trading and financial system.

Australia has an important role to play in helping achieve these worthy objectives. I commend the Rudd government, which is obviously in difficult economic times, for committing Australia to spending 0.5 per cent of gross national income on overseas aid projects by the year 2015.

In the 2008 federal budget, the Australian government increased funding in official development assistance by nine per cent in real terms, bringing current expenditure on overseas aid to 0.32 per cent of gross national income. These increases in aid funding are essential because Australia has an important role to play in combating poverty in our region. If one is to believe the old adage, ‘charity begins at home’, perhaps a case could be made for a compulsory donation by people who earn more than $250,000 per annum towards boosting Australia’s Millennium Development Goals contribution. I doubt if such people would miss, say, $2.50 or $5 a week and, as a British statesman once said, ‘We make a living by what we get, but we make a life by what we give.’

Unfortunately, poverty affects millions of people in Australia’s own backyard. Each year 24,000 mothers and 400,000 children in the Asia-Pacific region die from preventable causes. For example, Australia’s closest regional neighbour, Indonesia, has the highest mortality rate of any South-East Asian country. More than 50 per cent of the Indonesian population live on less than US$2 a day, 50 million Indonesians lack access to clean water and over 71 million Indonesians lack access to proper sanitation.

The aid that Australia provides to Indonesia is in our national interest. Reducing pov-
erty helps reduce political instability in developing nations and minimises the likelihood of political upheaval. If the world economic crisis continues, there is the potential for political instability to increase. If there is no progress towards improving the quality of life of millions of people living in poverty in our region then we can expect the demand for Australia’s peacekeeping forces to increase into the future.

As I have indicated, poor economic conditions may often cause political instability. During the Asian economic crisis of 1997, not only was Indonesia hit hard economically but it also went through a revolution. Fortunately, the dictatorial Suharto regime was replaced by a parliamentary democracy. It remains in Australia’s best interest to have stable government in Indonesia. Reducing the severe economic imbalances in the region will help entrench stable governments in South-East Asia and will improve the esteem in which our nation is held throughout the region.

I would like to finish by recognising the fine work that faith based organisations such as the Micah Challenge and World Vision do to help people who are struggling. Faith is incredibly important to many people in the world’s charities and underpins their work. Faith provides them with the motivation to speak out against injustice and to persevere despite the enormity of the task that they face. The work of the Micah Challenge is about putting faith into practice.

I would also like to thank the Micah Challenge for raising this important issue with my colleagues and me. It was sobering to learn the true extent of the problems faced by millions of people living in poverty, which in turn become our problems also. By setting targets to reduce poverty, we can help to achieve an improvement for those doing it tough. Importantly, setting targets encourages us to take action now rather than to sit back. I sincerely hope that we meet all of these targets by 2015.

In closing, I would ask senators to remember that nobody can do everything, but everybody can do something. Thank you.

North Queensland: Cyclones

Senator IAN MACDONALD (Queensland) (7.11 pm)—As I speak in the Senate chamber tonight, an equivalent water capacity to that of Sydney Harbour is pouring over the Burdekin Dam and down the Burdekin River, not far from where I live in Ayr in North Queensland. Senators will be well aware that in the last several weeks there have been enormous falls of rain right throughout North, Far North and north-west Queensland. It is interesting to see the Minister for Climate Change and Water in the chamber. Lest she might think that this wet weather has been caused by climate change, can I assure her that what we are seeing at the moment is a return to how it used to be 20 years ago or, even further back in time, to when I was growing up in the north. We always had a very heavy wet season, with the monsoons coming down. This was associated with regular cyclones, which those of us who have lived in the north for a long time have come to accept as being the norm.

As I speak, severe flooding is occurring in the northern sugar town of Ingham, about 100 kilometres north of Townsville. I know that the mayor there, Councillor Pino Giandomenico, is out there with his troops in the SES and with council workers, moving people to higher ground and doing what can be done to assist those who are being subjected to flooding. The fact that we are used to it and that it does happen regularly does not in any way mitigate the real dramas, tragedies and personal human hurts that are occasioned by these natural phenomena.
I want to alert the government to the fact that these very heavy rains are occurring right throughout the north, and I urge that the generosity which we have seen from the Australian taxpayers today, through the government, is focused to a degree on our home. Charity begins at home, of course. Many people and councils in the north will need assistance through Commonwealth funding to meet some of the damage to homes and infrastructure that has been caused by these natural calamities. I urge the government to be generous when the councils apply for flood relief and for the reconstruction of damaged roads—that will need to happen.

All senators would have heard of Cyclone Charlotte, which crossed the coast coming in from the Gulf of Carpentaria earlier this year. It has meant that some of the areas of the north-west—up around Normanton and Karumba in particular—have been cut off by road from other means of sustenance for some time. At Karumba, a fishing port on the gulf, which is now a tourist destination for many, particularly the grey nomads, the community has for some time had quite a good airstrip, but it has not been sealed. For a long time, the Karumba community has been calling on governments to assist them with the sealing of the airstrip. These floods, cutting them off again for a month or more, really highlight the absolute necessity of sealing the strip at Karumba so that when you cannot get in by road you can at least get a plane in.

Because the strip is not sealed, this is not possible—there are all sorts of problems. A constituent got in contact with my office and said that, because they cannot drive out of Karumba, they have to helicopter out of Karumba over to Cairns, then get the plane down to Townsville, hire a car and drive their kids to boarding schools in Charters Towers. They get some state government assistance for that, but you can imagine it would not be enough to cover the cost just of getting the kids to school. That is just one instance of many things that happen in remote parts of Australia. I ask the government to seriously look at the application for funding the sealing of the airstrip at Karumba when that application comes forward. They applied last year and were knocked back, but I hope their application this year is better dealt with.

I repeat my call for government action to start looking at duplication of the bridge over the Burdekin River between Ayr and Home Hill. It is the only link between the best part of both Australia and Queensland—that is, the area north of the Burdekin River—and the south of our country. There is one very narrow dual-lane bridge over the Burdekin River. Particularly at times like tonight, all of the other methods of getting to the north, even if you went right out to the west and were to come around via Mount Isa or Cloncurry, as you could do in other times, would not be possible because of flood waters throughout the Flinders and all of that area. That needs to be done in the near future.

The floods and the flows in the Flinders River, which passes by Hughenden and Richmond and moves on to the gulf, and the Leichhardt River, which goes beyond Mount Isa and out to the sea near Normanton and Burketown, can be harnessed. There are some very sensible and sustainable plans for water storage off the Flinders River which would allow for huge expansion of agriculture in the Richmond-Hughenden area of North Queensland. We will need food, not only for Australia but for the world, in the years ahead. Here is a classic opportunity where the enormous millions of megalitres of water that are now just flowing out to the sea could be harnessed in a very sustainable way that would not have any impact whatsoever on the ecology, on the prawning in the gulf or on anything else that some people
sometimes say militates against dams and water storages on those rivers. These plans really should be looked at. There have been a number of conferences in recent years, and I spoke in the Senate about some just before Christmas.

The very heavy rains we are having in North Queensland at the present time highlight that we have there a fantastic asset which can be harnessed and which should be looked at by governments much more seriously in the future. The Queensland government keeps making all the right noises but never does anything—a lot of talk, conferences, seminars, reports and investigations but, unfortunately, never any action. I think the amount of water that at the present time is running down the Flinders in particular highlights the need for a serious look at environmentally sustainable water storages on that river.

I know all senators and, indeed, all Australians will be thinking of people in North Queensland as many there face these flood problems over the next week or so. The rain is continuing as I speak, bucketing down in Ingham, Townsville and my home town of Ayr, but we are used to that in the north. We live there because we like it there and we accept these things as normal. But when some assistance is needed I know the Australian government—and the Australian people through the Australian government—will be generous and thinking of the people in the north as they deal with these latest flood events in that neck of the woods.

Senate adjourned at 7.21 pm

DOCUMENTS

Tabling

The following government documents were tabled:

Fisheries Research and Development Corporation (FRDC)—Report for 2007-08.

Mid-year economic and fiscal outlook—2008-09—Statement by the Treasurer (Mr Swan) and the Minister for Finance and Deregulation (Mr Tanner).


Treaties—

Bilateral—

Australia - European Community Agreement on Trade in Wine, done at Brussels on 1 December 2008—Text, together with national interest analysis, annexures and regulation impact statement.

Text, together with national interest analysis—


Multilateral—

Explanatory statements—2008—


UNESCO Convention on the Protection and Promotion of the Diversity
of Cultural Expressions done at Paris on 20 October 2005—Text, together with national interest analysis and annexure.


Tabling

The following documents were tabled by the Clerk:

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

A New Tax System (Family Assistance) Act—Family Assistance (Vaccination Schedules) (FaHCSIA) Determination 2008 [F2008L04698]*.

A New Tax System (Family Assistance) (Administration) Act—Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2008 (No. 1) [F2009L00114]*.


Aboriginal Land Rights (Northern Territory) Act—Select Legislative Instrument 2008 No. 264—Aboriginal Land Rights (Northern Territory) Amendment Regulations 2008 (No. 2) [F2008L04651]*.

ACIS Administration Act—ACIS Administration (Commonwealth Financial Assistance) Determination 2009 [F2009L00246]*.


Aged Care Act—

Accountability Amendment Principles 2008 (No. 2) [F2008L04690]*.

Aged Care (Residential care subsidy — amount of accommodation supplement) Determination 2008 (No. 3)—ACA Ch. 3 No. 1/2009 [F2008L04693]*.

Allocation Amendment Principles 2008 (No. 2) [F2008L04691]*.

Approval of Care Recipients Amendment Principles 2008 (No. 2) [F2008L04692]*.

Investigation Amendment Principles 2008 (No. 1) [F2008L04694]*.

Sanctions Amendment Principles 2008 (No. 1) [F2008L04695]*.

User Rights Amendment Principles 2008 (No. 3) [F2008L04696]*.


Anti-Money Laundering and Counter-Terrorism Financing Act—

Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2008 (No. 7) [F2008L04629]*.

Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2008 (No. 8) [F2009L00007]*.

Appropriation Act (No. 1) 2007-2008—

Determination to amend reduction of appropriations upon request (No. 1 of 2008-2009) [F2008L04533]*.

Determination to reduce appropriations upon request (No. 10 of 2008-2009) [F2009L00036]*.

Appropriation Act (No. 1) 2008-2009—

Determination to reduce appropriations upon request (No. 9 of 2008-2009) [F2009L00035]*.

Australian Bureau of Statistics Act—


Australian Citizenship Act—Instrument IMMI 08/086—Instrument of delegation and authorisation [F2008L04743]*.

Australian Communications and Media Authority Act—Radiocommunications (In-
Australian Meat and Live-stock Industry Act—
Australian Meat and Live-stock Industry (Export of Live-stock to Egypt) Order 2008 [F2008L04542]*.
Australian Meat and Live-stock Industry (Standards) Amendment Order 2008 (No. 1) [F2008L04622]*.
Australian National University Act—
Fees Statute 2006—
Fees Rules 2008 [F2008L04671]*.
Tuition Fees Order 2008 [F2008L04450]*.
Programs and Awards Statute 2006—
Academic Progress Rules (No. 2) 2008 [F2008L04619]*.
Graduate coursework Awards Rules (No. 3) 2008 [F2008L04617]*.
Research Awards Rules (No. 2) 2008 [F2008L04616]*.
Undergraduate Awards Rules (No. 2) 2008 [F2008L04615]*.
Australian Prudential Regulation Authority Act—
Australian Prudential Regulation Authority (Confidentiality) Determinations Nos—
14 of 2008—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2008L04744]*.
1 of 2009—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2009L00162]*.
Australian Research Council Act—
Approval of Proposals—Determination No. 63—Special Research Initiatives (ARC/NWC Co-funded Centre for Groundwater Research and Training) commencing in 2008-09 or 2009-10.
Discovery Projects funding rules for funding commencing in 2010 [F2008L04697]*.
Aviation Transport Security Act—Select Legislative Instrument 2008 No. 271—Aviation Transport Security Amendment Regulations 2008 (No. 3) [F2008L04625]*.
Banking Act—
Banking Exemption No. 1 of 2008 [F2008L04687]*.
Banking (Foreign Exchange) Regulations—Direction relating to foreign currency transactions and to Zimbabwe; variation of exemptions – amendments to annexes, dated 23 December 2008 [F2008L04786]*.
Banking (Prudential Standard) Determinations Nos—
3 of 2008—Prudential Standard APS 222 Associations with Related Entities [F2008L04782]*.
4 of 2008—Prudential Standard APS 310 Audit and Related Matters [F2008L04783]*.
Select Legislative Instrument 2008 No. 280—Banking Amendment Regulations 2008 (No. 2) [F2008L04660]*.
Civil Aviation Act—
Civil Aviation AOD 2008/2 (testable drugs specification) [F2008L04586]*.
Civil Aviation Orders—
82.0 Amendment Order (No. 1) 2008 [F2008L04372]*.
82.3 Amendment Order (No. 1) 2009 [F2009L00232]*.
82.3 Amendment Order (No. 2) 2008 [F2008L04373]*.
82.5 Amendment Order (No. 1) 2008 [F2008L04374]*.
82.5 Amendment Order (No. 1) 2009 [F2009L00233]*.
Civil Aviation Regulations—
Civil Aviation Orders—
20.11 Amendment Order (No. 1) 2008 [F2009L00110]*.

40.0 Amendment Order (No. 3) 2008 [F2008L04366]*.

40.1.0 Amendment Order (No. 2) 2008 [F2008L04367]*.

40.1.8 Instrument 2008 [F2008L04371]*.

40.2.1 Amendment Order (No. 1) 2008 [F2008L04368]*.

82.6 Amendment Order (No. 3) 2008 [F2009L00111]*.

Instrument Nos CASA —

640/08 — Authorisation, permission and direction — helicopter special operations [F2008L04569]*.

648/08 — Instructions — use of RNAV (GNSS) approaches by RNP-capable aircraft [F2008L04613]*.

681/08 — Instructions — for approved use of P-RNAV procedures [F2008L04700]*.

682/08 — Instructions — for approved P-RNAV procedures [F2009L00042]*.

686/08 — Permission and direction — helicopter special operations [F2008L04788]*.

04/09 — Authority and permission — helicopter winching operations [F2009L00106]*.

05/09 — Instructions — use of RNAV (GNSS) approaches by RNP-capable aircraft [F2009L00115]*.

06/09 — Instructions — GLS approach procedures [F2009L00116]*.

07/09 — Instructions — for approved use of P-RNAV procedures [F2009L00103]*.

08/09 — Instructions — for approved use of P-RNAV procedures [F2009L00104]*.

11/09 — Permission and direction — helicopter special operations [F2009L00158]*.

51/09 — Direction — number of cabin attendants in ATR 42-500 aircraft [F2009L00170]*.

EX84/08 — Exemption — refuelling with passengers on board [F2008L04447]*.

EX91/08 — Exemption — refuelling with passengers on board [F2008L04545]*.

EX92/08 — Exemption — flight data recording [F2008L04623]*.

EX95/08 — Exemption — use of radiocommunication systems in firefighting operations (New South Wales Rural Fire Service) [F2008L04704]*.

EX01/09 — Exemption — for seaplanes [F2009L00105]*.

EX02/09 — Exemption — operations by RAA aircraft in Avalon aerodrome temporary restricted area [F2009L00066]*.

EX04/09 — Exemption — gross weight for operation of Aerochute 34m2 powered parachutes [F2009L00072]*.

EX05/09 — Exemption — refuelling with passengers on board [F2009L00073]*.

Civil Aviation Safety Regulations—

Airworthiness Directives—Part—

105—

AD/A320/202 Amdt 1 — Main Landing Gear Door Actuator [F2008L04602]*.

AD/A320/225 Amdt 1 — Elevator Servo-Control Rod Eye-End [F2008L04454]*.

AD/A320/228 — Electronic Instrument System Display Management Computer
Software Update [F2008L04455]*.

AD/A320/229—Ram Air Turbine Ejection Jack [F2008L04601]*.

AD/A330/94—Engine Fire Extinguishing Bottle Connection [F2008L04456]*.

AD/A330/95 Amdt 1—Air Data Inertial Reference Unit Operational Procedure [F2008L04758]*.

AD/A330/95 Amdt 2—Air Data Inertial Reference Unit Operational Procedure [F2009L00109]*.

AD/A330/96—Centre Fuselage FR 40 Keel Beam Flange [F2009L00079]*.

AD/A330/97—Main Landing Gear Bogie Beam [F2009L00080]*.

AD/A330/98—Fuel Pump Non Return Valve [F2009L00144]*.

AD/AS 355/60 Amdt 3—Tail Rotor Blade Trailing Edge [F2009L00121]*.

AD/AT/30—Rudder and Vertical Fin [F2008L04386]*.

AD/ATR 42/19 Amdt 2—Fuel Tank Safety Fuel Airworthiness Limitations [F2008L04600]*.

AD/B727/214—AN-26 Insulation Blankets [F2008L04563]*.

AD/B727/215—Elevator Quadrant Upper Support Assembly Attachment Fittings [F2008L04562]*.

AD/B727/216—Auxiliary Fuel Tanks [F2008L04603]*.

AD/B737/191 Amdt 1—Strut Insulation Blankets [F2008L04387]*.

AD/B737/344—Nacelle Strut Midspan Fitting Fuse Pins [F2008L04388]*.

AD/B737/345—Fuel Tank Safety [F2008L04461]*.

AD/B737/348—AN-26 Insulation Blankets [F2008L04561]*.

AD/B737/349—Windshield Wiper Motors [F2008L04599]*.

AD/B737/350—Auxiliary Fuel Tanks [F2008L04604]*.

AD/B737/351—Fwd and Aft Entry and Service Doors Escape Slides [F2009L00081]*.

AD/B747/62 Amdt 3—Flap Carriage Spindles and Aft Link Assembly [F2008L04560]*.

AD/B747/222 Amdt 1—Body Station 1265 Edge Frame [F2009L00082]*.

AD/B747/294 Amdt 2—Horizontal Stabiliser Outboard Centre Sections Upper Skin and Rear Spar Structure [F2009L00083]*.

AD/B747/336 Amdt 1—Nacelle Strut Attach Pin/Bolt, Dual Side Brace, and Underwing Midspan Fitting [F2009L00084]*.

AD/B747/342 Amdt 1—Main Entry Door No. 3 Fuselage Cutout [F2009L00085]*.

AD/B747/343 Amdt 2—Stretched Upper Deck Frame and Tension Tie [F2009L00086]*.
AD/B747/385—Fuel Pump Discharge Port
[F2008L04462]*.
AD/B747/386—EFIS/ECAS Interface Units
[F2008L04463]*.
AD/B747/387—AN-26 Insulation Blankets
[F2008L04559]*.
AD/B747/388—Outboard Flap Track and Transmission Attachment
[F2008L04557]*.
AD/B747/389—Trailing Edge Flap Tracks and Track Main Carriage
[F2009L00087]*.
AD/B767/201 Amdt 2—Body Station 955 Fail-Safe Straps [F2009L00088]*.
AD/B767/211 Amdt 1—Door-Mounted Escape Slide/Rafts
[F2008L04389]*.
AD/B767/222 Amdt 1—Station 1725.5 Area Cracking [F2009L00089]*.
AD/B767/246—AN-26 Insulation Blankets
[F2008L04556]*.
AD/B767/247—In-Flight Entertainment Systems
[F2008L04598]*.
AD/B767/248—Fuel Quantity Indicating System Wire Bundles
[F2008L04572]*.
AD/B767/249—Auxiliary Fuel Tanks
[F2008L04605]*.
AD/BEECH/33/47—Circuit Breaker Toggle Switches
AD/BEECH 35/73—Circuit Breaker Toggle Switches
AD/BEECH 36/52—Circuit Breaker Toggle Switches
AD/BEECH 55/62 Amdt 6—Wing Main Spar Centre Section [F2008L04390]*.
AD/BEECH 55/97—Circuit Breaker Toggle Switches
AD/BEECH 56/35—Circuit Breaker Toggle Switches
AD/BEECH 77/16—Circuit Breaker Toggle Switches
[F2008L03399]—Explanatory Statement [in substitution for explanatory statement tabled with in-
AD/BELL 47/67 Amdt 1—Engine Oil System Flexible Lines [F2009L00155]*.
AD/BELL 47/77 Amdt 1—Tail Rotor Gearbox [F2009L00156]*.
AD/BELL 47/82 Amdt 1—Tail Rotor Drive and Fan Drive Bearings [F2009L00157]*.
AD/BELL 47/84—Frame Stiffening Assembly 660-2001-1 – Inspection [F2009L00093]*.
AD/BELL 47/91—Tail Rotor Blade Assembly P/N 47-642-117-1 – Replacement [F2009L00092]*.
AD/BELL 47/95—Bogus Main Rotor Blades [F2009L00094]*.
AD/BELL 47/96—Bogus Main Rotor Grip P/N 47-120-252-11 [F2009L00095]*.
AD/BELL 205/26—Fire Extinguisher Cartridges – Inspection [F2009L00145]*.
AD/BELL 205/57—Bogus Tension Torsion Straps [F2009L00090]*.
AD/BELL 206/129 Amdt 1—Main Landing Gear Cross Tubes [F2009L00091]*.
AD/BELL 412/1—Engine Mount Fireshield – Installation [F2008L04464]*.
AD/BELL 412/5 Amdt 1—Engine Fuel Switch – Inspection/Replacement [F2008L04465]*.
AD/BELL 412/6—Main Rotor Pitch Link Assemblies – Replacement [F2008L04466]*.
AD/BELL 412/7 Amdt 1—Airspeed and Ground Operation Restriction [F2008L04467]*.
AD/BELL 412/8—Installation of Main Rotor Droop Restraint Kit and Cyclic Stick Centering Indicator [F2008L04469]*.
AD/BELL 412/10—Upper Anti-Collision Strobe Light P/No HR, DF-28DRMS Inspection, Modification and Replacement [F2008L04470]*.
AD/BELL 412/15—Battery Cable Installation [F2009L00146]*.
AD/BELL 412/18—Engine Fuel Valve Electrical Connectors P/No MS3456W14S-55 [F2009L00148]*.
AD/BELL 412/23—Electrical Wiring Harnesses [F2009L00149]*.
AD/BN-2/2—Fuel Tank Sump – Modification [F2008L04471]*.
AD/BN-2/3—Vacuum Hose – Replacement [F2008L04473]*.
AD/BN-2/18—Engine Oil Return Pipes – Modification [F2008L04473]*.
AD/BO 105/26—Tail Rotor – Balance Weights [F2009L00163]*.
AD/Cessna 170/85—Alternate Static Air Source
Selector Valve Placard [F2009L00050]*.
AD/CESSNA 177/34—Alternate Static Air Source Selector Valve Placard [F2009L00051]*.
AD/CESSNA 180/94—Alternate Static Air Source Selector Valve Placard [F2009L00052]*.
AD/CESSNA 185/50—Alternate Static Air Source Selector Valve Placard [F2009L00053]*.
AD/CESSNA 206/66—Alternate Static Air Source Selector Valve Placard [F2009L00054]*.
AD/CESSNA 207/40—Alternate Static Air Source Selector Valve Placard [F2009L00055]*.
AD/CESSNA 208/24—Alternate Static Air Source Selector Valve Placard [F2009L00056]*.
AD/CESSNA 210/75—Alternate Static Air Source Selector Valve Placard [F2009L00057]*.
AD/CESSNA 303/14—Alternate Static Air Source Selector Valve Placard [F2009L00058]*.
AD/CESSNA 336/15—Alternate Static Air Source Selector Valve Placard [F2009L00059]*.
AD/CESSNA 337/31—Alternate Static Air Source Selector Valve Placard [F2009L00060]*.
AD/CL-600/104—Inboard Flap Actuator [F2008L04571]*.
AD/CL-600/104 Amdt 1—Inboard Flap Actuator [F2009L00215]*.
AD/CL-600/105—Engine Throttle Control Gearbox [F2008L04570]*.
AD/CL-600/106—Auxiliary Fuel Tanks [F2008L04606]*.
AD/DA40/9—Upper Wing Skin-to-Main Spar Adhesive Joint [F2009L00096]*.
AD/DAUPHIN/97 Amdt 1—VNE Limitation [F2008L04596]*.
AD/DHC-3/30 Amdt 1—Elevator Connecting Rod [F2008L04555]*.
AD/DO 228/15—Aileron Trim Actuator and Rod Spring Lever Attachment Bracket [F2008L04676]*.
AD/EC 120/16 Amdt 1—Engine Controls—Twist Grip Assembly [F2008L04478]*.
AD/EC 225/9 Amdt 1—Fuselage—Intermediate Gearbox Fairing Gutter [F2008L04684]*.
AD/ECUREUIL/71 Amdt 3—Tail Rotor Blade Trailing Edge [F2009L00120]*.
AD/ECUREUIL/100 Amdt 3—Emergency Floatation Gear—All-up Operating Weight [F2008L04641]*.
AD/ECUREUIL/119 Amdt 2—Engine Control—Twist Grip Assembly [F2008L04479]*.
AD/ECUREUIL/133—Collective Pitch Lever Locking Stud [F2008L04574]*.
AD/EMB-110/3—Propeller Auto Feather System – Relay Installation [F2008L04480]*.
AD/EMB-110/10—Fuel Tank Alternate Vent – Removal [F2008L04481]*.
AD/EMB-110/12—Elevator Rear Bellcrank Bolts and Spring Supports – Replacement [F2008L04400]*.
AD/ENB-110/14—Vertical Stabiliser, Rudder Central Hinge Fitting – Modification [F2008L04401]*.
AD/EMB-110/19—Fire Extinguishing System – Wire Disconnection [F2008L04482]*.
AD/EMB-110/26 Amdt 1—Elevator and Rudder Trim Actuators [F2008L04402]*.
AD/EMB-110/35—Electrical Power – Generator Ground Point – Rework [F2008L04403]*.
AD/EMB-120/48—APU Mounting Rods [F2008L04404]*.
AD/ERJ-170/18 Amdt 1—Electrical Wiring and ARINC 429 Data Bus [F2008L04567]*.
AD/ERJ-190/13 Amdt 1—Cargo Doors [F2009L00178]*.
AD/ERJ-190/15 Amdt 1—Low Pressure Check Valves [F2009L00179]*.
AD/ERJ-190/18—Ram Air Turbine Machined Support [F2008L04607]*.
AD/ERJ-190/19—MLG Locking Stay Support Bracket Assembly Bolts [F2009L00122]*.
AD/F28/91—Engine Controls – Fuel Fire Shut-off Valve Actuator [F2008L04608]*.
AD/F28/91 (Cancelled)—Engine Controls – Fuel Fire Shut-off Valve Actuator [F2008L04486]*.
AD/F100/92—Engine Controls – Fuel Fire Shut-off Valve Actuator [F2008L04485]*.
AD/F2000/33—Main Landing Gear – Shock Absorber Restrictor [F2008L04566]*.
AD/G164/15 Amdt 2—Rudder Main Spar [F2008L04554]*.
AD/GBK 117/22—Tail Rotor – Balance Weights [F2009L00181]*.
AD/JBK 117/6 Amdt 6—Main Rotor Blade [F2008L04407]*.
AD/JBK 117/30—Flight Controls – Fixed Bearing [F2008L04494]*.
AD/LC40/2 Amdt 1—Aileron and Elevator Linear Bearings [F2008L04688]*.
AD/ML-M4/4—Engine Mount Rear Support Fittings – Modification [F2009L00123]*.
AD/ML-M4/6—Wing Inspection Holes – Modification [F2009L00124]*.
AD/ML-M4/9—Front Seat Restraint Installations – Modification [F2009L00125]*.
AD/ML-M4/11—Engine Mount – Inspection and Modification [F2009L00126]*.
AD/ML-M4/19—Elevator Controls [F2009L00184]*.
AD/ML-M5/4—Type Certificate Compliance – Modification [F2009L00127]*.
AD/ML-M5/12—Elevator Controls [F2009L00186]*.
AD/ML-M7/4—Elevator Controls [F2009L00188]*.
AD/PA-23/40 Amdt 1—Front Spar – Inspection [F2009L00128]*.
AD/PA-23/41—Auxiliary Front Spar – Inspection [F2009L00129]*.
AD/PA-23/42 Amdt 1—Alternator Field Fuse – Installation [F2009L00189]*.
AD/PA-23/43 Amdt 1—Cleveland Wheel/Brake Assembly – Inspection and Modification [F2009L00130]*.
AD/PA-23/45 Amdt 1—Engine Control Support Bracket Assembly – Inspection [F2009L00190]*.
AD/PA-23/46 Amdt 1—Exhaust System – Inspection and Modification [F2009L00191]*.
AD/PA-23/52—Navigation Light Wiring Through Tip Tank – Inspection [F2009L00192]*.
AD/PA-23/53—Fuel System – Placard Installation [F2009L00193]*.
AD/PA-23/54—Wing Tip Fuel Tanks – Extra Drain Provision [F2009L00194]*.
AD/PA-23/56—Fire-Proofing Turbo-Charger Oil Tanks in Engine Compartment [F2009L00195]*.
AD/PA-23/57—Wing Leading Edge – Modification [F2009L00131]*.
AD/PA-23/58 Amdt 1—Uncoordinated Manoeuvres – Warning Placard [F2009L00196]*.
AD/PA-23/59—Wing Rear Spar – Inspection [F2009L00132]*.
AD/PA-23/60 Amdt 2—Stabilator Attachment Bolts – Inspection and Replacement [F2009L00135]*.
AD/PA-23/64—Caution Placard – Flight Director or AFCS Flux Sensor – Installation [F2009L00198]*.
AD/PA-23/67—Throttle Control Shaft [F2009L00199]*.
AD/PA-23/68—Fuel Selector Valve – Inspection [F2009L00200]*.
AD/PA-23/69—Stabilator Tab – Modification [F2009L00136]*.
AD/PA-23/70 Amdt 2—Stabilator Tip Tube and Weight Assembly – Inspection and Modification [F2009L00137]*.
AD/PA-23/72—Auto Pilot Servo Bridle Clamp Bolt Torque – Modification [F2009L00202]*.
AD/PA-23/74—Stabilator Trim Control Rod to Tab
Attachment – Inspection [F2009L00138]*.
AD/PA-23/77 Amdt 1—Forward Baggage Door Locking System – Inspection and Modification [F2009L00139]*.
AD/PA-23/78 Amdt 1—Hose Assembly – Inspection and Replacement [F2009L00203]*.
AD/PA-23/84—Exhaust System – Inspection and Modification [F2009L00207]*.
AD/PA-23/92—Stabilator Outboard Nose Rib – Installation [F2009L00140]*.
AD/PA-30/1—Fuel Valve Control Stop – Installation [F2008L04495]*.
AD/PA-30/10—Fuel Selector Valve – Modification [F2008L04496]*.
AD/PA-30/11 Amdt 1—Alternator Field Fuse – Installation [F2008L04497]*.
AD/PA-30/12—Seat Frame – Modification [F2008L04408]*.
AD/PA-30/15—Flexible Hose Assemblies – Modification [F2008L04498]*.
AD/PA-30/16—System Voltage Decal – Installation [F2008L04499]*.
AD/PA-30/17 Amdt 1—Electrical Power Indicators – Modification [F2008L04500]*.
AD/PA-30/18—Bonding Points – Installation [F2008L04501]*.
AD/PA-30/19—Airflow Modification Kit – Installation [F2008L04409]*.

AD/PA-30/21 Amdt 1—Uncoordinated Manoeuvres – Warning Placard [F2008L04502]*.
AD/PA-30/22—Landing Gear and Flap Assemblies – Inspection [F2008L04410]*.
AD/PA-30/23 Amdt 3—Stabilator Attachment Bolts – Inspection [F2009L00141]*.
AD/PA-30/27—Automatic Pilot Roll Servo Shear Pin – Installation [F2008L04503]*.
AD/PA-31/118 Amdt 2—Aileron Spar [F2009L00142]*.
AD/PA-38/2—Aft Fuselage/Tailcone Area – Modification [F2008L04411]*.
AD/PA-38/7 Amdt 6—Fin Forward Spar Attachment – Inspection, Modification and Life Limit [F2008L04421]*.
AD/PA-38/9—Slick Magnet/Condenser – Replacement [F2008L04505]*.
AD/PA-38/11 Amdt 1—Stabiliser Pulley Bracket Mounting Fitting and Empennage Attachments – Inspection [F2008L04424]*.
AD/PA-38/13—Magnetic Compass Mounting Hardware [F2008L04506]*.
AD/PA-38/16 Amdt 2—Main Landing Gear Attach Bolts – Modification [F2008L04425]*.
AD/PA-38/18—Aileron Torque Tube Bearing – Inspection [F2008L04426]*.
AD/PA-38/20—Radio Support Installation [F2008L04507]*.
AD/PA-38/21 Amdt 1—Vertical Fin Forward Spar Attachment Plate Replacement Life Limits [F2008L04427]*.
AD/PA-38/22 Amdt 1—Aft Vertical Fin Spar – Inspection [F2008L04429]*.
AD/PA-38/25—Fuselage Frame at Rear Spar [F2008L04430]*.
AD/PA-38/26—Carburettor Air Box Valve [F2008L04508]*.
AD/PA-44/1—Hose Assembly – Inspection and Replacement [F2008L04509]*.
AD/PA-44/10 Amdt 1—Engine Mount Frame Cracking [F2008L04431]*.
AD/PA-44/12—Engine Mount Frame [F2008L04432]*.
AD/PITTS S-2/3—Horizontal Stabiliser Bracing Attachment – Modification [F2008L04553]*.
AD/PITTS S-2/8—Streamline Tubing – Inspection [F2008L04552]*.
AD/PITTS S-2/9—Rudder Cable – Inspection [F2008L04565]*.
AD/PITTS S-2/11 Amdt 1—Aileron Spar – Inspection and Modification [F2008L04551]*.
AD/PITTS S-2/12—Front Horizontal Stabiliser Support Tube – Modification [F2008L04550]*.
AD/PREMIER/7—Hydraulic Pump Fitting [F2008L04564]*.
AD/ROBIN/21 Amdt 2—Stabilator Spar and Attachment Brackets [F2009L00143]*.
AD/S-PUMA/81—Fuselage – Intermediate Gearbox Fairing Gutter [F2008L04683]*.
AD/S-PUMA/82—Hydraulic Hoist Cable [F2008L04777]*.

AD/ARRIUS/17—Engine Lubrication Unit Check Valve [F2008L04460]*.
AD/CF6/70—Low Pressure Turbine Case [F2008L04477]*.
AD/CF34/16—FADEC Software Version 8Ev5.40 [F2008L04476]*.
AD/CFM56/28—Low Pressure Turbine Rear Frame [F2009L00214]*.
AD/ENG/4 Amdt 11—Piston Engine Continuing Airworthiness Requirements [F2008L04568]*.
AD/TFE 731/36—Interstage Turbine Transition Duct [F2008L04512]*.
AD/THIELERT/12—Rail Pressure Control Valve [F2009L00221]*.

AD/AIRCON/1—Godfrey Cabin Supercharger Type 15 – Banjo Fitting – Modification [F2008L04457]*.
AD/APU/3—Incorporation of Back-Up Plate to Improve Turbine Wheel Containment [F2008L04458]*.
AD/ELECT/4—Magnetos BTH – Earthing Modification [F2009L00164]*.
AD/ELECT/5—Magneto – Impulse Starters – Modification [F2009L00165]*.
AD/ELECT/6—Magneto – BTH – Contact Breakers Assembly – Modification [F2009L00166]*.
AD/ELECT/7—Magneto – BTH Gear – Modification [F2009L00167]*.
AD/ELECT/11 Amdt 1—Leach Relays – Control Terminal Insulation [F2009L00168]*.
AD/ELECT/18 Amdt 3—Slick 4000/4100 Series Sealed Non-Repairable Magnets – Retirement Life [F2009L00174]*.
AD/ELECT/26—Nickel Cadmium Batteries – Double D Washers – Inspection and Removal [F2009L00175]*.
AD/ELECT/45—Aircraft Batteries – Exide Type 6AC9 and 6AC11 [F2009L00176]*.
AD/ELECT/47—Propeller De-Ice Terminal Clamp Assembly [F2009L00177]*.
AD/GAS/2—Filament Wound, Fibre-Glass, High Pressure Spherical Vessels [F2009L00180]*.
AD/INST/57—Harco Labs, Inc. Pitot/Angle of Attack Probes [F2008L04487]*.
AD/PR/32 Amdt 1—Blade Pitch Seizure [F2008L04510]*.
AD/REC/1 Amdt 1—Maintenance of Cockpit Voice Recording Systems [F2008L04514]*.
AD/REC/4—Fairchild Model F800 Digital Flight Data Recorders Central Processor Unit [F2008L04511]*.
AD/RES/23 Amdt 1—Davis FDC-6400B Series Safety Belts [F2008L04433]*.

Instruments Nos CASA—

EX80/08—Exemption – minimum height and lateral separation for operations [F2008L04339]*.
EX81/08—Exemption – display of markings [F2008L04348]*.
EX88/08—Exemption – participation in land and hold short operations [F2008L0493]*.
EX90/08—Exemption – application for restricted category supplemental type certificate for EADS CASA 212-400 aircraft [F2008L04539]*.
EX93/08—Exemption – provision of ARFFS at Broome International Airport [F2008L04630]*.
EX94/08—Exemption – conduct of aerial application (fire fighting) operations by DC-10 aircraft [F2009L00062]*.
EX03/09—Exemption – provision of ARFFS at Avalon Aerodrome [F2009L00070]*.

Select Legislative Instruments 2008 Nos—

272—Civil Aviation Amendment Regulations 2008 (No. 3) [F2008L04642]*.
273—Civil Aviation Amendment Regulations 2008 (No. 4) [F2008L04585]*.
274—Civil Aviation Safety Amendment Regulations 2008 (No. 2) [F2008L04644]*.
275—Civil Aviation Safety Amendment Regulations 2008 (No. 3) [F2008L04587]*.


Commissioner of Taxation—Public Rulings—

Class Rulings—


Fuel Tax Determination—Addendum—FTD 2006/1.


Product Rulings—

Notice of Withdrawal—PR 2007/84.
PR 2008/72 and PR 2008/73.

Self Managed Superannuation Funds Determination SMSFD 2008/3.

Self Managed Superannuation Funds Ruling SMSFR 2009/1.

Superannuation Guarantee Ruling SGR 2009/1.

Taxation Determinations—


TD 2009/1 and TD 2009/2.

Taxation Rulings—

Addenda—TR 96/12 and TR 2007/11.

Commonwealth Authorities and Companies Act—Notices under section 45—

Telstra Corporation Limited.
Tuggeranong Office Park Pty Limited.

Corporations Act—

Accounting Standards—

AASB 1048—Interpretation and Application of Standards [F2008L04547]*.

AASB 2008-11—Amendments to Australian Accounting Standard — Business Combinations Among Not-for-Profit Entities [F2008L04575]*.

ASIC Class Orders—

[CO 09/01051] [F2009L00021]*.
[CO 09/01052] [F2009L00020]*.

Currency Act—

Currency (Perth Mint) Determination 2008 (No. 2) Amendment Determination 2008 (No. 1) [F2009L00248]*.

Currency (Royal Australian Mint) Determination 2008 (No. 8) [F2008L04781]*.

Currency (Royal Australian Mint) Determination 2008 (No. 9) [F2009L00107]*.

Currency (Royal Australian Mint) Determination 2008 (No. 10) [F2009L00134]*.

Customs Act—Select Legislative Instruments 2008 Nos—

252—Customs Amendment Regulations 2008 (No. 7) [F2008L04618]*.

253—Customs Amendment Regulations 2008 (No. 8) [F2008L04620]*.


255—Customs (Prohibited Imports) Amendment Regulations 2008 (No. 6) [F2008L04580]*.

256—Customs (Prohibited Imports) Amendment Regulations 2008 (No. 7) [F2008L04627]*.

Customs Tariff Act—Customs By-law No. 0900069 [F2009L00117]*.

Dairy Produce Act—Dairy Produce (Closure of Dairy Adjustment Authority) Declaration 2008 [F2008L04779]*.

Defence Act—Determinations under section 58B—Defence Determinations—
2008/62—Post indexes – price review.
2008/63—ADF district allowance for seagoing members – amendment.
2008/64—Retention allowance transitional payment – Brigadiers.
2008/65—Retention bonuses and compassionate travel – amendment.
2008/68—Rent allowance – amendment.
2008/69—Overseas reunion travel – amendment.
2008/70—Field service – amendment.
2009/1—Additional remuneration for star rank officers – amendment.
2009/2—Post indexes – amendment.
2009/3—Pet relocation and miscellaneous amendments.
2009/5—Regional rent bands – amendment.

Defence Home Ownership Assistance Scheme Act—Defence Home Ownership Assistance Scheme (Average House Price and Median Interest Rate) Determination 2008 [F2008L04536]*.

Dental Benefits Act—
Dental Benefits Amendment Rules 2008 (No. 2) [F2008L04734]*.
Dental Benefits Amendment Rules 2008 (No. 3) [F2009L00071]*.

Environment, Protection and Biodiversity Conservation Act—
Amendments of lists of—
Exempt Native Specimens—EPBC/303DC/SFS/2008/40 [F2009L00008]*.
Specimens taken to be suitable for live import—EPBC/s.303EC/SSLI/Amend/027 [F2009L00023]*.

Threatened ecological communities—
S181/EPBC/2008/03 [F2009L00025]*.
S181/EPBC/2008/04 [F2009L00018]*.
S181/EPBC/2008/05 [F2009L00028]*.
S181/EPBC/2008/06 [F2009L00027]*.

Threatened species, dated—
15 December 2008 [F2009L00040]*.
17 December 2008 [F2009L00033]*.
20 November 2008 [F2008L04526]*.
11 January 2009 [F2009L00119]*.

Threat Abatement Plans for—
Competition and land degradation by rabbits 2008 [F2009L00068]*.
Competition and land degradation by unmanaged goats 2008 [F2009L00063]*.
Predation by feral cats 2008 [F2009L00065]*.
Predation by the European red fox 2008 [F2009L00064]*.
Evidence Act—Select Legislative Instrument 2008 No. 257—Evidence Amendment Regulations 2008 (No. 1) [F2008L04611]*.

Export Control Act—Export Control (Orders) Regulations—Livestock Export (Merino) Orders (Amendment) No. 1 of 2009 [F2009L00222]*.

Family Law Act—Select Legislative Instruments 2008 Nos—
245—Family Law Amendment Rules 2008 (No. 2) [F2008L04590]*.
258—Family Law Amendment Regulations 2008 (No. 3) [F2008L04634]*.
259—Family Law Amendment Regulations 2008 (No. 4) [F2008L04631]*.

Farm Household Support Act—Select Legislative Instrument 2008 No. 247—Farm Household Support Amendment Regulations 2008 (No. 2) [F2008L04548]*.

Financial Management and Accountability Act—
Determiantions—
2008/69—Section 32 (Transfer of Functions from Environment to Health) [F2008L04573]*.
2008/70—Section 32 (Transfer of Functions from FaHCSIA to DEEWR) [F2008L04780]*.
2009/01—Section 32 (Transfer of Functions from Environment to MDBA) [F2009L00037]*.
2009/03—Northern Territory Flexible Funding Pool Account Variation 2009 [F2009L00243]*.

Financial Management and Accountability Regulations—Commonwealth Procurement Guidelines [F2008L04459]*.
Select Legislative Instruments 2008 Nos—
266—Financial Management and Accountability Amendment Regulations 2008 (No. 5) [F2008L04632]*.

267—Financial Management and Accountability Amendment Regulations 2008 (No. 6) [F2008L04624]*.

Fisheries Management Act—
Fisheries Management (Southern and Eastern Scalefish and Shark) Temporary Order 2009 [F2009L00228]*.
Southern Squid Jig Fishery Management Plan 2005—Southern Squid Jig Fishery Total Allowable Effort Determiantion 2008 [F2008L04731]*.

Fisheries Management Act and Fishing Levy Act—Select Legislative Instrument 2008 No. 248—Fishing Levy Regulations 2008 (No. 2) [F2008L04595]*.

Food Standards Australia New Zealand Act—
Australia New Zealand Food Standards Code – Amendments Nos—
104 – 2008 [F2008L04541]*.
105 – 2009 [F2009L00076]*.

Food Standards Australia New Zealand Application Handbook – Amendment No. 2 – 2008 [F2008L04594]*.

Great Barrier Reef Marine Park Act—
Cairns Area Plan of Management Amendment 2008 (No. 1) [F2008L04583]*.
Select Legislative Instrument 2008 No. 262—Great Barrier Reef Marine Park Amendment Regulations 2008 (No. 1) [F2008L04577]*.
Whitsundays Plan of Management Amendment 2008 (No. 1) [F2008L04591]*.

Health Insurance Act—
Health Insurance (Gippsland and South Eastern New South Wales Mobile MRI Trial) Determination 2009 [F2009L00229]*.
Health Insurance (Permitted benefits — pathology services) Amendment Determination 2008 [F2008L04680]*.
Select Legislative Instrument 2008 No. 268—Health Insurance (General Medical Services Table) Amendment Regulations 2008 (No. 4) [F2008L04283]*.

Hearing Services Administration Act—Hearing Services (Eligible Persons) Amendment Determination 2008 (No. 1) [F2008L04723]*.
Higher Education Support Act—Commonwealth Scholarships Guidelines (Education) 2008 [F2008L04582]*.
Commonwealth Scholarships Guidelines (Research) 2008 [F2008L04396]*.
HECS-HELP Benefit Guidelines [F2008L04659]*.
List of Grants under Division 41, dated 9 December 2008 [F2008L04707]*.
Other Grants Guidelines (Education) 2008 (DEEWR)—Amendment No. 1 [F2008L04765]*.
VET Provider Approvals Nos—1 of 2009 [F2009L00147]*.
2 of 2009 [F2009L00150]*.
3 of 2009 [F2009L00152]*.
4 of 2009 [F2009L00216]*.


16 of 2008—Prudential Standard GPS 221 Risk Management: Level 2 Insurance Groups [F2009L00011]*.
17 of 2008—Prudential Standard GPS 311 Audit and Actuarial Reporting and Valuation: Level 2 Insurance Groups [F2009L00012]*.
Select Legislative Instrument 2008 No. 281—Insurance Amendment Regulations 2008 (No. 2) [F2008L04646]*.
Judiciary Act—Select Legislative Instrument 2008 No. 246—High Court Amendment Rules 2008 (No. 1) [F2008L04589]*.
Migration Act—Direction under section 499—Direction No. 40—Order of consideration of certain applications for sponsorship, nomination and visas under the Skill Stream of the Migration Program and the Temporary Residence Program.
Instruments IMMI—
08/093—Revocation of section 499 Direction No. 5 [F2008L04745]*.
08/107—Revocation of section 499 Direction No. 35 [F2008L04742]*.
Migration Agents Regulations—MARA Notices—
MN50-08b of 2008—Migration Agents (Continuing Professional Development – Private Study of Audio, Video or Written Material) [F2008L04671]*.
MN50-08c of 2008—Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2008L04673]*.
MN50-08f of 2008—Migration Agents (Continuing Professional Development – Miscellaneous Activities) [F2008L04672]*.

Migration Regulations—Instruments IMMI—
08/101—Specification of addresses [F2008L04451]*.
08/114—Payment of visa application charges and fees in foreign currencies [F2008L04504]*.
08/115—Places and currencies for paying of fees [F2008L04488]*.
09/004—Arrangements for work and holiday visa applicants from Thailand, Iran, Chile, Turkey, United States of America and Malaysia [F2009L00230]*.


Military Superannuation and Benefits Act—
Military Superannuation and Benefits Trust Deed Amendment 2008 (No. 1) [F2008L04766]*.
Military Superannuation and Benefits Trust Deed Amendment 2008 (No. 2) [F2008L04787]*.

Nation-building Funds Act—
BAF Evaluation Criteria [F2008L04764]*.
HHF Evaluation Criteria 2009 [F2009L00041]*.

National Health Act—
Instruments Nos PB—
124 of 2008—Amendment declaration and determination – drugs and medicinal preparations [F2008L04633]*.
125 of 2008—Amendment determination – pharmaceutical benefits [F2008L04635]*.
126 of 2008—Amendment determination – responsible persons [F2008L04637]*.
127 of 2008—Amendment – price determinations and special patient contributions [F2008L04638]*.
129 of 2008—Amendment Special Arrangements – Highly Specialised Drugs Program [F2008L04640]*.
130 of 2008—Amendment Special Arrangements – Chemotherapy Pharmaceuticals Access Program [F2008L04643]*.
131 of 2008—Amendment determination – conditions [F2008L04645]*.
132 of 2008—Determination – drugs on F1 [F2008L04647]*.
1 of 2009—Amendment declaration and determination – drugs and medicinal preparations [F2009L00238]*.
2 of 2009—Amendment determination – pharmaceutical benefits [F2009L00043]*.
3 of 2009—Amendment determination – responsible persons [F2009L00044]*.
4 of 2009—Amendment – price determinations and special patient contributions [F2009L00045]*.
5 of 2009—Determination – drugs on F1 [F2009L00046]*.
6 of 2009—Amendment Special Arrangements – Highly Specialised Drugs Program [F2009L00047]*.
7 of 2009—Amendment Special Arrangements – IVF/GIFT Program [F2009L00108]*.
18 of 2009—Determination – weighted average disclosed price [F2009L00239]*.

Pharmaceutical Benefits Determinations under sections—
84BA, dated 18 December 2008 [F2008L04741]*.
84HA, dated 28 November 2008 [F2008L04576]*.

National Health Security Act—Select Legislative Instrument 2008 No. 269—National Health Security Amendment Regulations 2008 (No. 1) [F2008L04266]*.

National Transport Commission Act—Select Legislative Instruments 2008 Nos—
276—National Transport Commission (Model Amendments Regulations: Australian Road Rules — Package No. 6) Regulations 2008 [F2008L04649]*.
277—National Transport Commission (Model Rail Safety (Amendment No. 2) Bill) Regulations 2008 [F2008L04648]*.

Navigation Act—
Marine Order No. 12 of 2008—Carriage of dangerous goods [F2008L04735]*.
Select Legislative Instrument 2008 No. 278—Navigation (Confidential Marine Reporting Scheme) Regulations 2008 [F2008L04666]*.


Ozone Protection and Synthetic Greenhouse Gas Management Act—Ozone Protection and Synthetic Greenhouse Gas Management (Control on Discharge of Scheduled Substances — Startup Date) Proclamation 2008 [F2008L04674]*.

Patents Act, Trade Marks Act and Designs Act—Select Legislative Instrument 2008 No. 279—Intellectual Property Legislation Amendment Regulations 2008 (No. 1) [F2008L04588]*.

Payment Systems (Regulation) Act—Variation of Interchange Fee Standards [F2008L04668]*.

Primary Industries (Excise) Levies Act—Select Legislative Instrument 2008 No. 249—Primary Industries (Excise) Levies Amendment Regulations 2008 (No. 5) [F2008L04626]*.

Private Health Insurance Act—
Private Health Insurance (Benefit Requirements) Amendment Rules 2008 (No. 5) [F2008L04689]*.
Private Health Insurance (Complying Product) Amendment Rules 2008 (No. 3) [F2008L04578]*.
Private Health Insurance (Complying Product) Amendment Rules 2008 (No. 4) [F2008L04679]*.
Private Health Insurance (Prostheses Application and Listing Fees) Act—Private Health Insurance (Prostheses Application and Listing Fee) Amendment Rules 2009 (No. 1) [F2009L00074]*.
Public Service Act—Public Service Commissioner’s Amendment Directions 2008 (No. 2).

Radiocommunications Act—
Australian Radiofrequency Spectrum Plan 2009 [F2008L04658]*.
Notification that the Australian Communications and Media Authority prohibits the operation or supply, or possession for the purpose of operation or supply, of specified devices Amendment Declaration 2009 (No. 1) [F2009L00013]*.

Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence Variation 2008 (No. 1) [F2009L00013]*.
Radiocommunications (Cordless Telephone) Standard 2008 [F2008L04652]*.
Radiocommunications Devices (Compliance Labelling) Amendment Notice 2008 (No. 2) [F2008L04655]*.

Radiocommunications (Digital Radio Channels — NSW/ACT) Plan Variation 2008 (No. 1) [F2009L00099]*.
Radiocommunications (Digital Radio Channels — Queensland) Plan Variation 2008 (No. 1) [F2009L00101]*.
Radiocommunications (Digital Radio Channels — South Australia) Plan Variation 2008 (No. 1) [F2009L00102]*.

Radiocommunications (Digital Radio Channels — Victoria) Plan Variation 2008 (No. 1) [F2009L00098]*.

Radiocommunications (Digital Radio Channels — Western Australia) Plan Variation 2008 (No. 1) [F2009L00100]*.

Radiocommunications (Duration of Community Television Transmitter Licences) Determination No. 1 of 2008 [F2008L04719]*.

Radiocommunications (Emergency Locating Devices) Class Licence Variation 2008 (No. 1) [F2009L00017]*.

Radiocommunications Licence Conditions (Maritime Licence) Amendment Determination 2008 (No. 1) [F2009L00015]*.

Radiocommunications Licence Conditions (Maritime Ship Licence) Amendment Determination 2008 (No. 1) [F2009L00016]*.

Radiocommunications Licence Conditions (Low Interference Potential Devices) Class Licence Variation Notice 2008 (No. 1) [F2009L00038]*.

Radiocommunications (Maritime Ship Station — 27 MHz and VHF) Class Licence Variation 2008 (No. 1) [F2009L00014]*.

Radiocommunications Miscellaneous Devices Class Licence 1999 Revocation Notice 2008 [F2009L00039]*.

Remuneration Tribunal Act — Determinations—

2008/21: Remuneration and Allowances for Holders of Public Office [F2008L04597]*.


Renewable Energy (Electricity) Act—

Select Legislative Instrument 2008 No. 263—Renewable Energy (Electricity) Amendment Regulations 2008 (No. 1) [F2008L04657]*.

Schools Assistance Act—

Determination of classes of persons who are not overseas students 2008 [F2008L04760]*.

Determination of levels of education 2008 [F2008L04759]*.

Guidelines for determining socio-economic status (SES) scores 2008 [F2008L04762]*.

Social Security Act—

Social Security (Deeming Threshold Rates) (FaHCSIA) Determination 2009 (No. 1) [F2009L00188]*.

Social Security (Exempt Lump Sum) (Murray-Darling Basin Small Block Irrigators Exit Grant) (DEEWR) Determination 2008 (No. 1) [F2008L04678]*.

Social Security Exempt Lump Sum (Murray-Darling Basin Small Block Irrigators Grant) (FaHCSIA) Determination 2008 [F2008L04670]*.

Social Security Foreign Currency Exchange Rate Determination 2009 [F2008L04520]*.

Social Security (Administration) Act—

Social Security (Administration) (Declared relevant Northern Territory areas — Various (No. 36)) Determination 2008 [F2008L04593]*.

Social Security (Administration) (Declared relevant Northern Territory areas — Various (No. 37)) Determination 2008 [F2008L04661]*.

Social Security (Administration) (Schooling Requirement) Determination 2009 (No. 1) [F2009L00240]*.
Social Security (International Agreements) Act—

Select Legislative Instrument 2008 No. 265—Social Security (International Agreements) Act 1999 Amendment Regulations 2008 (No. 2) [F2008L04650]*.

Social Security (International Agreements) Act 1999 Amendment Regulations 2008 (No. 1)—Commencement (Agreement between Australia and Japan on Social Security) Instrument 2008 [F2008L04699]*.

Superannuation Act 1990—Thirty-second Amending Deed to the Public Sector Superannuation Scheme Trust Deed [F2008L04706]*.

Superannuation Industry (Supervision) Act—Select Legislative Instrument 2008 No. 282—Superannuation Industry (Supervision) Amendment Regulations 2008 (No. 4) [F2008L04665]*.

Superannuation (Unclaimed Money and Lost Members) Act—Select Legislative Instrument 2008 No. 283—Superannuation (Unclaimed Money and Lost Members) Amendment Regulations 2008 (No. 1) [F2008L04663]*.

Supported Accommodation Assistance Act—Supported Accommodation Assistance Form of Agreement Determination 2008 [F2008L04686]*.

Sydney Airport Curfew Act—Dispensation Report 01/09.

Taxation Administration Act—Select Legislative Instrument 2008 No. 284—Taxation Administration Amendment Regulations 2008 (No. 4) [F2008L04664]*.

Telecommunications Act—

Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2008) [F2008L04702]*.

Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2008 (No. 2) [F2008L04654]*.

Telecommunications (Consumer Protection and Service Standards) Act—Digital Data Service Provider Declaration Revocation 2008 (No. 1) [F2008L04701]*.

Therapeutic Goods Act—

Poisons Standard Amendment No. 3 of 2008 [F2008L04592]*.

Select Legislative Instrument 2008 No. 270—Therapeutic Goods (Medical Devices) Amendment Regulations 2008 (No. 2) [F2008L04296]*.

Therapeutic Goods (Emergency) Exemption 2009 (No. 1) [F2009L00154]*.

Therapeutic Goods (Listing) Notices 2008—

(No. 5) [F2008L04537]*.

(No. 6) [F2008L04538]*.

Therapeutic Goods Order No. 81—Standards for blood and blood components [F2008L04724]*.

Trade Practices Act—

Class Exemption Determination No. 4 of 2008 [F2008L04581]*.

Consumer Protection Notices Nos—


1 of 2009—Consumer Product Safety Standard for lead and certain elements in children’s toys [F2009L00223]*.

Instrument under Part X – section 10.02A—Instrument of declaration of inland terminals [F2008L04324]*.

Veterans’ Entitlements Act—

Statements of Principles concerning—

Accommodation Disorder No. 5 of 2009 [F2008L04750]*.

Accommodation Disorder No. 6 of 2009 [F2008L04751]*.
Alcohol Dependence and Alcohol Abuse No. 1 of 2009 [F2009L00001]*.
Alcohol Dependence and Alcohol Abuse No. 2 of 2009 [F2009L00002]*.
Cardiac Myxoma No. 11 of 2009 [F2009L00005]*.
Cardiac Myxoma No. 12 of 2009 [F2009L00006]*.
Chilblains No. 9 of 2009 [F2009L00003]*.
Chilblains No. 10 of 2009 [F2009L00004]*.
Drug Dependence and Drug Abuse No. 3 of 2009 [F2008L04748]*.
Drug Dependence and Drug Abuse No. 4 of 2009 [F2008L04749]*.
Thromboangiitis Obliterans No. 7 of 2009 [F2008L04752]*.
Thromboangiitis Obliterans No. 8 of 2009 [F2008L04753]*.
Veterans’ Entitlements Income (Exempt Lump Sum – Manchester Unity and HCF Merger Payments) Determination No. R7 of 2009 [F2009L00024]*.
Veterans’ Entitlements Income (Exempt Lump Sum – Murray-Darling Basin Small Block Irrigators Grant) Determination No. R8 of 2009 [F2009L00048]*.

Water Act—Select Legislative Instrument 2008 No. 285—Water Amendment Regulations 2008 (No. 3) [F2008L04653]*.

Governor-General’s Proclamation—Commencement of provisions of Acts


Same-Sex Relationships (Equal Treatment in Commonwealth Laws — Superannuation) Act 2008—Schedule 1—1 January 2009 [F2008L04609]*.
Superannuation (Departing Australia Superannuation Payments Tax) Amendment Act 2008—Schedule 1—1 April 2009 [F2008L04639]*.
Temporary Residents’ Superannuation Legislation Amendment Act 2008—Schedule 1—18 December 2008 [F2008L04636]*.

* Explanatory statement tabled with legislative instrument.

Indexed Lists of Files

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

Indexed lists of departmental and agency files for the period 1 July to 31 December 2008—Statement of compliance—Australian Trade Commission.

Departmental and Agency Contracts

The following documents were tabled pursuant to the order of the Senate of 24 June 2008:

Departmental and agency appointments—Additional estimates—Letters of advice—Attorney-General’s portfolio agencies.
Australian National Audit Office.
Australian Public Service Commission.
Climate Change and Water portfolio agencies.
Commonwealth Ombudsman.
Department of the Prime Minister and Cabinet.
Education, Employment and Workplace Relations portfolio agencies.
Environment, Heritage and the Arts portfolio agencies.
Departmental and Agency Grants

The following documents were tabled pursuant to the order of the Senate of 24 June 2008:

Departmental and agency grants—
Additional estimates—Letters of advice—
Attorney-General’s portfolio agencies.
Australian National Audit Office.
Australian Public Service Commission.
Climate Change and Water portfolio agencies [2].
Commonwealth Ombudsman.
Department of the Prime Minister and Cabinet.
Environment, Heritage and the Arts portfolio agencies.
Families, Housing, Community Services and Indigenous Affairs portfolio agencies.
Finance and Deregulation portfolio agencies.
Foreign Affairs and Trade portfolio agencies.
Health and Ageing portfolio agencies.
Human Services portfolio agencies.
Innovation, Industry, Science and Research portfolio agencies.
Inspector-General of Intelligence and Security.
National Archives of Australia.
Office of the Privacy Commissioner.
Old Parliament House.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Garnaut Review: Costs
(Question No. 562 amended)

Senator Abetz asked the Minister for Climate Change and Water, upon notice, on 18 July 2008:

(1) So far, what is the total cost of Professor Garnaut’s travel and accommodation expenses paid by, or invoiced to, the department.

(2) What is the total cost of staffing resources provided to Professor Garnaut.

(3) (a) How are staff working on the review engaged; (b) are the positions Australian Public Sector positions/classifications; (c) at what pay/level are the staff; an (d) are the staff on non-ongoing contracts.

(4) Are the staff physically located within the Department of Climate Change; if not, where are the staff engaged.

(5) In relation to Professor Garnaut’s motor vehicle allowance, has the department made enquiries as to what type of motor vehicle Professor Garnaut drives; if so, what is its make and model.

(6) Does the department pay Professor Garnaut’s mobile phone bill; if so, how much has been paid/invoiced to date.

(7) Has the Government provided any other resources to assist Professor Garnaut; if so, can details of these resources be provided.

(8) For each of the five public forums held by Professor Garnaut in the week of 7 July 2008, what was the total cost of: (a) venue hire; (b) advertising; (c) Professor Garnaut’s travel and accommodation; (d) any supporting staff travel and accommodation; and (e) any other expenses.

(9) Has anyone working with Professor Garnaut, or Professor Garnaut himself, prepared briefing information for the Department of Climate Change for the Minister, or directly to the Minister; if so, when was this information provided to the Minister/department.

(10) (a) Who paid for the printing, publication and distribution of the draft report of the Garnaut Climate Change Review; (b) what was the cost of printing, publication and distribution of the report; and (c) how many copies were printed.

(11) (a) On what basis was the paper ‘9Lives80’ selected for use in the report; (b) where is this paper made; (c) if the paper is not Australian-made: (i) why was this paper preferred ahead of Australian-made options, (ii) how many carbon miles were used to bring the paper to Australia for printing and use in the report, and (iii) were these carbon miles offset; and (d) what was the total cost of using this paper in the report.

(12) (a) Who paid for the design and development of the logo for the Garnaut Climate Change Review; (b) who designed the logo; and (c) what was the total cost of designing the logo.

(13) What financial or staffing support has been provided for the maintenance of the Garnaut Review website.

Senator Wong—The amended answer to the honourable senator’s question is as follows:
Explanation: Paragraph 5 has been amended due to a misunderstanding regarding the payment of Professor Garnaut’s vehicle allowance.

(1) The cost of Professor Garnaut's travel and accommodation expenses paid by the Department of Climate Change as at 13 August 2008 is $14,704.54.
(2) The Department of Climate Change has provided Professor Garnaut with staffing resources that as at 13 August 2008 totalled approximately $200 000.

(3) (a) Staff funded by the Commonwealth have been either seconded from the Department of Climate Change; seconded from the Department of Environment, Water, Heritage and the Arts; seconded from the Victorian Department of the Premier and Cabinet; or engaged externally for the period of the Review.

(b) All such staff are employed within Australian Public Sector classifications.

(c) Staff are employed within the bandwidth APS 6 – SES Band 3.

(d) Staff seconded from Commonwealth Departments are on ongoing contracts. Other staff are on non-ongoing contracts.

(4) The Secretariat is co-located with the Department of Climate Change at 2 Constitution Avenue.

(5) The Department has not made enquiries as to what type of motor vehicle Professor Garnaut drives.

(6) The Department pays 35 per cent of Professor Garnaut’s total mobile phone bill. As at 13 August 2008, $1 539.45 has been paid by the Department of Climate Change.

(7) The Department of Climate Change has assisted in providing corporate administrative support to the Garnaut Review, as appropriate, to ensure oversight and management of the Commonwealth contribution.

(8) Venue hire, advertising and Professor Garnaut’s travel and accommodation were paid for from State and Territory contributions to the Garnaut Review. The Commonwealth contributed $2 210.32 for supporting staff travel and accommodation.

(9) Professor Garnaut and the Secretariat have not prepared any briefing information for the Department of Climate Change for the Minister. Professor Garnaut has met directly with the Minister for Climate Change and Water on a number of occasions.

(10) (a) The Department of Climate Change paid for the printing of the Draft Report.

(b) Draft Report printing costs totalled $70 000. Distribution was minimal and costs are valued at approximately $500.

(c) 600 copies of the draft report were printed.

(11) (a) 9Lives80 paper was selected for use in the report because it is composed of 80 per cent post-consumer fibre and 20 per cent totally chlorine-free pulp. 9Lives80 is a Forest Stewardship Council mixed-source certified paper, identifying that all virgin pulp used in manufacture is derived from well-managed forests and manufactured by ISO 14001 certified mills.

(b) The paper is manufactured in Italy.

(c) (i) There were two Australian-made options, which were assessed by the printer as being of lower quality.

(c) (ii) and (iii) The carbon miles used to bring the paper to Australia have not been calculated or offset.

(d) The total cost of using the paper in the report was $18 873.

(12) The logo was designed, developed and paid for by States and Territories before the Commonwealth formally joined the Review.

(13) The Commonwealth has not been involved in any expenditure or staffing support for the maintenance of the Garnaut Review website.
Prime Minister: Heads of Missions Meetings
(Question No. 575)

Senator Minchin asked the Minister representing the Prime Minister, upon notice, on 25 August 2008:

(1) Since the Prime Minister was sworn in, how many Heads of Missions in Australia have met with the Prime Minister.

(2) How many times has each Head of Mission met with the Prime Minister.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) As at 27 August 2008 the Prime Minister had met six Heads of Missions in Australia.

(2) The Prime Minister had met one Head of Mission on four occasions and the other five Heads of Mission on one occasion each.

Note: The provided details do not include functions and events the Prime Minister has attended where Heads of Missions have been present, including meetings between the Prime Minister and visiting foreign dignitaries.

Beijing Olympic Games
(Question Nos 661, 684 and 686)

Senator Minchin asked the Minister representing the Minister for Health and Ageing, upon notice, on 25 August 2008:

(1) Did the Minister or Parliamentary Secretary within the Minister’s portfolio attend any event at the Beijing Olympic Games; if so, which events did the Minister/Parliamentary Secretary attend?

(2) Was the Minister/Parliamentary Secretary accompanied by: (a) family; (b) personal staff; and (c) departmental officials; if so how many?

(3) Did any officials from the department attend the Beijing Olympic Games in their capacity as an employee of the Australian Government; if so, how many and in what capacity did they attend

(4) In regard to the attendance by the Minister/Parliamentary Secretary and/or departmental officials at the Beijing Olympic Games, what was the total cost of: (a) travel; (b) accommodation; and (c) any other expenses?

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

(1) Yes. The Hon Kate Ellis MP, Minister for Sport, attended the following events at the Games of the XXIX Olympiad, Beijing, People’s Republic of China:

- The Opening Ceremony of the Games of the XXIX Olympiad
- A wide range of sporting events involving Australian athletes including:
  - swimming, shooting and basketball on 10 August;
  - beach volleyball, archery, tennis and basketball on 11 August;
  - swimming, diving, canoeing, kayaking and tennis on 12 August;
  - gymnastics, water polo and football (Tianjin) on 13 August;
  - softball, water polo, table tennis and hockey on 14 August;
  - swimming, cycling and athletics on 15 August;
  - sailing events in Qingdao on 16 August;
swimming and rowing on 17 August.

- Chaired and co-hosted the 4th Commonwealth Sports Ministers’ Meeting (CSMM) on 9 August at the Hilton Beijing Hotel. The meeting was attended by 34 Sports Ministers and over 70 officials from the Commonwealth countries and territories.

- Austrade’s Business Club Australia Program including:
  - Beijing 2008 VIP Opening Ceremony function;
  - The Australian Sports and Events Industry function; and
  - The Australian Sporting Infrastructure Capability Reception with the London 2012 team.

- Bilateral meetings with:
  - His Excellency Mr Kamalesh Sharma, Commonwealth Secretary General;
  - The Hon Gerry Sutcliffe MP, UK Minister for Sport;
  - The Hon Clayton Cosgrove MP, then New Zealand Minister for Sport and Recreation;
  - Ms Sue Campbell, Chair, Commonwealth Advisory Body on Sport (CABOS); and
  - Ms Chen Zhili, Mayor of Olympic and Paralympic Village, National Paralympic Committee Vice Chair for the People’s Republic of China.

- Dinner with Australian sports officials hosted by His Excellency Dr Geoff Raby, Australian Ambassador to the People’s Republic of China.

- An informal gathering of the World Anti-Doping Agency Foundation Board Members.

- Australian Olympic Team events including:
  - The Official Welcome Ceremony to the Olympic Village; and
  - The 2008 Australian Olympic Team Reception.

- Visit to the Olympic Village and tour of the Australian section of the village.

- Tour of the Main Olympic Press Centre.

- Qingdao sailing events including:
  - Tour of Qingdao Sailing Competition Centre;
  - Meeting with Australian Athletes; and
  - Dinner hosted by Yachting Australia with Australian athletes.

(2) (a) No; (b) Yes, one Adviser; and (c) Yes, two Department of Health and Ageing (DHA) officials.

(3) Two departmental officials travelled to Beijing with Minister Ellis. One provided support to the Minister for the duration of the Minister’s visit (5-18 August 2008), and the other provided logistical support for the CSMM (6-11 August 2008).

(4) The total cost of Minister Ellis’, her Adviser and two departmental official’s attendance at the Olympic Games is as follows:

<table>
<thead>
<tr>
<th>Traveller</th>
<th>(a) Travel</th>
<th>(b) Accommodation</th>
<th>(c) Any other expense</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister Ellis</td>
<td>$ 8 325.15</td>
<td>$ 6 952.22*</td>
<td>$ 2 768.15</td>
<td>$18 045.52</td>
</tr>
<tr>
<td>Adviser</td>
<td>$ 8 003.80</td>
<td>$ 6 622.85*</td>
<td>$ 892.23</td>
<td>$15 518.88</td>
</tr>
<tr>
<td>Dept Official</td>
<td>$ 7 741.98</td>
<td>$11 087.00#</td>
<td>$ 3 260.13</td>
<td>$22 089.11</td>
</tr>
</tbody>
</table>
The financial information provided above for Ministerial and accompanying MOP(S) Act staff (Advisor) travel expenses was provided by the Department of Finance and Deregulation (DFD) [with the exception of $7,910.44 and $7,649.52 paid by DHA for airfares for Minister Ellis and her Adviser respectively, to attend the Olympics, and to be reimbursed by DFD under MOPS arrangements.] This advice is accurate as at 29 October 2008. DFD has advised that some trips remain unreconciled given that the travel was undertaken recently. This means that DFD may not have received all accounts and information from the Department of Foreign Affairs and Trade (DFAT) Overseas Posts, and may not have acquitted the travel allowances paid.

DFD has advised that as further expenditure is paid they do not intend to revisit or update the information provided given the diversion of resources required to undertake this task.

* DFD is unable to disaggregate accommodation costs between the Minister and her Adviser. Therefore the figure provided for accommodation represents approximately half of the total accommodation costs charged to the Minister and her Adviser allowing for differences in room standards.

# Accommodation for departmental officials was arranged by DFAT.

**Minister for Health and Ageing and Parliamentary Secretary: Overseas Travel**

*(Question Nos 697, 720 and 722)*

**Senator Minchin** asked the Minister representing the Minister for Health and Ageing, upon notice, on 25 August 2008:

Did the Minister or Parliamentary Secretary within the Minister’s portfolio travel overseas during July or August 2008; if so:

(1) Where did the Minister/Parliamentary Secretary travel.

(2) What was the duration of the travel.

(3) What was the purpose of the travel.

(4) For each country visited, what was the total cost to the taxpayer of: (a) travel; (b) accommodation; (c) Any other expenses.

(5) How many personal staff accompanied the Minister/Parliamentary Secretary.

(6) How many family members accompanied the Minister/Parliamentary Secretary.

(7) In regard to staff and family accompanying the Minister/Parliamentary Secretary, what was the total cost of: (a) travel; (b) accommodation; (c) any other expenses.

(8) (a) How many departmental officers accompanied the Minister/Parliamentary Secretary; and (b) What was the total cost of their: (i) travel; (ii) accommodation; (iii) any other expenses.

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

Yes, the Hon Kate Ellis MP, Minister for Sport, from 5-18 August 2008.

(1) Minister Ellis travelled to Beijing, Tianjin and Qingdao, People’s Republic of China.

(2) The duration of the travel was 14 days.

(3) To attend the Olympics Games and chair and co-host the 4th Commonwealth Sports Ministers’ Meeting (CSMM).
The cost to the taxpayer for travel undertaken by Minister Ellis is as follows:

<table>
<thead>
<tr>
<th>Traveller</th>
<th>(a) Travel</th>
<th>(b) Accommodation</th>
<th>(c) Any other expense</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister Ellis</td>
<td>$8 325.15</td>
<td>$6 952.22*</td>
<td>$2 768.15</td>
<td>$18 045.52</td>
</tr>
</tbody>
</table>

One Adviser accompanied Minister Ellis to the Olympic Games.

The cost to the taxpayer for travel undertaken by Minister Ellis’ Adviser is as follows:

<table>
<thead>
<tr>
<th>Traveller</th>
<th>(a) Travel</th>
<th>(b) Accommodation</th>
<th>(c) Any other expense</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adviser</td>
<td>$8 003.80</td>
<td>$6 622.85*</td>
<td>$892.23</td>
<td>$15 518.88</td>
</tr>
</tbody>
</table>

One Department of Health and Ageing (DHA) official attended the Beijing Olympic Games with Minister Ellis and one attended the CSMM with Minister Ellis.

<table>
<thead>
<tr>
<th>Traveller</th>
<th>(a) Travel</th>
<th>(b) Accommodation</th>
<th>(c) Any other expense</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dept Official</td>
<td>$ 7 741.98</td>
<td>$11 087.00 #</td>
<td>$3 260.13</td>
<td>$22 089.11</td>
</tr>
<tr>
<td>Dept Official</td>
<td>$ 7 722.30</td>
<td>$11 087.00 #</td>
<td>$ 825.33</td>
<td>$19 634.63</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$15 464.28</td>
<td>$22 174.00</td>
<td>$4 085.46</td>
<td>$41 723.74</td>
</tr>
</tbody>
</table>

The financial information provided above for Ministerial and accompanying MOP(S) Act staff (Adviser) travel expenses was provided by the Department of Finance and Deregulation (DFD) [with the exception of $7,910.44 and $7,649.52 paid by DHA for airfares for Minister Ellis and her Adviser respectively, to attend the Olympics, and to be reimbursed by DFD under MOPS arrangements]. This advice is accurate as at 29 October 2008. DFD has advised that some trips remain unreconciled given that the travel was undertaken recently. This means that DFD may not have received all accounts and information from the Department of Foreign Affairs and Trade (DFAT) Overseas Posts, and may not have acquitted the travel allowances paid.

DFD has advised that as further expenditure is paid they do not intend to revisit or update the information provided given the diversion of resources required for this task.

* DFD is unable to disaggregate accommodation costs between the Minister and her Adviser. Therefore the figure provided represents approximately half of the total accommodation costs charged to the Minister and her Adviser allowing for the difference in room standards.

# Accommodation for departmental officials was arranged by DFAT.

**Minister for Families, Housing, Community Services and Indigenous Affairs and Parliamentary Secretary: Overseas Travel**

(Question No. 698)

Senator Minchin asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, upon notice, on 25 August 2008:

Did the Minister or Parliamentary Secretary within the Minister’s portfolio travel overseas during July or August 2008; if so:

1. Where did the Minister/Parliamentary Secretary travel.
2. What was the duration of the travel.
3. What was the purpose of the travel.
4. For each country visited, what was the total cost to the taxpayer of: (a) travel; (b) accommodation; and (c) any other expenses.
5. How many personal staff accompanied the Minister/Parliamentary Secretary.
6. How many family members accompanied the Minister/Parliamentary Secretary.
7. In regard to staff and family accompanying the Minister/Parliamentary Secretary, what was the total cost of: (a) travel; (b) accommodation; and (c) any other expenses.
(8) (a) How many departmental officers accompanied the Minister/Parliamentary Secretary; and (b) what was the total cost of their: (i) travel, (ii) accommodation, and (iii) any other expenses.

Senator Chris Evans—The Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

Senator Minchin the answer to your question concerning travel overseas by the Ministers or Parliamentary Secretary for Families, Housing, Community Services and Indigenous Affairs for the period July and August 2008 is a nil response.

Minister for Housing and Minister for the Status of Women and Parliamentary Secretary: Overseas Travel
(Question Nos 714 and 715)

Senator Minchin asked the Minister representing the Minister for Housing and the Minister representing the Minister for the Status of Women, upon notice, on 25 August 2008:

Did the Minister or Parliamentary Secretary within the Minister’s portfolio travel overseas during July or August 2008; if so:

(1) Where did the Minister/Parliamentary Secretary travel.
(2) What was the duration of the travel.
(3) What was the purpose of the travel.
(4) For each country visited, what was the total cost to the taxpayer of: (a) travel; (b) accommodation; and (c) any other expenses.
(5) How many personal staff accompanied the Minister/Parliamentary Secretary.
(6) How many family members accompanied the Minister/Parliamentary Secretary.
(7) In regard to staff and family accompanying the Minister/Parliamentary Secretary, what was the total cost of: (a) travel; (b) accommodation; and (c) any other expenses.
(8) (a) How many departmental officers accompanied the Minister/Parliamentary Secretary; and (b) what was the total cost of their: (i) travel, (ii) accommodation, and (iii) any other expenses.

Senator Wong—The Minister for Housing and the Minister for the Status of Women has provided the following answer to the honourable senator’s question:

Senator Minchin the answer to your question concerning travel overseas by the Minister for Housing and the Status of Women for the period July and August 2008 is a nil response.

Koala Conservation
(Question No. 743)

Senator Bob Brown asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 24 September 2008:

With reference to the seminar at the University of Newcastle on 23 September 2008, ‘The koala: Future of an icon’, and in particular the associated paper by Dr Stephen Jackson:

(1) What is the Government’s plan to ensure the prosperity of koalas and their survival in regions where they persist.
(2) What are the chances of the koala becoming extinct, locally in such regions or nationally.
(3) What review of the status of the koala has the Government undertaken, when and by whom.
(4) What possible impact will imminently proposed logging of forests in south east New South Wales and East Gippsland have on koalas, and in particular logging near Bermagui.
Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) The Australian Government is committed to ensuring the conservation of koalas across their natural range.

The 1998 National Koala Conservation Strategy (the Strategy) was developed by the Commonwealth, state and territory governments, in recognition of the importance of the koala to Australia’s natural and cultural heritage. It was intended to provide a nationally coordinated approach to koala conservation in order to retain viable populations in the wild throughout the koala’s natural range.

In 2006, the Natural Resource Management Ministerial Council (NRMMC) agreed to review the Strategy. The review is being overseen by a Steering Committee, chaired by the Commonwealth Department of the Environment, Water, Heritage and the Arts and comprising representatives from the range states (NSW, Vic, SA, and QLD) and the Australian Koala Foundation.

To contribute to this review, the Australian Government has funded an evaluation of progress made in implementing the Strategy. The report from this evaluation has been provided to the Steering Committee as input to the Strategy review.

To support a revised Strategy the Steering Committee will also develop an implementation plan to provide clear directions, priorities and timetables to meet the objectives of the strategy.

It is expected the Steering Committee will provide its recommendations to the NRMMC in 2009.

(2) & (3) Under the Queensland Nature Conservation Act 1992, the koala is listed as vulnerable in the South Eastern Queensland Bioregion, and common elsewhere in the State. In New South Wales, the koala is listed as vulnerable, however the ‘Hawks Nest and Tea Gardens’ and the ‘Pittwater Local Government Area’ populations are listed as endangered under the New South Wales Threatened Species Conservation Act 1995. The koala was listed as rare under the South Australian National Parks and Wildlife Act 1972, however it was removed from the list in its most recent revision. The koala is not listed as threatened under the Australian Capital Territory Nature Conservation Act 1980 nor the Victorian Flora and Fauna Guarantee Act 1988.

The koala has been nominated twice for listing as nationally threatened under the Endangered Species Protection Act 1992 (ESP Act) and once under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The most recent assessment was in 2006 under the EPBC Act. On each occasion the advice of the relevant independent scientific committee (Endangered Species Scientific Subcommittee and the Threatened Species Scientific Committee (TSSC)) was that while the species was subject to conservation pressures and that some local populations had declined, the koala did not meet the criteria for listing as threatened at the national level. This advice was accepted by the former ministers (Hill and Campbell) and the koala was not listed.

On the Threatened Species Scientific Committee’s recommendation, the Minister for the Environment, Heritage and the Arts has placed the koala on the Finalised Priority Assessment List for the assessment period commencing 1 October 2008. The TSSC will now undertake a new assessment of the koala’s conservation status and advise the Minister if the koala should be listed as a nationally threatened species under the EPBC Act. The assessment will be completed by 30 September 2010.

(4) The Minister for Agriculture, Fisheries and Forestry has provided the following answer to this question:

There are a number of instruments that provide protection for threatened flora and fauna. Clause 57 of the Regional Forest Agreement for the Eden Region of NSW states that:

‘the Parties agree that the Comprehensive, Adequate and Representative Reserve System, actions under the New South Wales Biodiversity Strategy, Threatened Species Conservation Act 1995
The koala is listed as vulnerable under the New South Wales Threatened Species Conservation Act 1995, and therefore is provided protection under the instruments listed above. Victoria has specific forest management practices for managing the impact of timber harvesting on koala populations in East Gippsland. Within East Gippsland, known resident koala populations are included within Special Protection Zone areas. Timber harvesting is not permitted within Special Protection Zones.

### Residential Mortgage-Backed Securities
#### (Question No. 755)

**Senator Bob Brown** asked the Minister for Superannuation and Corporate Law, upon notice, on 16 October 2008:

In regard to the $8 billion worth of AAA rated residential mortgage-backed securities the Government has directed the Australian Office of Financial Management to purchase from non-authorised deposit-taking institution lenders, and given that the credibility of the credit rating agencies has recently been undermined by their role in the financial crisis; How is the Government ensuring that the securities genuinely deserve their AAA rating and are not putting public funds at undue risk.

**Senator Sherry**—The answer to the honourable senator’s question is as follows:

On 26 September and 12 October 2008 the Government announced that the Australian Office of Financial Management (AOFM) will purchase residential mortgage-backed securities (RMBS) to support competition in Australia’s mortgage markets. Up to $8 billion is available for investment, with at least $4 billion to be allocated to issuers/originators that are non-authorised deposit taking institutions. The AOFM requires that the RMBS it purchases have AAA credit ratings from at least two of the major credit rating agencies. It also has specified minimum requirements for the securities which help ensure that they are of high credit quality. These requirements are detailed in AOFM Operational Notice No. 10/2008 of 13 October 2008 which is available on the AOFM web site (www.aofm.gov.au).

The credit quality of RMBS depends on the characteristics of the mortgage assets that back the securities, together with the credit support arrangements for the securities, including the structure of the various classes of securities within each issue and insurance coverage. The AOFM considers these arrangements as part of its due diligence assessments of proposed purchases. It also required monthly reporting on the composition of the mortgages supporting the securities purchased and regular reviews of the ratings of the issues by the credit rating agencies.

I announced the Australian review into credit rating agencies on 22 May 2008. The outcomes from the review were announced on 13 November 2008. Further information can be obtained from the media release which I issued concluding the review. It can be obtained from my Ministerial web site. Further information about the review is also available in the website of the Australian Securities and Investments Commission.

### Australia Post
#### (Question No. 758)

**Senator Wortley** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 28 October 2008:

(1) Has Australia Post ever been subject to legal action relating to an allegation of unfair contracts in regard to a mail contract; if so, what was the outcome.

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(Continued on the next page)
(2) In the answer provided to question no.25/26 taken on notice by Australia Post during the 2008-09 Budget estimates hearing of the Environment, Communications and the Arts Committee, Australia Post said that in 2007 it accepted 15 tenders where the tenderer’s labour rate was below the federal minimum wage: Can Australia Post expand on the answer it gave to the question, giving reasons of how it would be satisfied accepting a tender where the labour rate was below the federal minimum wage.

(3) Has the number of Australia Post staff working solely on Licensed Post Office (LPO) matters decreased or increased in the past 5 years.

(4) Can details be provided, year-by-year, of the Australia Post staff which are dedicated to managing the LPO network.

(5) Of the staff dedicated to managing LPOs: (a) how many have ever owned an LPO; and (b) do any have experience owning a small business.

(6) Has Australia Post ever considered hiring people with experience as licensees to be involved in the management of the LPO network.

(7) How many Australia Post staff are dedicated to managing mail contractors at a national and state level.

(8) What role do local Delivery Centre managers have in managing mail contractors.

(9) As a Government Business Enterprise, Australia Post has a strong obligation to behave ethically while operating in a commercial environment: (a) can Australia Post guarantee that child labour was not used to produce any of the products stocked in its corporate post offices; and (b) what procedures does Australia Post have in place to ensure that the products it sells are produced ethically.

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) There have been two disputes relating to delivery contracts that have resulted in legal action. One occurred in 2001 and was settled prior to the Australian Industrial Relations Commission (AIRC) hearing and the other is due to be heard in the AIRC in May 2009.

(2) Circumstances of individual contractors vary greatly and may influence the tender price that a tenderer chooses to submit. These circumstances need to be considered when assessing the viability of the tender. Tenderers are advised within the tender documentation provided to them to seek independent financial and legal advice prior to submitting a tender. References are also made to various Federal and State awards to assist the contractor determine their tender price.

Consideration is given to the total price of the tender as well as the various cost components that make up the tender. Tenderers control the allocation of costs according to their circumstances and/or financial advice. On occasions, some contractors only submit an overall price to perform the service and do not disclose their detailed cost components.

Tenderers may have other income sources such as operating as a Licensed Post Office, receiving a pension or may provide similar services such as a bus or a freight service that may directly affect how they price their tender for the service.

Australia Post as part of the tender assessment process will raise with the tenderer any areas of concern regarding the contractors pricing prior to accepting their offer. The final tender price and allocation of costs remains a decision for the tenderer. Australia Post may choose to award the tender where it is satisfied that the tenderer will be able to provide the service for the price tendered.

(3/4) Dedicated LPO management positions were first introduced in all states in 2006. Prior to that, staff managed the LPO network in conjunction with other duties.

Australia Post’s computerised personnel management system cannot provide historical reporting on tasks performed by specific positions. Therefore, it is not possible to provide the year-by-year details requested.
However, the number of full time equivalent staff dedicated to the management of the LPO network has remained constant since 2006, with current numbers (November 2008) shown in the following table:

<table>
<thead>
<tr>
<th>Area</th>
<th>Number of staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headquarters</td>
<td>3.5</td>
</tr>
<tr>
<td>New South Wales</td>
<td>28.5</td>
</tr>
<tr>
<td>Victoria</td>
<td>27.5</td>
</tr>
<tr>
<td>Queensland</td>
<td>20</td>
</tr>
<tr>
<td>South Australia/Northern Territory</td>
<td>13</td>
</tr>
<tr>
<td>Western Australia</td>
<td>12</td>
</tr>
<tr>
<td>Tasmania</td>
<td>7.5</td>
</tr>
<tr>
<td>TOTAL</td>
<td>112</td>
</tr>
</tbody>
</table>

(5) Of the staff dedicated to the management of the LPO network, four have operated LPOs and three have experience in owning small businesses.

(6) Yes. Experience as a Licensee is regarded as beneficial in managing the LPO network. However, it is only one of a number of aspects that are considered when determining a person’s ability and expertise to manage in this area.

(7) The following table shows the number of full time equivalent staff currently (November 2008) dedicated to managing mail contractors at a national and state level:

<table>
<thead>
<tr>
<th>Area</th>
<th>Number of Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headquarters</td>
<td>5.6</td>
</tr>
<tr>
<td>New South Wales</td>
<td>13.6</td>
</tr>
<tr>
<td>Victoria</td>
<td>8</td>
</tr>
<tr>
<td>Queensland</td>
<td>12.6</td>
</tr>
<tr>
<td>South Australia/Northern Territory</td>
<td>5.25</td>
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<tr>
<td>Western Australia</td>
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<td>1</td>
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<tr>
<td>TOTAL</td>
<td>55.65</td>
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</table>

(8) Contractors work from Australia Post premises, normally a Delivery Centre or Post Office. Management staff at these premises are responsible for the contractors on a day-to-day basis, including handing over mail for delivery, monitoring compliance with safety plans, and measuring service performance against agreed standards and contract requirements.

(9) While Australia Post cannot provide any absolute guarantees, its supplier agreements (Commercial Trading Agreements) are designed to ensure that child labour and other prohibited practices are not utilised in the production process of products stocked in corporate post offices.

### National Broadband Network

**Senator Minchin** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 28 October 2008:

Given the Government has previously stated that it will spend up to $4.7 billion of taxpayers’ money on a National Broadband Network: Does this figure still represent the Government’s absolute maximum contribution.

**Senator Conroy**—The answer to the honourable senator’s question is as follows:

The Government has clearly stated in the Request for Proposals to roll-out and operate a National Broadband Network for Australia that it will make a funding contribution of up to $4.7 billion to establish the National Broadband Network.
The Request for Proposals is a live process. Proposals were received by midday 26 November 2008. There has been no change to Government policy in this regard.

**Greenhouse Gas Emissions**

*(Question No. 765)*

Senator Milne asked the Minister for Climate Change and Water, upon notice, on 7 November 2008:

What are the estimated implications for Australian forestry and land clearing emissions if the Land Use, Land-Use Change and Forestry emissions sectors were to be listed in Annex A of the Kyoto Protocol.

Senator Wong—The answer to the honourable senator’s question is as follows:

Under the current international rules, countries can voluntarily elect to report emissions from different sectors (revegetation, forest management, cropland management and grazingland management) in the land use, land-use change and forestry sector under Article 3.4 of the Kyoto Protocol. Emissions from land systems are highly variable and, after extensive analysis, Australia chose not to elect the Article 3.4 activities mentioned above due to the risk of non-anthropogenic events which we have no control over (e.g. wildfire).

If, however, in a post 2012 climate change agreement, land use, land-use change and forestry emissions sectors were to be listed in what is now Annex A of the Kyoto Protocol, all emissions from this sector would be included regardless (including Article 3.4 activities).

The inclusion of Article 3.4 activities causes Australia’s national emissions to fluctuate between levels that would make it impossible to meet our international obligations. The recently released Carbon Pollution Reduction Scheme Green Paper discusses this issue (see page 121) and shows the variability of emissions between 1990 and 2005 with and without Article 3.4 activities.

**Pacific Seasonal Worker Pilot Scheme**

*(Question No. 766)*

Senator Milne asked the Minister for Immigration and Citizenship, upon notice, on 7 November 2008:

(1) In regard to the Pacific Seasonal Worker Pilot Scheme: Will any of the workers involved in this scheme be permitted/allowed/eligible to be employed to undertake work tasks and activities associated with forestry industry operations including, but not limited to, the planting of trees for plantations or carbon sink purposes, or the maintenance, harvesting and/or processing of an existing tree plantation or native forest, anywhere within Australia.

(2) Given that forestry operations and associated work activities are considered to be an ‘agricultural’ activity in Australia, are there any reasons, processes, procedures or guidelines which preclude workers under the scheme from being employed to undertake forestry-related work activities.

Senator Chris Evans—The answer to the honourable senator’s question is as follows:

(1) Forestry, including tree planting, is not considered part of the horticulture sector and so will not be included in the scheme.

(2) A decision has been made to initially limit the scheme to the horticulture sector, as opposed to the broader agriculture industry.

As a result, Government policy will only permit that employers operating in the horticulture industry to be approved to participate in the Pacific Seasonal Worker Pilot Scheme.
Harvested Wood Product Pool
(Question No. 770)

Senator Milne asked the Minister for Climate Change and Water, upon notice, on 7 November 2008:

(1) How much carbon is estimated to be currently stored in the harvested wood product pool in Australia.
(2) Is the harvested wood product carbon pool assessed as increasing or decreasing since 1990.
(3) What is the estimated average decay rate for Australia’s harvested wood product pool.
(4) What is the estimated impact on ecologically-sustainable forest management from accounting for harvested wood products.

Senator Wong—The answer to the honourable senator’s question is as follows:

(1) In Australia’s 2006 National Inventory Report, carbon in the harvested wood products pool was estimated at 97 Megatonnes, excluding products in landfill.
(2) The harvested wood product pool is assessed as increasing since 1990.
(3) Australia does not estimate an average decay rate based on a single harvested wood product pool. Australia’s accounting methodology for harvested wood products uses complex modelling with multiple age classes and multiple product pools. The methodology accounts for movement of wood products in and out of the different product pools through a number of mechanisms, including decay.
(4) Australia reports emissions from harvested wood products in its annual National Inventory Report, which is prepared in accordance with United Nations Framework Convention on Climate Change (UNFCCC) requirements. This reporting does not estimate the impact of accounting on ecologically sustainable forest management.
(5) The Government’s preferred policy principle is that all emissions (including from any inclusion of harvested wood products) are reported when (on release to the atmosphere) and where (in the country) they occur. The accounting framework applied to harvested wood products will be developed as part of Australia’s negotiating position for a post-2012 international climate change agreement.

Forest Carbon Partnerships
(Question No. 771)

Senator Milne asked the Minister for Climate Change and Water, upon notice, on 7 November 2008:

(1) Has the Papua New Guinean Government accepted the Australian Government’s initial $3 million contribution to the Papua New Guinea-Australia Forest Carbon Partnership.
(2) Has the Australian Government received any correspondence from the Papua New Guinean Government that indicates their intention to refuse Australia’s $3 million contribution; if so, what is the basis and/or reason for the refusal.
(3) Are the Forest Carbon partnerships with Indonesia and Papua New Guinea conditional upon the implementation of Australia’s National Carbon Accounting System.
(4) Is the Clinton Foundation partnership contingent on the implementation of the National Carbon Accounting System in Indonesia and Papua New Guinea.
Senator Wong—The answer to the honourable senator’s question is as follows:

(1) Yes. Now that Papua New Guinea has established an Office of Climate Change and Carbon Trade, Australia is actively engaged with the Office in targeting the effective use of this initial contribution of $3 million in early action under the Forest Carbon Partnership.

(2) No.

(3) No. The intention of the Indonesia and Papua New Guinea Forest Carbon Partnerships is not the provision of the National Carbon Accounting System, but the provision of scientific, technical and analytical support to inform the development of Indonesia’s and Papua New Guinea’s own carbon accounting systems.

(4) No.

Timber Imports
(Question No. 772)

Senator Milne asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 7 November 2007:

(1) What is the estimated volume of illegally-harvested sawn timber and timber products imported to Australia from Papua New Guinea and Indonesia.

(2) What is the estimated volume of illegally-harvested Papua New Guinean and Indonesian sawn timber and timber products imported to Australia from China.

(3) What is the estimated volume of plywood manufactured from illegally-harvested timber imported to Australia.

(4) What is the estimated loss in revenue to the Australian Government of illegally-harvested imported timber by product type.

(5) What are the social impacts of illegal logging operations.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Not available.

The Government is unable to provide an estimate of the illegal component of these imports because such estimates are speculative and unreliable.

(2) Not available.

It is not possible to estimate the illegally-harvested component of Papua New Guinean and Indonesian sawn timber and timber products imported to Australia from China.

There are no mandatory chain of custody systems in place to enable the legal status of sawn timber and wood products to be identified and traced along the timber supply chain.

(3) Not available.

(4) Not available.

It is not possible to estimate the loss of revenue to the Australian Government from illegally-harvested imported timber by product type as legally and illegally harvested imports cannot be differentiated.

(5) Claims regarding the extent of social impacts of illegal logging operations include:

(a) lack of payment of timber royalties;  
(b) breaches of basic human rights concerning intimidation, harassment and physical violence;
(c) a decrease in access to forest resources; and
(d) degradation of the forest resource upon which communities are dependent.

Clean Coal Power Plant
(Question No. 775)

Senator Milne asked the Minister representing the Minister for Resources and Energy, upon notice, on 7 November 2008:

In regard to the proposed HRL Limited coal-fired power station in Victoria’s Latrobe Valley:

(1) Given the Government has committed $100 million under the Federal Low Emissions Technology Demonstration Fund to HRL Limited for use towards the proposed ‘clean coal’ power plant in Gippsland: (a) are there any performance benchmarks/conditions on which this grant is contingent in regard to development timelines and technical performance of the facility; if so, what are they; and (b) are these conditions and/or benchmarks explained in government documents; if so: (i) what are the document titles, and (ii) are these documents publicly available; if not, will they become publicly available.

(2) Has this grant already been provided to HRL Limited.

(3) Have any contracts been signed with HRL Limited.

(4) If no contracts have been signed with HRL Limited: will any contracts be entered into with HRL Limited in relation to the $100 million grant; if so, what is the expected timeline for contractual sign-off.

(5) Apart from the project description as provided in media releases, does the Government have any documentation which contains a more detailed project description; if so, can copies be provided of the documentation and/or the titles.

(6) Will the project replace any current coal-fired generation or will it be additional.

(7) Will the plant result in a rise in Australia’s greenhouse gas emissions.

(8) Where will the project be sited.

(9) Has community consultation begun in relation to the location of the project; if so, can any relevant process information be provided.

(10) How much water will the plant use each year.

(11) (a) What is the estimated water use per megawatt hour and how does such usage compare with existing brown coal generators in the Latrobe Valley; (b) where will this water come from; and (c) will market rates be paid for this water.

(12) Given that the proponents claim that the project will be 30 per cent less polluting than an equivalent-sized conventional brown coal power station and use 50 per cent less water: will meeting these performance levels be a condition of receiving the $100 million grant from the Government.

(13) (a) Where else is the Integrated Drying Gasification and Combined Cycle technology in use; and (b) is using this technology meeting the abovementioned performance improvements in relation to water use and pollution output.

(14) Will the project be required to implement carbon capture and storage.

Senator Carr—The Minister for Resources and Energy has provided the following answer to the honourable senator’s question:

(1) (a) Yes, the grant is managed using a milestone schedule contained in the Funding Deed. Payments are dependent on the satisfaction of the milestones.
(b) The milestone schedule contained in the Funding Deed includes detail concerning the commercial affairs of the recipient and the disclosure of such information could reasonably be expected to unreasonably affect the recipient in its lawful commercial affairs.

(i) & (ii) This information is not contained in documents other than the Funding Deed milestone schedule. The recipient’s obligations under the Deed include a requirement that the Recipient will prepare reports for dissemination to the public generally providing information on outcomes of significant milestones or on other developments of significance as they occur.

(2) To date, no grant payments have been made but the executed Funding Deed represents a commitment by the Australian Government to provide the grant.

(3) Yes, the Australian Government has executed a Funding Deed with the Company for the grant.

(4) See above.


The company has provided the Government with a more detailed description of the project being undertaken. This information concerns the commercial affairs of the recipient and the disclosure of such information could reasonably be expected to unreasonably affect the recipient in its lawful commercial affairs.

(6) The project will not directly replace any current coal-fired generation.

(7) The power station will produce greenhouse gas emissions but at reduced rate per MW than existing coal-fired power stations. It is the intent of the project to demonstrate this low emissions technology. A key eligibility criteria for the project receiving support was the potential of the technology to reduce Australia’s energy sector greenhouse gas emissions signature by at least 2 per cent post 2030.

(8) This project is planned to be sited in the Latrobe Valley.

(9) The company has advised that it intends to undertake community consultation during the development of the project.

(10) The company has advised that plant project details are being progressed with design engineers and are subject to site finalisation.

(11) (a) Existing brown coal generators in the Latrobe Valley currently use more than 2.1 tonnes of water/MWH and the estimated water use for this project is around 50% less.

(b) The water allocation will come from within water storages available for power generation in the Latrobe Valley.

(c) Yes.

(12) No. These performance levels will not be a condition of receiving grant payments. The key objective of the fund under which this project is supported is to demonstrate the commercial potential of new technologies or processes. The specific objective of this project is to demonstrate Integrated Drying Gasification Combined Cycle technology. Broader performance outcomes beyond the demonstration of the technology fall outside the scope of the recipient’s grant obligations.

(13) (a) This technology has not previously been demonstrated at commercial scale – which is the intent of this project. Integrated Drying Gasification Combined Cycle technology has been developed by HRL in Victoria for use with wet, reactive coals, such as the brown coal found in the Latrobe Valley.

(b) This technology is not currently in use elsewhere.
(14) No. Carbon Capture and Storage is not an aspect of the funded project, however, HRL is incorporating elements in the plant design to make it Carbon Capture and Storage ready and is working with others including the CO$_2$CRC to refine technology to integrate Carbon Capture and Storage into the Integrated Drying Gasification Combined Cycle process.

Reducing Emissions from Deforestation in Developing Countries
(Question No. 777)

Senator Milne asked the Minister for Climate Change and Water, upon notice, on 7 November 2008:

(1) Does the Government intend for a market-based mechanism to involve private polluters being able to seek pollution credits from developing countries or land holders in developing countries.

(2) Does the Government intend to limit the proportion of Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (REDD) incentive credits entering the Australian Carbon Pollution Reduction Scheme; if so, how.

(3) What proportion of Australia’s greenhouse emissions does the Government intend to allow to be offset under a market-based REDD incentive.

(4) On what criteria was the Government’s decision to ‘argue’ for a market-based mechanism based, and was the equitable distribution of incentives one of the criteria.

(5) How does the Government intend to ensure that human rights are maintained under a fully fungible pure market-based REDD incentive mechanism.

(6) How does the Government intend to avoid devaluing carbon prices from a potential flood of cheap REDD incentive credits into carbon markets.

(7) Has the Government assessed alternatives to market-based REDD incentives; if so, what other models and/or mechanisms were assessed and what was the outcome and findings of such assessment.

(8) Has the Government considered arguing for the auctioning of Kyoto assigned amount units contributing to a United Nations Framework Convention on Climate Change administered fund as an alternative to a fully fungible pure market-based REDD incentive mechanism; if so, on what basis was such a mechanism found to be inferior to a market-based mechanism.

Senator Wong—The answer to the honourable senator’s question is as follows:

(1) The Government has announced it will release a White Paper on the Carbon Pollution Reduction Scheme on 15 December 2008.

(2) The Government has announced it will release a White Paper on the Carbon Pollution Reduction Scheme on 15 December 2008.

(3) The Government has announced it will release a White Paper on the Carbon Pollution Reduction Scheme on 15 December 2008.

(4) Australia believes a market based mechanism is the best way to provide incentives for reducing emissions from deforestation and forest degradation in developing countries (REDD), and to leverage private capital to mobilise investment on the scale that will be needed to effectively and efficiently deal with REDD. Currently the UNFCCC supports the application of market based instruments to mitigate greenhouse gas emissions through its Kyoto Protocol.

(5) The details of a REDD mechanism will be negotiated in 2009 in the lead up to the Copenhagen Climate Change Conference. Australia will actively participate in these negotiations.

(6) The Government has announced it will release a White Paper on the Carbon Pollution Reduction Scheme on 15 December 2008.
(7) The details of a REDD mechanism will be negotiated in 2009 in the lead up to the Copenhagen Climate Change Conference. Australia will actively participate in these negotiations and assess all options.

(8) The details of a REDD mechanism, including whether it is market based, will be negotiated in 2009 in the lead up to the Copenhagen Climate Change Conference. Australia will actively participate in these negotiations.”

**Plant Genetic Resources**

(Question No. 778)

Senator Milne asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 7 November 2008:

(1) Are the Commonwealth Government, state governments and the agricultural industry cooperating to establish a national system for managing our agricultural plant genetic resources; if so, what policy mechanisms, funding arrangements and strategic goals (including time frames) are in place that binds each party to ongoing cooperation.

(2) Is there a national guideline in place in regard to protecting and utilising Australian agricultural plant genetic resources; if so, what is the content of that guideline, and how and over what period of time will it be implemented.

(3) Given that 16 reviews have been undertaken since 1992 into Australian agricultural plant genetic resources, what are the impediments to any national progress that required continuous review, and what steps is/will the Commonwealth Government take to remove all impediments to national progress.

(4) Exactly how is Australia to meet and/or in what manner is Australia actually meeting its legally binding obligation under the International Treaty on Plant Genetic Resources for Food and Agriculture to conserve globally-significant collections of plant genetic resources.

(5) What are the Commonwealth Government’s short-, medium- and long-term plans for Australia’s collection of globally-unique agricultural plant genetic resources.

(6) Which collection of plant genetic resources, including those managed by the states, have been placed under the auspices of the International Treaty on Plant Genetic Resources for Food and Agriculture, and which collections are therefore available to other countries to access under the treaty’s multilateral system for sharing and access.

(7) Have the Commonwealth and state governments clarified the intellectual property status of indigenous wild plant species of citrus, mung bean, rice, and sorghum that are listed in the international treaty; if so, what process was used to achieve clarification and what are the implications of such status.

(8) Which countries have approached the Australian Government over the past 16 years and/or are seeking access to Australia’s agricultural plant genetic resources.

(9) Given that many indigenous wild plant species such as citrus, mung bean, rice and sorghum possess unique attributes of drought tolerance to changing climatic conditions, disease and pest resistance to combat changes in climate, provide nutritional quality for a more healthy diet, and may contain valuable new genes, what is the optimal use and best market for such species.

**Senator Sherry**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Yes—Following consideration of approaches relating to the formation of a National Genetics Resources Centre (NGRC), the Industries Development Committee (IDC) of the Primary Industries Standing Committee (PISC), at its last meeting (December 2008), referred the issue of nationally
managing our agricultural plant genetic resources to the Primary Industries Ministerial Council (PIMC). This issue is to be considered within the context of the National Research, Development and Extension (RD&E) Framework (a collaborative effort involving the agricultural industry, state and Commonwealth governments). This was further to agreement at PIMC 10 (April 2006) to recommendations in relation to strategic goals for a NGRC and endorsement at PIMC 11 (November 2006) of an NGRC Statement of Strategic Intent. A broad approach to funding was agreed to in 2007 by the PISC and specific funding arrangements and timeframes for the NGRC are matters requiring further consideration.

All Australian and State/Territory (and New Zealand) government ministers responsible for agriculture, food, fibre, forestry, fisheries and aquaculture industries/production and rural adjustment policy are members of the PIMC, and its operational arrangements are consistent with the Protocols and General Principles for the Operation of Ministerial Councils agreed by the Council of Australian Governments (COAG) in June 2001.

(2) There is no formal national guideline. A national policy on genetic resources is being progressed through PIMC and PISC.

(3) Following Australia's signing of the International Treaty on Plant Genetic Resources for Food and Agriculture in 2002 and ratification of the Treaty in 2005, in November 2005, the then Australian Government announced that the National Genetics Resources Centre (NGRC) would be set up to coordinate Australian-based collections and to improve their content and long-term efficiency. The establishment of the NGRC is being progressed by the PISC, reporting to the PIMC.

(4) The major Australian ex situ collections of plant genetic resources for food and agriculture (PGRFA) are managed by the states. These collections are largely organised around the major crops and pastures grown in Australia. The Australian Winter Cereals Collection at Tamworth holds large numbers of accessions (an individual sample of seeds or plants entered into a collection) of winter cereals such as wheat, barley and oats. The Australian Tropical Crops and Forages Collection in Biloela, houses large numbers of tropical crops and forages including sorghum, rice and mungbean. The other major seed banks are: the Australian Trifolium Genetic Resources Centre in Perth; the Australian Temperate Field Crop Collection in Horsham; and the Australian Medicago Genetic Resources Centre in Adelaide. There are other collections of PGRFA some of which hold accessions of Australian native species such those belonging to the citrus family.

The institutions catalogue and administer the scientific study of the material. These institutions underpin most plant improvement and new variety development by Australian plant breeders, including for the adaptation of crops and pastures to significant challenges such as climate change by regularly supplying essential genetic resources in the form of seeds. Programs to maintain the viability of the collections are central to the work and service delivery of institutions that hold resources as seeds.

Institutions conduct on-site pest management and deposit samples of accessions in off-site back up facilities to manage threats to the collection from fire or other catastrophic event. The Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) provides systems to protect any native PGRFA should it become threatened in situ.

These collections will form the basis of any material placed into the multilateral system (MLS) of the International Treaty on Plant Genetic Resources for Food and Agriculture (the Treaty) and their maintenance and documentation status will facilitate their effective integration into it. The PIMC is considering arrangements for the formation of the NGRC which is expected to deliver the necessary mechanisms to deal effectively with the requirements of the Treaty.

(5) The PISC IDC has referred progression of the NGRC to PIMC for consideration under the National RD&E Framework.
(6) The state collections of relevant PGRFA have not been placed under the auspices of the Treaty. The Commonwealth does not have any relevant collections. The formation of the NGRC is expected to provide a national focal point for Australia’s plant genetic resource collections and a means to allow facilitated access through the MLS of the Treaty to the collections and associated information.

(7) Intellectual Property (IP) can be an invention, trade mark, original design or the practical application of a good idea. Confidential information (also referred to as trade secrets), patents, registered designs, trade marks, copyright, circuit layout rights and plant breeder’s rights (PBR) are all legally classified as IP rights. The type of IP rights applied to plant genetic resources are most likely to be patents and PBR. In both cases, these IP rights need to be actively sought, are not automatic and any rights granted are restricted to the national jurisdiction in which they were granted. For these reasons, the Commonwealth or the states can not clarify, a priori, the IP status of indigenous wild species of citrus, mungbean, rice and sorghum.

(8) Officially, no governments of countries have approached the Australian Government over the past 16 years seeking access to Australia’s agricultural plant genetic resources. However, Australia’s state-run plant genetic resources centres holding PGRFA have received many thousands of applications for access to material directly from plant breeders and private and/or public agricultural institutions overseas.

(9) Optimal use and markets for wild plant species are determined by a range of interacting stakeholders, such as researchers, plant breeders, R&D decision-makers, farmers, and commercial markets. As such, it is a complex issue with no single optimum. Native plants have significant potential as a source of useful traits to help farmers meet the challenges of climate change, pests and disease, sustainability, and improved nutrition. Such genetic resources need to be accessible and further explored for the development of new varieties for agriculture.

Australian Advanced Air Traffic System

(Question No. 779)

Senator Bob Brown asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 10 November 2008:

(1) What are the details of the cross-border financing arrangement liability of $US728 million for the Australian Advanced Air Traffic System listed in the Airservices Australia annual report since 2002-03.

(2) Why was this cross-border financing arrangement entered into.

(3) Did Airservices Australia enter into this agreement to exploit a loophole in the American tax system.

(4) What are the ‘exceptional, extreme and highly unlikely circumstances’ that ‘expert external advisers’ have said would result in Airservices Australia paying money under the guarantees and indemnities it has entered.

(5) Who are the ‘expert external advisers’ who provided this advice.

(6) Have any payments been made to date to satisfy these guarantees and indemnities; if so, how much and for what reason.

(7) What is the liability according to the current exchange rate.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

(1) There is no liability. Airservices Australia has advised that it has counterparty exposures to a range of entities in the course of its financial management activities; where material, these exposures are disclosed in Airservices’ publicly available financial statements.
(2) The transaction was undertaken in the course of Airservices’ financial management activities to better support the efficient management of the business.

(3) No, the transactions are reported to the US tax authorities.

(4) The circumstances would be the complete and simultaneous failure of the companies concerned without Airservices having exercised its rights to restructure the lease transactions.

(5) Commonwealth Bank of Australia, Blake Dawson (lawyers) and Peter Gallagher (consultant).

(6) Airservices has not made any payments.

(7) There is no liability.

Air Traffic Control Service Interruptions
(Question No. 780)

**Senator Bob Brown** asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 11 November 2008:

Further to the answer to question on notice No. 736 (Senate Official Hansard, 16 October 2008, p. 6303), concerning the failure of air traffic control in capital city areas:

(1) What exactly happened on 31 August 2008 to delay four aircraft affected by staff unavailability for Canberra International Airport traffic control?

(2) Where did the problem occur?

(3) What back-up plan is in place to ensure such ‘unavailability’ does not recur at Australian airports?

(4) Was there any failure of air traffic control at Canberra International Airport at the times indicated in part (1) of the answer provided?

**Senator Conroy**—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

(1) Airservices Australia has advised that air traffic control staff who called in sick at short notice on 31 August 2008 were unable to be replaced. Four aircraft were affected with 18 minutes of delay in total.

(2) Airservices Australia’s Canberra Terminal Control Unit, which is located in the Melbourne Air Traffic Control Centre.

(3) There are a range of options available to manage staff absences such as extending shift lengths, starting shifts early or calling in off-duty staff to work overtime.

(4) No.

National Pollutant Inventory Program
(Question No. 781)

**Senator Bob Brown** asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 11 November 2008:

Was funding to the National Pollutant Inventory section of the department reduced in the 2008-09 Budget; if so: (a) by how much; and (b) what programs or activities have been affected.

**Senator Wong**—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

Funding for the National Pollutant Inventory (NPI) Program was not reduced in the 2008-09 Budget. Funding for the NPI operates on a four year cycle and the 2005 Federal budget provided $5.2M to continue the NPI program through until 30 June 2009. The NPI is an ongoing program and will continue to be funded by the Australian Government.
There were additional funds provided to improve the NPI under the Measures for a Better Environment (MBE) Program. Funds occurred over a three-year period commencing 1 July 2005 and lapsing on 30 June 2008, totalling $3,213,200.

**Leopard Tanks**  
*(Question No. 782)*

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 11 November 2008:

1. How many Leopard tanks: (a) does the Australian Defence Force have; (b) have been offered as part of the decommissioning process; and (c) has the department retained for target practice.
2. With reference to the decommissioning of the Australian Army’s Leopard tanks in which the Government has offered the tanks free of charge with attached conditions: has the Minister been notified of which applicants have and have not been successful.
3. Can a list of successful and unsuccessful applications be provided.
4. What was the process in determining the successful bids.
5. Has the Minister sought permission under the end-user agreement with Germany to dispose of the tanks; if so, can a copy of the documentation from the Leopard tank manufacturer and the German Government be provided.

Senator Faulkner—The Minister for Defence has provided the following answer to the honourable senator’s question:

1. (a) 103.
   (b) 30.
   (c) 26.
2. Yes.
3. A list of 28 of the 30 successful organisations is provided below (two organisations have declined the offer). Defence has received over 350 inquiries and requests relating to the disposal of the Leopard tank fleet. The list of unsuccessful organisations will not be provided.

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(4) Prior to the 2007 election, the previous Minister selected the organisations to receive a Leopard tank. I have endorsed the selections made by the previous Government.

(5) Defence is currently processing the necessary approvals with the German Government for the disposal of the Leopard fleet.

**Exclusive Brethren**  
(Question No. 783)

Senator Bob Brown asked the Special Minister of State, upon notice, on 12 November 2008:

In regard to the answer to question on notice No. 741 (Senate *Official Hansard*, 10 November 2008, p. 6489), concerning the investigation by the Australian Federal Police (AFP) into the legality of the disclosure and other matters relating to electoral donations made by the Exclusive Brethren during the 2004 federal election: what were the ‘legitimate business transactions’ identified by the AFP in the last sentence of the answer.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

The phrase “legitimate business transactions” does not appear in the Commonwealth Electoral Act 1918 (Electoral Act), and therefore neither I as the Minister responsible for the administration of the Electoral Act nor the Australian Electoral Commission (AEC) is in a position to provide an answer to this question. As the phrase was used by the Australian Federal Police (AFP) in its letter to the AEC, its interpretation and scope can only be provided by the AFP.
Cambodia
(Question No. 786)

Senator Bob Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 12 November 2008:

Given that Australia pledged $5 million to the United Nations for the Extraordinary Chambers in the Courts of Cambodia, also known as the Khmer Rouge Tribunal:

(1) What will this money be spent on.

(2) What accountability mechanisms does the Australian Government have in place to ensure the $5 million will be spent on the purposes for which it is given.

Senator Faulkner—The following answer has been provided by the Minister for Foreign Affairs in response to the honourable senator’s question:

(1) The $5 million will contribute to funding the UN’s assistance to the Extraordinary Chambers in the Courts of Cambodia in the period 2008-2009. The UN’s assistance includes remuneration of the international judges, the international co-prosecutor, the Deputy Director of the Office of Administration and other international personnel, remuneration of defence counsel and witness travel within Cambodia and from abroad.

(2) The UN has strong accountability mechanisms including financial regulations and audit processes to ensure funds are used as intended. Regular consolidated financial reports are provided to Australia.

Australia regularly reviews budgetary issues, including through a donor Steering Committee, and monitors developments at the Chambers.

Luxury Car Tax Legislation
(Question No. 790)

Senator Abetz asked the Minister representing the Minister for Tourism, upon notice, on 13 November 2008:

(1) Was the department consulted about the terminology of ‘tourist activity’ as found in the Tax Laws Amendment (Luxury Car Tax) Bill 2008 and related bills.

(2) Has the department been consulted since the passage of the legislation as to the definition that should be provided to the term ‘tourist activity’.

(3) Was the department consulted: (a) about the increase in the luxury car tax before it was announced by the Government; (b) after the legislation was introduced into the Senate; and (c) about the amendments that were passed in the Senate as they might impact on the tourism sector.

(4) Does the department have any figures as to the number of vehicles that are purchased outright by tourist operators as opposed to leased.

Senator Sherry—The Minister for Tourism has provided the following response to the honourable senator’s question as follows:

(1) No, although the department was consulted on the definition of a tourism business or tourism operator.

(2) Yes.
(3) (a) No. The measure was announced as part of the 2008-09 Budget.
   (b) Yes.
   (c) Yes, the department was consulted on the potential impact of the luxury car tax increase on the tourism sector.

(4) No.

Higher Education
(Question No. 791)

Senator Abetz asked the Minister representing the Minister for Education, upon notice, on 13 November 2008:

(1) What analysis has the department done as to the total loss of revenue to be received by Australia’s universities as a result of the decrease in anticipated revenue from: (a) investments; and (b) overseas student numbers.

(2) Can an assessment in relation to (1) above of each of Australia’s universities be provided; if so, can the detail for each university be set out.

(3) With reference to an article on page 3 of The Australian of 1 October 2008, where it was reported that the Monash University was introducing a remedial writing course focused on ‘language mechanics’, such as basic grammar and punctuation: what is the anticipated cost to all of Australia’s universities because of the ‘dire state of English proficiency among first year students’.

(4) Is the department or the Government making any representations to state educational bodies to redress this deficiency.

Senator Carr—The Minister for Education has provided the following answer to the honourable senator’s question:

(1) For (a) & (b) - the Department has not undertaken such analysis.

(2) Not applicable.

(3) The implementation of programs such as Monash University’s remedial writing course is an internal operational decision for universities and the Australian Government has no information on the costs involved.

(4) For the first time in 2008, students in Years 3, 5, 7 and 9 across Australia were tested in grammar and punctuation. It is expected that the reporting of student achievement in grammar and punctuation will encourage state and territory education authorities to pursue improvement in this important area of literacy.

The 2008/09 Budget announced funding of $577.4 million over four years to deliver a National Action Plan for Literacy and Numeracy to improve literacy and numeracy outcomes. The centrepiece of this funding is a National Partnership Agreement on Literacy and Numeracy which will provide states and territories with access to $500 million to advance the teaching of literacy and numeracy using evidence-based approaches. Under the Plan, the Australian Government will also invest $30 million to trial 29 innovative and evidence-based approaches to teaching literacy and numeracy and invest $40 million in strategic projects that support literacy and numeracy reform.

In addition, the interim National Curriculum Board has been charged with developing a single, world-class national curriculum for all Australian students from kindergarten to Year 12, starting with the key learning areas of English, mathematics, the sciences and history. The development of a continuum of learning in literacy and numeracy skills, ranging from basic competence in the early years through to the advancement and extension of these skills in the middle and later years of schooling, will be a foundation of the national curriculum.
Royal Australian Navy: Submarines
(Question No. 798)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 13 November 2008:

(1) In the period 1 April to 30 September 2008: (a) which submarines in the Royal Australian Navy (RAN) fleet were: (i) fully operational with full crew complements, and (ii) non-operational; and (b) for each submarines that was non-operational, what was the reason for its non-operational status.

(2) In the period 1 April to 30 September 2008, how many fully qualified personnel were permanently employed in the RAN to operate submarines.

Senator Faulkner—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) (a) (i) HMA Ships Collins and Waller.
         (ii) HMA Ships Farncomb, Dechaineux, Sheean, Rankin.

         (b) HMAS Farncomb was fully crewed from July completing a planned Mid Cycle Docking maintenance period in September followed by sea trials. HMA Ships Dechaineux and Sheean are non-operational undergoing Full Cycle Docking in Adelaide as part of the planned maintenance and upgrade cycle. HMAS Rankin is in Adelaide awaiting the start of its Full Cycle Docking.

(2) 425. Not all of these officers and sailors are posted to submarine positions; some are working in other parts of the Navy or Defence.

Royal Australian Navy: Frigates
(Question No. 799)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 13 November 2008:

In the period 1 April to 30 September 2008: (a) which frigates were fully operational with full crewing commitments; (b) of those frigates that were not operational, what were the reasons for their non-operational status; (c) what were the operational strengths of the engineering officers and sailors in the frigates; and (d) what were the operational strengths of non-engineering officers and sailors on the frigates.

Senator Faulkner—The Minister for Defence has provided the following answer to the honourable senator’s question:

(a) HMA Ships Anzac, Arunta, Stuart and Parramatta.
(b) HMAS Sydney spent most of the period conducting scheduled maintenance at Fleet Base East.

HMA Ships Perth, Warramunga, Toowoomba and Ballarat were assigned a lower level of operational readiness due to scheduled maintenance, post maintenance trials and assessments. These ships also undertook at-sea activities.

HMA Ships Darwin and Melbourne were at a lower level of operational readiness, spending much of their time at sea undertaking an extensive trials program proving their new combat systems following the Adelaide Class (FFG) upgrade program.

HMAS Melbourne also participated in the multi-lateral exercise Kakadu in Darwin. HMAS Newcastle was in dock for the production work phase of its upgrade.
Anzac Class Frigates were on average 89 per cent crewed with engineering officers and 92 per cent engineering sailors. Adelaide Class Frigates were on average 99 per cent crewed with engineering officers and 89 per cent engineering sailors.

Anzac Class Frigates were on average 77 per cent crewed with non-engineering officers and 92 per cent sailors and Adelaide Class Frigates were on average 83 per cent crewed with non-engineering officers and 89 per cent non-engineering sailors.

**Defence: Program Funding**

*(Question Nos 802 and 803)*

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 13 November 2008:

For each agency within the responsibility of the Minister:

1. In the period 1 April to 30 September 2008, how many programs were under spent.
2. (a) As at 30 September 2008, what requests have been made to roll-over under spends to 2008-09; and (b) were these requests successful.

Senator Faulkner—The Minister for Defence has provided the following answer to the honourable senator’s question:

1 and 2 For the end of financial year 2007-08, details of Defence’s output and project spending can be found in the *Defence Annual Report 2007-08*. Details of roll-over to 2008-09 can be found in the *Defence Portfolio Additional Estimates Statements 2008-09*.

**Defence: Public Relations Staff and Media Monitoring**

*(Question Nos 804 and 805)*

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 13 November 2008:

For each agency within the responsibility of the Minister:

1. In the period 1 April to 30 September 2008, how much was spent on media monitoring.
2. As at 30 September 2008: (a) how many staff are employed in public relations and/or the media in the department or agency; (b) what are the position levels of these staff; (c) what are the salary grades of these staff; and (d) how many of these staff are: (i) permanent, (ii) temporary, and (iii) contractors.

Senator Faulkner—The Minister for Defence has provided the following answer to the honourable senator’s question:

1. $299,351.
2. (a), (b) and (d) The Defence Public Affairs Branch employs 64 civilian, two contractors and 52 military employees.
<table>
<thead>
<tr>
<th>Responsibility</th>
<th>Staffing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive</td>
<td>1 x permanent BRIG, 1 x permanent L TCOL, 1 x permanent EL2, 1 x permanent EL1, 1 x permanent APS4</td>
</tr>
<tr>
<td>Defence Service Newspapers</td>
<td>1 x permanent WO2, 2 x permanent CPL, 1 x permanent LS, 1 x permanent AC, 1 x permanent EL2, 5 x permanent EL1, 3 x permanent APS6, 2 x temporary APS6, 1 x temporary APS4-5, 1 x permanent APS4</td>
</tr>
<tr>
<td>Communication Advisers</td>
<td>1 x permanent EL2, 11 x permanent EL1</td>
</tr>
<tr>
<td>Media Engagement</td>
<td>1 x permanent EL2, 1 x permanent EL1, 2 x permanent APS6, 4 x permanent APS4/5</td>
</tr>
<tr>
<td>Defence Internet</td>
<td>1 x permanent EL1, 1 x permanent APS6, 2 x contractors</td>
</tr>
<tr>
<td>Video and Imagery Library</td>
<td>1 x permanent EL1, 1 x permanent APS4, 1 x permanent APS3-4</td>
</tr>
<tr>
<td>Military Public Affairs Preparedness, Plans and Training</td>
<td>1 x permanent MAJ, 1 x permanent WGCDR, 1 x permanent CAPT, 1 x permanent APS6</td>
</tr>
<tr>
<td>Research, Planning and Entertainment Media Liaison</td>
<td>1 x permanent EL2, 1 x permanent APS6</td>
</tr>
<tr>
<td>Regional Public Affairs</td>
<td>6 x permanent EL1, 1 x temporary EL1, 1 x permanent APS6, 3 x permanent APS2</td>
</tr>
<tr>
<td>Military Headquarters Support</td>
<td>1 x permanent L TCOL, 6 x permanent MAJ, 3 x permanent CAPT, 1 x permanent SQN LDR, 2 x permanent FLTLT, 1 x permanent LEUT</td>
</tr>
<tr>
<td>Joint Public Affairs Unit covering photographers and reporters</td>
<td>1 x permanent MAJ, 3 x permanent WO2, 6 x permanent CAPT, 5 x permanent SGT, 8 x permanent CPL, 1 x permanent LS, 1 x permanent FLTLT, 1 x permanent AB, 1 x permanent AC, 1 x permanent PO, 1 x temporary APS4</td>
</tr>
<tr>
<td>Administration Support</td>
<td>1 x permanent APS6, 1 x permanent APS5, 1 x permanent APS4, 1 x temporary APS4</td>
</tr>
<tr>
<td>Secondment/ Leave</td>
<td>2 x permanent EL2, 2 x permanent EL1</td>
</tr>
</tbody>
</table>

Outside the Branch, there are a further 34 Defence employees who provide public affairs support as a part of their duties.

<table>
<thead>
<tr>
<th>Service/Group</th>
<th>Staffing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vice Chief of the Defence Force</td>
<td>3 x permanent EL1</td>
</tr>
<tr>
<td>Army</td>
<td>1 x temporary EL1, 1 x permanent APS6</td>
</tr>
<tr>
<td>Navy</td>
<td>1 x permanent APS3, 1 x permanent APS4, 1 x</td>
</tr>
<tr>
<td></td>
<td>permanent APS4/5, 1 x permanent APS5, 2 x</td>
</tr>
<tr>
<td></td>
<td>permanent APS6, 1 x permanent EL1,</td>
</tr>
<tr>
<td></td>
<td>2 x permanent LCDR, 3 x permanent LEUT</td>
</tr>
<tr>
<td>Air Force</td>
<td>2 x permanent EL1, 2 x temporary FLTLT</td>
</tr>
<tr>
<td>People Strategies and Policy Group</td>
<td>1 x permanent EL1, 1 x permanent APS6</td>
</tr>
<tr>
<td>Chief Information Office</td>
<td>1 x permanent EL2</td>
</tr>
<tr>
<td>Defence Science and Technology Organisation</td>
<td>1 x permanent EL2, 4 x permanent EL1, 3 x</td>
</tr>
<tr>
<td></td>
<td>permanent APS6</td>
</tr>
<tr>
<td>DMO</td>
<td>1 x permanent EL2, 1 x permanent APS6</td>
</tr>
</tbody>
</table>

**Key:** LCDR: Lieutenant Commander, LEUT: Lieutenant (Navy), SQNLDR: Squadron Leader, FLTLT: Flight Lieutenant, FLGOFF: Flying Officer.

Defence Housing Australia (DHA) has no specific staff members responsible for the stated functions. DHA has a Marketing Communication Team, comprising four staff members. The team is responsible for marketing communication campaigns to provide product and service information. There is relatively little day-to-day media interest in DHA’s activities, so an incidental proportion of the team’s time is involved in responding to media requests.

(c) The salary rates for civilian members are located on the Defence Pay and Conditions Internet site at www.defence.gov.au/dpe/pac/salary_chart.pdf.

The salary rates for military members are located on the Defence Pay Conditions Internet site at www.defence.gov.au/dpe/pac/Pay_Allow_May_08.pdf.

**Defence: Communications Program Funding**

(Question Nos 806 and 807)

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 13 November 2008:

For each agency within the responsibility of the Minister, in the period 1 April to 30 September 2008:

(a) what communications programs were undertaken or were planned to be undertaken; and (b) what has been the total spend in each communications program.

**Senator Faulkner**—The Minister for Defence has provided the following answer to the honourable senator’s question:

(a) and (b) Please see below.

Army - $6,491,134. This figure covers Army brand executions and job-specific programs that were undertaken during this period, such as:

(i) General Entry Job Specific Campaign – April/May.

(ii) Royal Military College Recruiting advertising to support ‘Trooping the Colour’ event - television in the Canberra market – week commencing 1 June 2008.

(iii) Army Officer Campaign Launch – August/September.

Air Force - $2,672,167. This figure covers Air Force brand executions in the Air Force Accomplished Campaign that was launched in March 2008. This campaign showcases the diversity of jobs and skills offered by the Air Force, and challenges the myth that you have to be a pilot to join.
Navy - $3,102,706. This figure covers Navy brand executions and job-specific programs that were undertaken during this period, such as:

(i) Navy ‘The Team Works’ Television Campaign. This campaign was developed from a strategic need to reinvigorate and correctly position the Navy brand and increase inquiries and applications for Navy jobs.

(ii) Navy Radio Campaign. This campaign includes 30 second executions for Electronics Technician, Marine Technician, and Seaman Officer. They focus on the benefits of the Navy job such as outstanding training and the opportunity to work on high end hardware.

Education - $1,106,948. This figure covers job-specific programs that were undertaken during this period, such as:

(i) Professional Graduate Campaign. Professional graduates are a recruiting priority for Defence in certain professions such as doctors, nurses, dentists, pharmacists and engineers. This Tri-Service campaign covers Navy, Army, and Air Force.

(ii) Sponsored Undergraduate Campaign. Sponsored undergraduates are another recruiting priority for Defence. The campaign focused on students studying nursing, medicine, engineering, and dentistry. This Tri-Service campaign covers Navy, Army and Air Force.

(iii) Australian Defence Force Academy Campaign.

(iv) Australian Defence Force Gap Year Campaign.

Sporting Properties - $1,439,681. These are advertisements bought in the broadcast coverage of AFL, V8 Supercars, cricket and NRL to extend and support concurrent campaigns.

Army Reserve - $535,342. This figure covers job-specific programs that were undertaken during this period.

Army Award - $1,133,015. Defence Force Recruiting is an official partner of the Australian Football League (AFL) and the exclusive naming rights creator/sponsor of the AFL Army Award. The expenditure is for advertising the Army Award on television, in print and on radio.

Defence Housing Australia (DHA) - $3,648,728. This figure encompasses marketing communications activity undertaken during the period to promote DHA’s sale and leaseback program, including press, radio and online advertising. Ongoing promotion is necessary to ensure sufficient gross demand is generated for the program. Achievement of sale and leaseback program targets is crucial to the financial viability of DHA’s operations.

**Defence: Departmental Staff**

(Question Nos 816 and 817)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 13 November 2008:

As at 30 September 2008: (a) how many departmental liaison officers are allocated to each Minister and associated Parliamentary Secretary; and (b) what advice do they provide.

Senator Faulkner—The Minister for Defence has provided the following answer to the honourable senator’s question:

(a) Two Departmental Liaison Officers (DLOs) were allocated to the Minister for Defence, one DLO to the Minister for Defence Science and Personnel, one DLO to the Parliamentary Secretary for Defence Procurement and one DLO to the Parliamentary Secretary for Defence Support.

(b) DLOs do not provide advice to Ministers or Parliamentary Secretaries.
Defence: Program Funding
(Question Nos 822 and 823)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 13 November 2008:

(1) For each agency within the responsibility of the Minister/Parliamentary Secretary, in the period 1 April to 30 September 2008, what programs or projects were cut, curtailed, postponed, delayed or terminated as part of the Government’s $10 billion ‘redirection of priorities’ program.

(2) For each program affected by the ‘redirection of priorities’ program, how much has been redirected to ‘higher priority programs/projects’.

(3) What ‘higher priority programs/projects’ have benefited from cuts or savings made in ‘lower priority programs’.

(4) How much funding has been allocated to each of these ‘higher priority projects’.

Senator Faulkner—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) (3) and (4). Please refer to tables 1.2.9 (page 22-23) and 1.2.12 (page 28) in the Defence Portfolio Budget Statements 2008-09.

(2) All.

Special Minister of State: Staffing
(Question No. 824)

Senator Johnston asked the Special Minister of State, upon notice, on 13 November 2008:

(1) For each agency within the responsibility of the Minister, as at 30 September 2008, how many staff are employed in the electorate office of the Minister and, of these staff:

(a) what levels are the staff employed at;

(b) what are the designated titles for each of these staff;

(c) at what salary level are each of these staff paid;

(d) how many of these staff have completed the requirements for the granting of a security clearance;

(e) how many staff who have undertaken an application for a security clearance have had their request denied; and

(f) how many staff are employed: (i) under secondment arrangements, and (ii) as contractors.

(2) For each Minister, as at 30 September 2008, how many staff are employed in the ministerial office of the Minister and, of these staff:

(a) what levels are the staff employed at;

(b) what are the designated titles for each of these staff;

(c) at what salary level are each of these staff paid;

(d) how many of these staff have completed the requirements for the granting of a security clearance;

(e) how many staff who have undertaken an application for a security clearance have had their request denied;

(f) how many staff are employed: (i) under secondment arrangements, and (ii) as contractors;

(g) which staff members have a privately plated vehicle for their official and private use; and
(h) which staff members have been granted permission to fly business class as a condition of their employment.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

(1)(a) Number of Employees | Classifications as at 30 September 2008
---|---
4 | Electorate Officer B x 3
 | Electorate Officer A x 1

(b) Department of Finance and Deregulation is unable to answer this question. We have no visibility of designated titles that may be used in individual offices.

(c) Salary ranges are provided so as not to identify personal information of individual employees:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Salary Range as at 30 September 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electorate Officer B</td>
<td>$51,917 to $60,615</td>
</tr>
<tr>
<td>Electorate Officer A</td>
<td>$39,635 to $53,268</td>
</tr>
</tbody>
</table>

One Electorate Officer B has a competency assessment and is being paid within the Electorate Officer C salary range, $59,511 to $67,034.

(d) Four employees had been granted a clearance.

(e) Nil.

(f) (i) Nil.

(ii) Nil.

(2) (a) Number of Employees | Classifications as at 30 September 2008
---|---
10 | Senior Adviser (Chief of Staff) (Cabinet) x 1
 | Senior Media Adviser x 1
 | Adviser x 3
 | Assistant Adviser x 3
 | Executive Assistant/Office Manager x 1
 | Secretary/Administrative Assistant x 1

(b) Department of Finance and Deregulation is unable to answer this question. We have no visibility of designated titles that may be used in individual offices.

(c) Salary ranges are provided so as not to identify personal information of individual employees:

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<thead>
<tr>
<th>Classification</th>
<th>Salary Range as at 30 September 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Adviser (Chief of Staff) (Cabinet)</td>
<td>$100,900 to $136,100</td>
</tr>
<tr>
<td>Senior Media Adviser</td>
<td>$85,500 to $116,400</td>
</tr>
<tr>
<td>Adviser</td>
<td>$74,516 to $109,967</td>
</tr>
</tbody>
</table>
Assistant Adviser $62,124 to $74,516
Executive Assistant/Office Manager $50,316 to $62,124
Secretary/Administrative Assistant $39,635 to $51,917

(d) Eight employees had been granted a clearance and two employees had their clearance in process.
(e) Nil.
(f) (i) No employees are employed under secondment arrangements. Five employees have chosen to take leave without pay from the Australian Public Service to work for the Minister for Defence.
(ii) Nil.
(g) Senior Advisers are entitled to be provided with a private-plated vehicle for business and private use.
(h) Employees above the classification of Adviser are entitled to travel at business class.

**Special Minister of State: Staffing**
(Question No. 825)

**Senator Johnston** asked the Special Minister of State, upon notice, on 13 November 2008:

(1) For each agency within the responsibility of the Minister, as at 30 September 2008, how many staff are employed in the electorate office of the Minister and, of these staff:
(a) what levels are the staff employed at;
(b) what are the designated titles for each of these staff;
(c) at what salary level are each of these staff paid;
(d) how many of these staff have completed the requirements for the granting of a security clearance;
(e) how many staff who have undertaken an application for a security clearance have had their request denied; and
(f) how many staff are employed: (i) under secondment arrangements, and (ii) as contractors.

(2) For each Minister, as at 30 September 2008, how many staff are employed in the ministerial office of the Minister and, of these staff:
(a) what levels are the staff employed at;
(b) what are the designated titles for each of these staff;
(c) at what salary level are each of these staff paid;
(d) how many of these staff have completed the requirements for the granting of a security clearance;
(e) how many staff who have undertaken an application for a security clearance have had their request denied;
(f) how many staff are employed: (i) under secondment arrangements, and (ii) as contractors;
(g) which staff members have a privately plated vehicle for their official and private use; and
(h) which staff members have been granted permission to fly business class as a condition of their employment.
Senator Faulkner—The answer to the honourable senator’s question is as follows:

(1) (a) Number of Employees Classifications as at 30 September 2008

<table>
<thead>
<tr>
<th>Employees</th>
<th>Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Electorate Officer B x 4</td>
</tr>
<tr>
<td></td>
<td>Electorate Officer A x 1</td>
</tr>
</tbody>
</table>

(b) Department of Finance and Deregulation is unable to answer this question. We have no visibility of designated titles that may be used in individual offices.

(c) Salary ranges are provided so as not to identify personal information of individual employees:

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</tr>
</tbody>
</table>

(d) Two employees had been granted a clearance and three employees had their clearance in process.

(e) Nil.

(f) (i) Nil.

(ii) Nil.

(2) (a) Number of Employees Classifications as at 30 September 2008

<table>
<thead>
<tr>
<th>Employees</th>
<th>Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Senior Adviser (Chief of Staff) (non-Cabinet) x 1</td>
</tr>
<tr>
<td></td>
<td>Media Adviser x 1</td>
</tr>
<tr>
<td></td>
<td>Adviser x 1</td>
</tr>
<tr>
<td></td>
<td>Assistant Adviser x 1</td>
</tr>
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</tr>
<tr>
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(b) Department of Finance and Deregulation is unable to answer this question. We have no visibility of designated titles that may be used in individual offices.

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<tr>
<td>Secretary/Administrative Assistant</td>
<td>$39,635 to $51,917</td>
</tr>
</tbody>
</table>

(d) Six employees had been granted a clearance.

(e) Nil.
(f)  (i) No employees are employed under secondment arrangements. Three employees have chosen to take leave without pay from the Australian Public Service to work for the Minister for Defence Science and Personnel.

(ii) Nil.

(g) Senior Advisers are entitled to be provided with a private-plated vehicle for business and private use.

(h) Employees above the classification of Adviser are entitled to travel at business class.

**Defence: Staffing**

*(Question No. 826)*

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 13 November 2008:

1. As at 30 September 2008: (a) how many uniformed staff are there in each of the three service areas (i.e. army, navy and air force); and (b) how many civilian staff are there in each of the service areas.

2. In the period 1 April to 30 September 2008, how many uniformed personnel were recruited to each of the service areas.

3. In the period 1 April to 30 September 2008: (a) how many uniformed staff resigned from each of the service areas; and (b) how many civilian staff resigned from each of the service areas.

4. In the period 1 April to 30 September 2008, how many temporary civilian positions existed, or were created, in each of the service areas.

5. (a) Since 30 September 2008, how many civilian employees have been employed on contract; and (b) what is the average length of their employment period in each of the service areas.

**Senator Faulkner**—The Minister for Defence has provided the following answer to the honourable senator’s question:

1. (a) 12,723 permanent uniformed staff for the Navy, 26,439 permanent uniformed staff for the Army and 13,842 permanent uniformed staff for the Air Force.

(b) 917 civilian staff in the Navy, 1,067 civilian staff in the Army and 917 civilian staff in the Air Force.

2. 830 for the Navy, 1,048 for the Army and 671 for the Air Force.

3. (a) 775 from the Navy, 1,457 from the Army and 487 from the Air Force.

(b) 29 from the Navy, 28 from the Army, and 28 from the Air Force.

4. 17 for the Navy, 50 for the Army and 59 for Air Force.

5. (a) 5 for the Navy, 0 for the Army and 17 for the Air Force.

(b) There is insufficient data available to determine the average length of employment contracts.

**Infrastructure, Transport, Regional Development and Local Government: Staffing**

*(Question No. 827)*

**Senator Bushby** asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 14 November 2008:

1. Which state and territory governments have seconded officers to the department to work for: (a) Infrastructure Australia; or (b) another section of the department.
(2) For each seconded officer: (a) what is their substantive level; (b) for what period of time have they been seconded; (c) what duties are allocated to them; and (d) is their salary and all other costs associated with the secondment, such as accommodation allowance, airfares, provision of motor vehicles, etc. being paid for by the state or territory government or by the Federal Government.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

As Chair of the Council of Australian Governments’ Infrastructure Working Group, Minister Albanese wrote to all Working Group Members earlier this year to ascertain whether any State/Territory Government Employees were available to provide support to Infrastructure Australia to meet its initial work program. This initial work program has included the development of best practice guidelines for Public Private Partnerships, completion of the National Infrastructure Audit and the development of an Infrastructure Priority List for the Council of Australian Governments’ consideration.

All Working Group Members have engaged with the important work of Infrastructure Australia, by providing suitably qualified and experienced senior officers on an ‘as required’ basis. Infrastructure Australia is meeting associated costs, as agreed with Working Group Members.

Australian National Academy of Music
(Question No. 828)

Senator Milne asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 14 November 2008:

(1) (a) How many times, since becoming Minister, has the Minister visited the Australian National Academy of Music (ANAM); and (b) what were the dates and times of these visits.

(2) (a) What specific steps were taken by the Minister and the department to determine whether or not ANAM and its board would be funded in 2009; (b) how many meetings were held, on what dates and by whom; and (c) what correspondence was sent and received and by whom.

(3) Did the Minister meet with the board in person to discuss their response to criticisms of ANAM’s administration; if so, when.

(4) Did the Minister or the department raise the prospect of immediate closure in any of these meetings; if not, why not.

(5) Why did the Government decide to defund ANAM; and (b) when was this decision made.

(6) Did the Minister or any departmental staff meet with or enter into correspondence or discussions with representatives of any other institution regarding the future of ANAM.

(7) Can the Minister confirm: (a) that on 25 August 2008 the Minister made specific requests to ANAM which he insisted had to be met as part of the consideration of ANAM’s future; if so, what date was set for meeting these demands; and (b) that the board responded in detail to these demands within the time frame.

(8) Did the Minister or the department receive any specific criticisms of ANAM from students, teachers or the public; if so: (a) how many; (b) on what dates; and (c) what were the specific criticisms.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) (a) & (b) The Minister has not visited ANAM.

(2) (a) As part of its 2007 election policy New Directions for the Arts, the Government committed to consider the reviews of the Australian National Academy of Music as a teaching and training institution. The Minister considered the reviews and agreed to develop a funding agreement for ANAM for 2008-09, to be administered through two six-month funding agreements, the
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full allocation of which was dependent upon the delivery of a reform agenda. The ANAM Board on 3 October 2008 indicated that it would not fulfil the reform agenda outlined in the terms and conditions of the proposed funding agreement. On 22 October the Minister advised ANAM that Government funding would be provided until 31 December 2008 to allow ANAM to complete its 2008 training program, but that funding would not continue into 2009.

(b) Three meetings were held, including on:
- 23 May 2008 – Minister met with representatives of the ANAM Board.
- 18 August 2008 – Department officials met with representatives of the ANAM Board.
- 26 September 2008 – Minister, adviser and Departmental official met with representatives of the ANAM Board.

(c) The following correspondence was sent and received:
- 15 April 2008 – Department writes to ANAM further in relation to ANAM’s forecast budget deficits.
- 6 May 2008 – ANAM Chair writes to the Minister requesting a meeting.
- 20 June 2008 – Minister writes to the ANAM Chair following their meeting of 23 May 2008 re ANAM’s forecast budget deficit and requests a revised forecast by 15 July 2008.
- 14 July 2008 – ANAM Chair responds to the Minister’s letter of 20 June 2008 and advises that a revised budget will be provided in the context of its strategic plan.
- 22 July 2008 – ANAM Chair writes to a Ministerial advisor requesting clarification of Australian Government support of ANAM.
- 25 August 2008 – Minister writes to ANAM Chair, advising that ANAM’s 2008-09 funding will be administered through two six month funding agreements, the full allocation of which was dependent upon the implementation of a reform agenda and a balanced budget.
- 1 September 2008 – Department provides ANAM with the first of its two six month funding agreements, consistent with the Minister’s letter of 25 August.
- 3 September 2008 – ANAM Managing Director writes to the Department concerning the terms and conditions of the first six month funding agreement.
- 4 September 2008 – Department responds to the Managing Director’s correspondence of 3 September 2008 and notes that both the Minister and the Department had discussed the implementation of review recommendations and concerns with forecast budget deficits with members of the ANAM Executive.
- 4 September 2008 – ANAM Managing director responds and indicates that the Board will discuss the terms and conditions of the funding agreement at its next meeting.
- 26 September 2008 – Minister writes to ANAM Chair, following his meeting of 26 September with ANAM Board representatives, to discuss the terms and conditions of the funding agreement and requests that ANAM respond to his letter of 25 August 2008.
- 3 October 2008 – ANAM Chair writes to the Minister, responding to his letter of 25 August 2008 and indicates that ANAM is unable to implement the reform agenda.
- 21 October 2008 – ANAM Chair writes to the Minister further to his letter of 3 October.
22 October 2008 – Minister writes to ANAM Chair informing him that Government funding will be provided until 31 December 2008 to allow ANAM to complete its 2008 training program, but that funding will not continue into 2009.

(3) The Minister met with representatives of the ANAM Board twice to discuss ANAM’s operations, on 23 May 2008 and 26 September 2008.

(4) On 18 August 2008, Departmental officials met with the ANAM Chair and Managing Director and made it clear that ANAM’s success in implementing the reform agenda in 2008-09 was to be a key consideration in determining future funding. The Minister wrote to the ANAM Board on 25 August advising that funding for 2008-09 was dependant on ANAM successfully implementing a reform agenda. On 26 September the Minister confirmed this approach at his meeting with ANAM Board representatives.

(5) (a) The terms and conditions of ANAM’s 2008-09 funding focused on implementing a reform agenda for ANAM based on the findings of two independent reviews of ANAM, including:
- Balanced budgets for 2009-11;
- An amended bursary policy;
- A plan to diversify income;
- A commitment to be national leaders in classical music education and initiatives that support that role;
- A framework for the review of ANAM’s constitution;
- ANAM Board members to satisfy geographical diversity;
- A plan for course certification;
- Continual engagement of a full-time artistic director; and
- A working alumni database.

The ANAM Board wrote to the Minister on 3 October 2008 and indicated that ANAM was unable to deliver the reform agenda as outlined in the funding agreement.

(b) On 22 October 2008, the Minister wrote advising that a six month funding agreement to 31 December 2008 to be put in place to enable ANAM to finalise its 2008 training program, but that funding would not be available in 2009 for its training program.

(6) ANAM is a subsidiary company of the University of Melbourne. The Minister and Departmental staff met with representatives from the University to discuss the future of elite level classical music training in Australia, including ANAM, on 31 October 2008 following the Minister’s letter to ANAM of 22 October.

(7) (a) The Minister wrote to ANAM on 25 August 2008 outlining a reform agenda that would need to be implemented as part of the terms and conditions of ANAM’s funding in 2008-09. The Minister stressed that ANAM’s success in implementing the reform agenda in 2008-09 was to be a key consideration in determining any future funding. ANAM was required to provide evidence of the implementation of the reform agenda by 31 October 2008.

(b) The Board did not respond to the Minister’s letter of 25 August until asked to by the Minister at a meeting on 26 September 2008. The Board responded on 3 October 2008 and indicated that ANAM was unable to deliver the reform agenda as outlined in the funding agreement.

(8) In the context of the two independent reviews of ANAM’s operations undertaken between 2004 and 2006, a number of criticisms from a variety of sources, including students, teachers, orchestra leaders, musicians and the public, were received.
In a letter to the ANAM Board dated 18 August 2008 and provided subsequently to the Department, a key ANAM staff member expressed concern regarding the management of ANAM and its failure to provide national leadership in the music education sector.

Special Disability Trusts
(Question No. 829)

Senator Siewert asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs upon notice, on 17 November 2008:

(a) What has been the total amount of government expenditure on Special Disability Trusts since they were introduced in 2006; and (b) can a breakdown of this expenditure be provided for each financial year.

Senator Chris Evans—The Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator’s question:

(a) The total amount allocated to Special Disability Trusts includes the additional costs to the Age Pension appropriation. The total amount expended is dependent on each individual’s circumstances, including considerations such as the final nature of the trust, the amounts gifted to the trust, and the effect of any exemption on individual circumstances.

(b) At 30 September 2008 the total value of contributions to Special Disability Trusts was $5.1 million, with $4.2 million of this amount receiving concessional treatment.

(c) In addition to amounts under the Age Pension appropriation as described in (a) above, administered and departmental expenses have been:

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<th>2006-07</th>
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<td>434,143.38</td>
<td>684,171.67</td>
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Tiwi Islands
(Question No. 830)

Senator Siewert asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 17 November 2008:

(1) Why was there no reference in the Minister’s media statement on 16 October 2008, ‘Tough measures placed on Tiwi plantations’, to the name of the company that legally owns and operates the Tiwi plantation project and which is being penalised for serious environmental breaches on the Tiwi Islands.

(2) Is the Minister aware that on the Great Southern Limited’s website it states that Great Southern Managers Australia Limited, a corporate entity of Great Southern Limited, is the ‘Responsible Entity and Plantation Manager’ on the Tiwi Islands.

(3) In the Minister’s amended environmental conditions placed on the Tiwi plantation project, dated 13 October 2008, the ‘Person to whom the approval is granted’ is named as Sylvatech Limited: is this the legal entity responsible for carrying out the project and abiding by its conditions.

(4) In the course of the past 2 years of investigations into these environmental breaches, did the Minister or any departmental officials ever meet with any persons who presented themselves as representatives or employees of Sylvatech Limited; if so, whom and on what dates.

(5) If Great Southern Limited is the responsible legal entity, and given that the Government has not named Great Southern Limited as the legally-responsible entity for the purposes of the Environ-
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ment Protection and Biodiversity Conservation Act 1999 approval conditions: will the Minister order an immediate change to the relevant documents; if not, why not.

(6) In regard to the remediation plan which is now required from Great Southern Limited to address the ecological damage it has caused on the Tiwi Islands: who will be preparing that plan and will it be released for public comment prior to the Minister’s approval.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) The media statement of 16 October 2008 states that the forestry project is a joint initiative of ‘Sylvatech and the Tiwi Land Council’.

(2) The approval was issued to the Australian Plantation Group Pty Limited and Tiwi Land Council in 2001 pursuant to section 133 of the Environment protection and Biodiversity Conservation Act 1999 (EPBC Act). The Australian Plantation Group Pty Limited was later acquired by Great Southern Limited. The Australian Plantation Group Pty Ltd underwent a name change to Sylvatech Limited (ABN unchanged) and, as such, the approval variation was issued to Sylvatech Limited.

(3) Sylvatech Limited is the legal entity responsible for carrying out the project and abiding by the conditions of approval pursuant to the EPBC Act.

(4) Meetings between Departmental officers and employees or representatives of Sylvatech Limited and Great Southern Limited occurred on 12 June 2007, 16 October 2007, 16 April 2008, 22 May 2008 and 21 August 2008. Parties present variously included officers from the Department’s Compliance and Enforcement Branch, lawyers from the Australian Government Solicitor acting on behalf of the Department, the Executive Director of Great Southern Limited, Legal Counsel for Great Southern Limited, lawyers from Freehills acting on behalf of Great Southern Limited and Sylvatech Limited, and employees and consultants representing Sylvatech Limited.

(5) As Sylvatech Limited is the responsible legal entity, there is no requirement for a change to the documents relating to the conditions of approval (see above).

(6) CSIRO have been engaged by Sylvatech Limited to prepare the remediation plan required as part of the conditions of approval. There is no requirement under the conditions of approval for this plan to be released for public comment prior to the Minister’s consideration.

Internet

(Question No. 831)

Senator Ludlam asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 20 November 2008:

(1) Why does the pilot aim to test the impact of filtering on Internet connections ranging up to 12 Mega bits per second (Mbps) when 12Mbps is the minimum speed which the National Broadband Network project is claimed to deliver.

(2) Why will the pilot test the capacity of the filters to ‘detect and provide warnings on circumvention attempts’.

(3) What is meant by ‘provide warnings on circumvention attempts’.

(4) Does the Government propose, or is it considering, the criminalisation of circumventing or attempting to circumvent the proposed filtering regime.

(5) Will Internet Service Providers be required, or permitted, to apply any level of filtering to the Internet connections of people who have not volunteered to participate in the pilot.

(6) If the customers participating in the pilot are volunteers, how will the results of the pilot be of any worth when they will be affected by self-selection bias.
How does the Government propose to prevent technological tools such as proxies, Virtual Private Networks, the Tor service and encryption from being used to circumvent the Government’s filtering regime without adversely affecting the ability of Australian businesses and residents to conduct their online business in a safe and secure fashion.

Are technological tools such as Virtual Private Networks, Peer-to-Peer applications and encryption, being used by persons trafficking in child pornography online; if so, how will the Government’s proposed filtering regime prevent this.

Senator Conroy—The answer to the honourable senator’s question is as follows:

1. The Pilot aims to assess delivery across a variety of internet delivery mediums ranging in speed from 56Kbps through to 12Mbps, recognising that most Australians have internet connections within this speed range at present. As the Technical Testing Framework document states, “Consideration (i.e. an assessment or examination) will also be given to future internet network performance above 12Mbps.” The specific levels to be tested will depend on the proposals put forward by participating internet service providers (ISPs), and there is no intention to be restrictive in this regard.

2. Some filter products provide a function which allows parents to monitor if attempts have been made to circumvent the filter – should parents wish to have this function turned on. The Pilot will test the effectiveness of this and other functionalities if included in the filtering solutions proposed by participating ISPs.

3. Some filter products provide a reporting mechanism to the account holder (for example the parents) of circumvention attempts made from the account. There is no intention for circumvention attempts to be reported to Government or authorities.

4. No.

5. The specific filtering solution proposed, and its application to an ISP’s customers, is a matter for negotiation with individual ISPs.

6. End-user experience is an important factor to be considered in the trial, but it is only one part of the assessment of technical capabilities. Empirical testing will be considered in conjunction with end-user experience. The customer surveys will be designed with the assistance of expert statisticians.

7. The Government acknowledges that any filtering of the internet, whether Personal Computer or ISP based, can potentially be circumvented. The Pilot will test the ease with which different filtering solutions can be by-passed.

ISP level filtering is just one component of the Government’s $125.8 million cyber-safety plan. The plan also includes education, research, consultation with expert groups and youth groups, and funding for policing and law enforcement. The plan will see an extra 91 AFP members join the High Tech Crime Commission which seeks to intervene and catch people involved in the trafficking of child pornography.

8. ISP filtering is not a ‘silver bullet’ that will fix the problem of illegal content on the internet. However, it can help to disrupt online distribution of such material, and prevent accidental exposure to it.

ISP level filtering is just one component of the Government’s $125.8 million cyber-safety plan. The plan also includes education, research, consultation with expert groups and youth groups, and funding for policing and law enforcement. The plan will see an extra 91 AFP members join the High Tech Crime Commission which seeks to intervene and catch people involved in the trafficking of child pornography.
Internet
(Question No. 832)

Senator Ludlam asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 20 November 2008:

1. On what basis does the Government claim that Internet service provider (ISP)-based filtering is more effective than personal computer-based solutions.

2. What is the Government’s justification for making the dynamic content analysis filtering component of the regime opt-out rather than opt-in.

3. Why is it necessary to compel all Australian ISPs to supply a filtered Internet service when there are already some ISPs offering such a service in the market.

4. If the demand within the Australian public for filtered Internet connections from their ISP exists as claimed by the Government, why has this not manifested itself in the market to date.

5. What evidence does the Government have to support the claimed public demand for filtered Internet connections.

6. Can details be provided of organisations that have assisted the department through providing advice, information and examples that have contributed directly to the Government’s proposed filtering plan.

Senator Conroy—The answer to the honourable senator’s question is as follows:

1. The Howard Government’s personal computer based filtering scheme was a failure. Despite a $15 million advertising campaign less than 2% of households with children took up the filters. In addition 16 year old Tom Wood circumvented the government provided PC filter in less than 30 minutes. The process of installing and maintaining this software can be difficult for some people. ISP filtering of a blacklist does not require users to undertake this task.

2. The Government has no such policy.

3. The Government has an election commitment to implement ISP filtering. Australian society has accepted that there is some material which is not appropriate, particularly for children, to view. The Australian Parliament has passed laws to this effect. The live pilot trial will examine the technical feasibility of this.

4. The Government is not convinced that market forces alone will deliver appropriate outcomes in this regard.

5. The Government has made Election commitments in the area of cyber-safety which include introducing ISP filtering.

6. The Government’s policy in respect of filtering was part of the ALP’s election platform developed in the lead up to the 2007 election. The details of this policy will be developed following the live pilot and further consultations with stakeholders.

Internet
(Question No. 833)

Senator Ludlam asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 20 November 2008:

1. What is the current number of Uniform Resource Locators (URLs) on the Australian Communications and Media Authority’s (ACMA’s) list of overseas-hosted prohibited or potentially-prohibited content.

2. How many unique domain names are within the URLs which are currently on the ACMA blacklist.
(3) (a) How many active URLs are currently on the ACMA blacklist; and (b) of these, how many have been, or in the ACMA's view would be:
(i) classified MA 15+,
(ii) classified RI 8+,
(iii) classified X18+,
(iv) refused classification, and
(v) refused classification because they contain child pornography, and in this case, how many were referred to: (A) Commonwealth, state or territory police, and (B) an overseas agency.

(4) (a) How many active URLs have been placed on the ACMA blacklist as potentially-prohibited content but which upon classification were found not to be prohibited content; and (b) what is the average period of time that such content has been incorrectly blacklisted.

(5) (a) Is it currently unlawful for an Australian adult to access Internet content that is hosted overseas where that content according to ACMA is:
(i) classified MA 15+,
(ii) classified RI 8+,
(iii) classified X18+, and
(iv) refused classification, other than content defined as ‘child pornography material’ and ‘child abuse material’ in section 473.1 of Division 473 of Part 10.6 ‘Telecommunications Services’ of the Criminal Code Act 1995; and (b) if so, on what basis.

(6) Which categories of legal material, that is, material which Australian adults can legally access on the Internet, will be subject to mandatory Internet service provider (ISP)-level filtering that is not optional for end-users.

(7) In regard to the proposed expansion or augmentation of the ACMA blacklist by obtaining alleged child pornography blacklists from overseas agencies:
(a) does the criteria for inclusion on these overseas blacklists align with the Australian classification scheme;
(b) what mechanisms will exist to ensure the accuracy of these overseas blacklists;
(c) is the Minister aware of serious inaccuracies and over-blocking in the blacklist of alleged child pornography that is voluntarily used by some ISPs in Finland;
(d) is the Minister aware that a website which criticised and exposed serious inaccuracies in the Finish blacklist, in an act of apparent retaliation by the Government or police agencies, was itself placed on the blacklist; and
(e) how can the Australian public be assured that controversial yet legal content will not be blocked by its inclusion on overseas blacklists.

(8) What safeguards will be put in place, or what assurances can the Minister give, that the scope of the mandatory blacklist will not, once the filtering regime is implemented, be expanded to include politically controversial material such as websites which allegedly promote anorexia.

(9) How can Australians be confident that the Government’s proposed filtering regime will not wrongly block access to material dealing with political, activist, creative and governmental matters.

(10) What is the mechanism by which the complaints-based ACMA blacklisting will be expanded to examine a broader range of Internet content.

(11) What resources and expertise are to be provided to ACMA to enable it to properly identify illegal or prohibited material under an expanded scheme.
(12) What assurances can the Minister give Australian businesses that access to their websites will not be wrongly blocked by the Government’s proposed filtering regime.

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) At 30 November 2008, the list contained 1370 URLs.

(2) The 1370 URLs on the blacklist relate to 1125 separate domains.

(3) (a) There are currently 1370 active URLs on the list.

(b) As at 30 November 2008, of the URLs on the blacklist:

(i) 0 relate to Internet content which is or would be classified MA15+;
(ii) 65 relate to Internet content which is or would be classified R18+;
(iii) 441 relate to Internet content which is or would be classified X18+;
(iv) 864 relate to Internet content which is or would be refused classified (RC);
(v) 674 relate to Internet content which is or would be refused classification in accordance with paragraph 1(b) of the Films Table of the National Classification Code because it depicts in a way likely to cause offence to a reasonable adult a person who is (or appears to be) a child under 18.

(4) None. If ACMA asks the Classification Board to classify an item of content that is hosted outside Australia, ACMA does not take any further action in relation to the content until it is advised of the Classification Board’s decision.


The Broadcasting Services Act does not regulate possession, distribution or sale of content – these matters are generally regulated under state and territory laws, and laws such as the Criminal Code Act 1995.

Accessing child pornography material using a ‘carriage service’ (eg internet or mobile phone) is a criminal offence under the Commonwealth Code Act 1995.

Possession of RC material is an offence in Western Australia and the prescribed areas in the Northern Territory.

In all states and territories it is an offence to possess RC material if the person does so with the intention to sell it.

(6) The details of the Government’s ISP filtering policy will be finalised following the conclusion of the Pilot.

(7) (a) At 30 November 2008, ACMA had made arrangements to access URL lists maintained by the United Kingdom (UK) Internet Watch Foundation (IWF) and the United States (US) National Centre for Missing and Exploited Children (NCMEC). Both lists contain only URLs relating to material that would be regarded as child sexual abuse material under applicable UK and US legislation. Material of this nature is likely to be refused classification in accordance with paragraph 1(b) of the Films Table of Australia’s National Classification Code, because it depicts in a way likely to cause offence to a reasonable adult, a child under 18, and therefore is potential prohibited content under the BSA.

(b) To help ensure that lists acquired from overseas bodies align with the BSA definition of prohibited content and potential prohibited content, ACMA proposes to:
• carefully scrutinise the criteria applicable to the lists to ensure that they align with the relevant National Classification Code categories;
• carefully scrutinise the policies and procedures of the body maintaining the list, for adding
  URLs to its list, and removing URLs from the list when they no longer provide access to prob-
  lematic material;
• undertake appropriate assessment of each list;
• discuss with the relevant body any apparent trend toward including URLs relating to content
  that is not prohibited content or potential prohibited content under the BSA.

(c) Yes

(d) I am aware of allegations about this but have seen no evidence to confirm this.

(e) ACMA is responsible for the compilation of URLs referred to as the ACMA blacklist, under
  the provisions of the Broadcasting Services Act 1992. This legislation sets out categories of
  material which are classed as ‘prohibited’. The Government has no plans to expand the scope
  of prohibited material. Inclusion of sites on overseas blacklists is a matter for the relevant gov-
  ernments of the countries concerned. URLs added to the ACMA blacklist from international
  lists will be done so under the process outlined above.

(8) The definition of prohibited content cannot be expanded without changes to legislation passed by
  Parliament. The Government has no plans to extend the definition of prohibited material.

(9) What is placed on the ACMA blacklist is defined in legislation. Adherence to these processes is a
  high priority for ACMA. See also answer to Question 8.

(10) Amending the definitions of prohibited content and potential prohibited would require amendment
  of the BSA or classification legislation by Parliament.

(11) ACMA employs former members of the Classification Board as well as undertaking regular, formal
  training provided by the Classification Board. The budget for ACMA’s Content Assessment Sec-
  tion, which administers ACMA’s complaint handling role for online content, includes provision for
  staff training and development in the areas of content classification and online technologies, and
  for fees paid to the Classification Board for classification of online content when required. ACMA
  is also improving the visibility and usability of its online reporting mechanism, to help ensure that
  members of the public who have concerns about online content are easily able to make a complaint
  to ACMA about it.

(12) The technical feasibility of filtering technologies including over-blocking of legitimate sites will be
  tested by the Government in the upcoming live pilot trial. An evidence-based approach will be
  taken to the implementation of Government policy.

Internet

(Question No. 834)

Senator Ludlam asked the Minister for Broadband, Communications and the Digital
Economy, upon notice, on 20 November 2008:

(1) With reference to the statement on the department’s website ‘Online Content Regulation’ (last
ers/internet/online_content_regulation which says that ‘For overseas-hosted content the prohibited
categories are RC and X’: is this correct; if not, what are the prohibited categories for overseas-
hosted content and on what date did the change to the categories commence operation.

(2) How many items of Internet content were classified by the Classification Board for the year ended
30 June 2007 in response to an application for classification by the Australian Communications and
Media Authority (ACMA).
(3) Of the total number in (2) above: (a) how many were items hosted in Australia; and (b) how many
of those items were classified in each of the following categories G, PG, M, MA 15+, R18+, X18+
and RC.

(4) Of the items in (3)(b) above that were classified G, PG, M, or MA 15+: (a) how many have been the
subject of an interim take-down notice; and (b) what was the average period of time from the date
of issue by ACMA of the notice to the date of issue by ACMA of a notice revoking it.

(5) Of the total number of items in (2) above: (a) how many were hosted outside Australia; and
(b) how many of these were classified in each of the following categories, G, PG, M, MA 15+,
R18+, X18+ and RC.

(6) If any of the items referred to in (5) above were classified G, PG, M, MA15+ or R18+: (a) how
many of those items had been placed on the ACMA blacklist as potentially-prohibited content; and
(b) what was the average period of time during which such content was incorrectly blacklisted.

(7) What is the total amount paid by the ACMA to the Classification Board for the classification of the
items referred to in (2) above.

(8) Will access to services such as Google Translate, Google Cache and similar tools provided by vari-
ous other search engine providers be blocked to prevent circumvention of the filter.

(9) Given that the Australian Labor Party’s policy document ‘Labor’s Plan for Cyber-Safety’ discusses
dangers such as online identity theft, cyber-bullying, publication of photographs without permis-
sion and online activities of cyber predators (such as using chat rooms): how will the proposed fil-
tering regime address these issues.

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) The information on the Department’s website was out of date and has been updated. The definition
of prohibited content for overseas hosted content changed from being RC and X only, to including
R18+ where not behind an age verification scheme, and MA15+ where commercially available and
not behind an age verification scheme, on the 20 January 2008 after legislation that was passed on
20 July 2007 by the Howard Government came into effect.

(2) In the year ended 30 June 2008, 14 items of online content were classified by the Classification
Board in response to applications from ACMA. In addition, 778 items of overseas-hosted content
were assessed by trained ACMA content assessors and found to be potential prohibited content
(that is, prohibited content if formally classified by the Classification Board). Of the 1,122 com-
plaints about online content received by ACMA during the period, 293 related to online content
which ACMA assessed as not prohibited.

ACMA content assessors have been members of the Classification Board and/or undergo formal
training provided by the Classification Board. ACMA employs a number of former National Classi-
fication Board members within the Codes, Content and Education Branch who have a combined
experience of close to 20 years at the Classification Board. This experience in conjunction with the
formal training and regular referrals of content to the Classification Board help ensure consistency
of classification decisions.

(3) Of 14 Classification Board applications made by ACMA, (a) four of the applications related to
content hosted in Australia; and (b) the four items hosted in Australia were classified by the
Classification Board as follows:
ACMA assessed and took action in relation to a further 778 items of overseas-hosted content, which were assessed as follows:

<table>
<thead>
<tr>
<th>Classification and description of online content</th>
<th>Number of items</th>
</tr>
</thead>
<tbody>
<tr>
<td>MA 15+ – Violence</td>
<td>0</td>
</tr>
<tr>
<td>MA 15+ – Sex</td>
<td>0</td>
</tr>
<tr>
<td>MA 15+ – Themes</td>
<td>0</td>
</tr>
<tr>
<td>MA 15+ – Drug Use</td>
<td>0</td>
</tr>
<tr>
<td>MA 15+ – Nudity</td>
<td>0</td>
</tr>
<tr>
<td>MA 15+ – Language</td>
<td>0</td>
</tr>
<tr>
<td>R 18+ – Violence</td>
<td>0</td>
</tr>
<tr>
<td>R 18+ – Sex</td>
<td>6</td>
</tr>
<tr>
<td>R 18+ – Themes</td>
<td>0</td>
</tr>
<tr>
<td>R 18+ – Drug Use</td>
<td>0</td>
</tr>
<tr>
<td>R 18+ – Nudity</td>
<td>3</td>
</tr>
<tr>
<td>R 18+ – Language</td>
<td>0</td>
</tr>
<tr>
<td>X 18+ – Actual sexual activity</td>
<td>249</td>
</tr>
<tr>
<td>RC – Crime – promotion/instruction</td>
<td>2</td>
</tr>
<tr>
<td>RC – Violence – depiction</td>
<td>1</td>
</tr>
<tr>
<td>RC – Paedophilia – promotion/instruction</td>
<td>3</td>
</tr>
<tr>
<td>RC – Child – depiction</td>
<td>409</td>
</tr>
<tr>
<td>RC – Bestiality – depiction</td>
<td>10</td>
</tr>
<tr>
<td>RC – Sexual violence – depiction</td>
<td>13</td>
</tr>
<tr>
<td>RC – Sexual fetish – depiction</td>
<td>42</td>
</tr>
<tr>
<td>RC – Sexual fantasy – depiction</td>
<td>40</td>
</tr>
<tr>
<td>RC – Drug use – promotion/instruction</td>
<td>0</td>
</tr>
<tr>
<td>RC – Terrorist related material</td>
<td>0</td>
</tr>
<tr>
<td>RC – Publication</td>
<td>0</td>
</tr>
<tr>
<td>Cat 1 – Publication</td>
<td>0</td>
</tr>
<tr>
<td>Cat 2 – Publication</td>
<td>0</td>
</tr>
<tr>
<td>Totals</td>
<td>778</td>
</tr>
</tbody>
</table>

(4) (a) and b) None.

(5) (a) While ACMA must apply to the Classification Board when content is hosted in Australia and subject to an take-down notice, ACMA may also apply for classification of material in other cases, including where the content is hosted outside Australia and/or ACMA staff have not previously dealt with subject matter depicted or described in the content. Ten of the 14 Classification Board applications made by ACMA in the year ended 30 June 2008 were for content hosted outside Australia.

(b) The ten items hosted outside Australia noted at (a) were classified by the Classification Board as follows:
Classification | Number of items
--- | ---
G | 4
PG | 1
M | 1
MA15+ | 0
R18+ | 0
X18+ | 3
RC | 1

(6) (a) and b) None.

(7) The total amount paid by ACMA to the Classification Board for the classification of the items referred to in (2) above is $7140.00.

(8) No.

(9) ISP filtering is not intended to address these issues.

The Government’s ISP filtering policy is one component of the Government’s comprehensive $125.8 million Cyber-Safety Plan. This plan contains a comprehensive set of measures to combat online threats, and help parents and educators protect children from inappropriate material.

Measures include:

- Expansion of the Australian Federal Police (AFP) Child Protection Operations Team - funding to detect and investigate online child sex exploitation;
- Commonwealth Director of Public Prosecutions - funding to help deal with the increased activity resulting from the work of the AFP to ensure that prosecutions are handled quickly;
- Filtering - including funding to develop and implement ISP filtering, including undertaking a real world ‘live’ Pilot;
- Education activities - funding to the Australian Communications and Media Authority (ACMA) to implement a comprehensive range of education activities;
- Websites / Online helpline - funding to ACMA to improve current government cyber-safety website resources and to make them easier for parents to use, and to provide up-to-date information. ACMA will also develop a children’s cyber-safety website to provide information specifically for children, and improve the online helpline to provide a quick and easy way for children to report online incidents that cause them concern;
- Consultative Working Group - funding for an expanded Consultative Working Group. This group is considering the broad range of cyber-safety issues and advising the Government, to ensure properly developed and targeted policy initiatives;
- Youth Advisory Group - funding for a Youth Advisory Group which will provide advice to the Consultative Working Group on cyber-safety issues from a young person’s perspective; and
- Research - funding for ongoing research into the changing digital environment to identify issues and target future policy and funding.

Complementing the Cyber-Safety Plan are E-Security initiatives for home and small business users. The Government is committed to enhancing protection of home and small business users by raising their awareness of the risks associated with online viruses and other security threats including theft and fraud through:

- An annual National E-Security Awareness Week in partnership with industry and community organisations;
• A free plain English Alert Service, available from the Stay Smart Online website; and
• An e-security education module for Australian schools, which will be released in the first half of 2009.

Further initiatives will be developed following the Government’s consideration of the recently completed E-Security review.

Indigenous Broadcasting and Media
(Question No. 836)

Senator Ludlam asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 20 November 2008:

(1) Why are Aboriginal media and broadcasting organisations regulated under the Minister’s portfolio rather than the portfolio of the Minister for Broadband, Communications and the Digital Economy.

(2) Has the Minister had representation from Aboriginal media and broadcasting organisations requesting to be brought within the portfolio of the Minister for Broadband, Communications and the Digital Economy.

(3) Will the Minister investigate the return of Indigenous media organisations to the portfolio of the Minister for Broadband, Communications and the Digital Economy as soon as is practicably possible.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) All media and broadcasting organisations, including all Indigenous media organisations are regulated by the independent organisation, the Australian Communications Media Authority (ACMA), which is in the portfolio of the Minister for Broadband, Communications and the Digital Economy. The Department of Environment, Water, Heritage and the Arts administers funding to a range of Indigenous media and broadcasting organisations to achieve cultural outcomes.

(2) The Minister has received representation from an Indigenous media organisation requesting that Indigenous Broadcasting programs be brought within the portfolio of the Minister for Broadband, Communications and the Digital Economy.

(3) No.

Royal Australian Navy
(Question No. 837)

Senator Siewert asked the Minister representing the Minister for Defence, upon notice, on 21 November 2008:

Does the Royal Australian Navy have any protocols in regard to intervention to protect vessels threatened by other vessels in Australia’s Antarctic waters; if so, in what circumstances will the Navy intervene and does this include where an anti-whaling protest ship is threatened by a foreign vessel.

Senator Faulkner—The Minister for Defence has provided the following answer to the honourable senator’s question:

Australia has a duty under the United Nations Convention of Law of the Sea to respond to acts of piracy on the high seas. In support of the International Maritime Organisation, the Australian Government has international obligations in relation to engendering an environment which facilitates ‘safe, secure and efficient shipping’ in the world’s oceans.

Border Protection Command (BPC) is the Australian Security Forces Authority. The BPC must be notified of any acts of violence against ships within the Australian Search and Rescue Region—Australia’s
area of responsibility for enforcing our obligations in support of the International Maritime Organisation.

Australia claims sovereignty over the Australian Antarctic Territory and is a party to the Antarctic Treaty which forms a legal framework for activities in the Antarctic. Any activities conducted must be consistent with Australia’s obligations under the Antarctic treaty, which includes a prohibition on measures of a military nature.

There is no permanent naval presence in the Southern Ocean.

International and domestic law requirements shape the Navy’s ability to take action to protect vessels threatened by other vessels. The Navy has operating procedures and Rules of Engagement which must be complied with when responding to threats against other vessels.

**Indigenous Education**

(Question No. 838)

Senator Siewert asked the Minister representing the Minister for Education, upon notice, on 21 November 2008:

1. On what evidence does the Minister base their support for the decision by the Northern Territory Government to cut Indigenous bilingual education.

2. Is the Minister aware that the report, Indigenous languages and culture in Northern Territory Schools: Report 2004-2005, compared the national testing reading results of Northern Territory bilingual and non-bilingual remote schools and found that the bilingual school students in both year 5 and year 7 outperformed the English only students.

3. Is the Minister aware that the report in (2) above was referred to in the report, Ampe Akelyerne-maname Meke Mekarle “Little Children are Sacred” (dated 2007), and it was the basis of its recommendation that Indigenous language programs are best practise for remote schools and should be supported.

4. With reference to the article in the Northern Territory News of 17 November 2008, ‘Feds “force” NT to cut local languages’, in which the Northern Territory Minister for Employment, Education and Training, Ms Marion Scrymgour, claims that the Northern Territory Government was forced to cut teaching hours in Indigenous languages because of the national curriculum currently being developed: will the national curriculum impact on the ability of schools in the Northern Territory to teach Indigenous languages.

5. Given that the article in (4) above, Minister Scrymgour states ‘As part of that national curriculum there is no room for language and culture’: will the implementation of the national curriculum impact on the ability of schools anywhere in Australia to teach Indigenous language and culture.

Senator Carr—The Minister for Education has provided the following answer to the honourable senator’s question:

1. Australian governments have committed to a set of targets to decrease Indigenous disadvantage. The Closing the Gap targets include two targets directly relating to educational outcomes at school:

   - To halve the gap in literacy and numeracy achievement between Aboriginal and Torres Strait Islander students and other students within a decade; and
   - To at least halve the gap in attainment at Year 12 schooling (or equivalent level) by 2020.

Across Australia the performance of Indigenous students, particularly those in remote and very remote areas, against the National Benchmark results in reading, writing and numeracy has been well below that of other students. The gap in attainment of the benchmarks between Indigenous students in very remote areas of the Northern Territory and other students, both Indigenous and all, through the rest of the Northern Territory is also very wide. In 2007 the percentage of Indigenous students
in very remote areas in the Northern Territory achieving the reading, writing and numeracy benchmarks ranged between five percent for Year 7 writing to 40.2 percent for Year 3 numeracy. In comparison the results for all students in very remote areas in the Northern Territory ranged between 27.3 percent for Year 5 writing and 52.4 percent in Year 3 numeracy.

One method of addressing this gap, as part of a coordinated approach to accelerating improvements in literacy and numeracy, is to improve the English language skills of Indigenous students from an early age.

The Government firmly believes that all Australian students need to be proficient in English to be able to fully participate in the world of work and further study. The Australian Government is committed to supporting languages education in Australian schools including indigenous languages.

(2) The report Indigenous Languages and Culture in Northern Territory Schools Report 2005-2005, published by the Northern Territory Department of Employment, Education and Training, did not undertake a full evaluation of bilingual education. While the report states that preliminary and provisional data confirms that students participating in bilingual programs have marginally better results than students in similar non-bilingual schools it also notes that the numbers are not statistically valid and the impact of greater resourcing and teaching staff in the bilingual schools is not taken into account.

(3) The Australian Government will continue to support Indigenous language programs in schools in recognition of the importance of obtaining equitable educational outcomes by Indigenous people through the maintenance and continued use of Indigenous languages. Through the MCEETYA Indigenous Reference Group, Ministers have agreed to develop and fully implement by 2012, educational programs for Indigenous children that respect and value Indigenous cultures, languages, and contexts and explicitly teach standard Australian English.

(4) The Government is committed to the development of a rigorous and world-class national curriculum from kindergarten to year 12.

The national curriculum will provide a clear and explicit agreement about the curriculum essentials that all young Australians should have access to regardless of their socio-economic background or the location of their school. There will be flexibility for education authorities to continue to deliver alternative education programs that respond to local and regional circumstances whilst also delivering the national curriculum.

(5) See response to question 4 above.

Satellite Technology
(Question No. 839)

Senator Bob Brown asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 24 November 2008:

In regard to the answer to question on notice No. 566 (Senate Official Hansard, 24 September 2008, p. 5 575), concerning the Ground-based Regional Augmentation System: (a) what is the figure that has been written off because of the discontinuation of the system; (b) was this figure reported in the department’s 2008-09 annual report; if so, how is it described in the financial statements; if not, why not; and (c) have any of Airservices Australia’s safety programs or activities suffered funding cuts because of this loss.
Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:
Airservices Australia has provided the following response:
(a) & (b) Airservices Australia’s 2007-08 annual report includes this cost as the impairment of non-current assets.
(c) No.

Broadband, Communications and the Digital Economy: Program Funding
(Question No. 878)

Senator Ronaldson asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 24 November 2008:
In regard to the Minister’s administered portfolio area, for the 2008 calendar year, can lists be provided for: (a) the top 5 program overspends and their costs; and (b) the top 5 program underspends and their costs.

Senator Conroy—The answer to the honourable senator’s question is as follows:
I am not prepared to authorise the expense of time and diversion of resources that would be required for the Department to assemble the requested information on a calendar year basis. Departments, and the Government more broadly, generally budget on a financial year basis. Accordingly, information has been provided on a financial year basis for the 2007-08 financial year.
(a) In 2007-08, against the estimated actual expense shown at page 37 of the 2008-09 Portfolio Budget Statements, the Department had only one administered program that was over-expensed: International Organisations Contributions, by $34,000.
(b) In 2007-08, against the estimated actual expense shown at page 37 of the 2008-09 Portfolio Budget Statements, the top five under-expensed programs were:
(1) Australian Broadband Guarantee, by $25.6m;
(2) Telstra Social Bonus 2, by $4.4m;
(3) Television Black Spots Program – Alternative Technical Solutions, by $4.3m;
(4) Protecting Australian Families Online, by $2.6m; and
(5) Connect Australia, by $1.3m.

Education, Employment and Workplace Relations: Program Funding
(Question Nos 882 and 896)

Senator Ronaldson asked the Minister representing the Minister for Education, upon notice, on 24 November 2008:
For the 2008 calendar year, can lists be provided for: (a) the department’s top 5 program overspends and their costs; and (b) the department’s top 5 program underspends and their costs.

Senator Carr—The Minister for Education has provided the following answer to the honourable senator’s question:
The Department manages estimates and expenditure on a Financial Year basis. For the 2007-08 financial year the answer is as follows:
<table>
<thead>
<tr>
<th>Program</th>
<th>Budget ($'000)</th>
<th>Actual ($'000)</th>
<th>Variation ($'000)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Programs over budget</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School General Recurrent Grants</td>
<td>7,113,639</td>
<td>7,186,138</td>
<td>72,499</td>
</tr>
<tr>
<td>Support for Australian Apprenticeships</td>
<td>677,097</td>
<td>725,033</td>
<td>47,936</td>
</tr>
<tr>
<td>Literacy, Numeracy and Special Learning Needs</td>
<td>478,009</td>
<td>524,369</td>
<td>46,360</td>
</tr>
<tr>
<td>Commonwealth Grant Scheme</td>
<td>3,595,910</td>
<td>3,620,012</td>
<td>24,102</td>
</tr>
<tr>
<td>Capital Development Pool</td>
<td>93,513</td>
<td>113,739</td>
<td>20,226</td>
</tr>
<tr>
<td><strong>Programs under budget</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Australian Apprenticeship Workforce Skills Development</td>
<td>376,502</td>
<td>301,940</td>
<td>-74,562</td>
</tr>
<tr>
<td>Youth Allowance (School Students)</td>
<td>545,880</td>
<td>475,308</td>
<td>-70,572</td>
</tr>
<tr>
<td>Schools Capital Grants</td>
<td>477,793</td>
<td>433,089</td>
<td>-44,704</td>
</tr>
<tr>
<td>Youth Allowance (Tertiary Students)</td>
<td>971,955</td>
<td>934,772</td>
<td>-37,183</td>
</tr>
<tr>
<td>Job Network</td>
<td>1,177,390</td>
<td>1,141,346</td>
<td>-36,044</td>
</tr>
</tbody>
</table>

Note: Programs which include a significant actuarial assessment in relation to the total expenses have not been included. These are the Higher Education Loan Program and Unfunded University Superannuation. Due to the nature of the programs, variations from budget in respect of non-cash transactions occur.

**Education, Employment and Workplace Relations: Program Funding**

(Question No. 883)

Senator Ronaldson asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 24 November 2008:

For the 2008 calendar year, can lists be provided for: (a) the department’s top 5 program overspends and their costs; and (b) the department’s top 5 program underspends and their costs.

Senator Ludwig—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

The Department manages estimates and expenditure on a Financial Year basis. For the 2007-08 financial year the answer is as follows:

<table>
<thead>
<tr>
<th>Program</th>
<th>Budget ($'000)</th>
<th>Actual ($'000)</th>
<th>Variation ($'000)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Programs over budget</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School General Recurrent Grants</td>
<td>7,113,639</td>
<td>7,186,138</td>
<td>72,499</td>
</tr>
<tr>
<td>Support for Australian Apprenticeships</td>
<td>677,097</td>
<td>725,033</td>
<td>47,936</td>
</tr>
<tr>
<td>Literacy, Numeracy and Special Learning Needs</td>
<td>478,009</td>
<td>524,369</td>
<td>46,360</td>
</tr>
<tr>
<td>Commonwealth Grant Scheme</td>
<td>3,595,910</td>
<td>3,620,012</td>
<td>24,102</td>
</tr>
<tr>
<td>Capital Development Pool</td>
<td>93,513</td>
<td>113,739</td>
<td>20,226</td>
</tr>
</tbody>
</table>
### Finance and Deregulation: Program Funding

(Question No. 889)

Senator Ronaldson asked the Minister representing the Minister for Finance and Deregulation, upon notice, on 24 November 2008:

For the 2008 calendar year, can lists be provided for: (a) the department’s top 5 program overspends and their costs; and (b) the department’s top 5 program underspends and their costs.

Senator Sherry—The Minister for Finance and Deregulation has provided the following answer to the honourable senator’s question:

The Department of Finance and Deregulation (Finance) prepares its budget on a financial year basis, rather than a calendar year. Therefore, it is not possible to provide you with an answer on “Calendar Year” basis.

In lieu of the “Calendar Year” basis for your answer, my Department has provided data from the 2007-08 financial year (ended 30 June 2008).

Finance has 4 defined programs:

- Superannuation;
- Ministerial and Parliamentary Services,
- Property Management; and
- Insurance and Risk Management.

A full breakdown of each program, their budgets, and their overspend/underspend is as follows:

<table>
<thead>
<tr>
<th>Program</th>
<th>Budget ($'000)</th>
<th>Actual ($'000)</th>
<th>Variance ($)</th>
<th>Variance (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superannuation</td>
<td>5,480,865</td>
<td>5,204,840</td>
<td>-276,025</td>
<td>-5%</td>
</tr>
<tr>
<td>Ministerial and Parliamentary Services</td>
<td>329,933</td>
<td>310,926</td>
<td>-19,907</td>
<td>-6%</td>
</tr>
<tr>
<td>Property Management</td>
<td>49,598</td>
<td>44,772</td>
<td>-4,826</td>
<td>-10%</td>
</tr>
<tr>
<td>Insurance and Risk Management</td>
<td>101,747</td>
<td>105,228</td>
<td>3,480</td>
<td>3%</td>
</tr>
</tbody>
</table>
Agriculture, Fisheries and Forestry: Program Funding
(Question No. 893)

Senator Ronaldson asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 25th November 2008:
For the 2008 calendar year, can lists be provided for: (a) the department’s top 5 program overspends and their costs; and (b) the department’s top 5 program underspends and their costs.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:
It is not possible to provide information on program under or over-spends for a calendar year because program funding is provided on a financial year basis.
Program information for a financial year is published in the Department’s annual report.

Treasury: Media Monitoring
(Question Nos 900 and 918)

Senator Ronaldson asked the Minister representing the Treasurer, upon notice, on 24 November 2008:
What is the aggregate amount spent by the department on media monitoring during the 2008 calendar year.

Senator Conroy—The Treasurer has provided the following answer to the honourable senator’s question:
The amount spent by Treasury on media monitoring during the 2008 calendar year is approximately $401,451.50.

Treasury: Consultancies
(Question Nos 923 and 941)

Senator Ronaldson asked the Minister representing the Treasurer, upon notice, on 24 November 2008:
For the 2008 calendar year, can details be provided of the start date, duration, cost and nature (direct source or open source) of tender for each individual consultancy contract with the department dealing with: (a) media relations; (b) public relations; (c) public events management; (d) communications; and (e) communications strategy.

Senator Conroy—The Treasurer has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Contract Description</th>
<th>Start Date</th>
<th>End Date</th>
<th>Cost</th>
<th>Nature</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Pain Hamilton Family Trust</td>
<td>Communications consultancy for Australia’s Future Tax System (AFTS)</td>
<td>2 July 2008</td>
<td>31 January 2009</td>
<td>$31,614.00</td>
<td>Direct</td>
</tr>
</tbody>
</table>
Minister for Innovation, Industry, Science and Research: Visit to Japan
(Question No. 967)

Senator Abetz asked the Minister for Innovation, Industry, Science and Research, upon notice, on 25 November 2008:

(1) In regard to the Minister’s visit to Japan during November 2008: (a) on what dates did the Minister travel; (b) what was the purpose of this visit; (c) can details of the Minister’s itinerary be provided including when the itinerary was first drafted; (d) were any changes made to the itinerary while the Minister was in Japan; if so, what were they; and (e) were any meetings cancelled.

(2) Did the Minister take a different flight home to that which was originally booked; if so: (a) what flight or flights were taken; (b) what flight or flights was the Minister originally booked on; (c) did this change incur any additional costs; if so, how much; and (d) why was the change made.

(3) For the Minister, what was the total cost of: (a) travel; (b) accommodation; and (c) any other expenses.

(4) (a) How many ministerial staff and/or family accompanied the Minister; and (b) for this staff and/or family, what was the cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.

(5) (a) How many departmental staff accompanied the Minister; and (b) for this staff, what was the cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.

Senator Carr—The answer to the honourable senator’s question is as follows:

(1) (a) 17-20 November.
   (b) To meet with Toyota Motor Corporation and the Japanese Science Minister.
   (c) The itinerary was first drafted on 27 October 2008. See attached itinerary.
   (d) No.
   (e) No.

(2) Yes, the Minister left Japan a day earlier than originally booked.
   (a) Refer to attached itinerary.
   (b) Same flights as in the attached itinerary but departing Japan a day later.
   (c) No.
   (d) The Minister did not attend the Australia-Japan Conference.

(3) (a, b & c) A report on the costs for overseas Ministerial travel (including family and staff) is tabled every six months by the Department of Finance and Deregulation. Interested Senators may refer to that public document for information on Ministerial travel costs. In addition costs for an interpreter were paid for by the Department. Cost for an interpreter were $2,061.

(4) (a) One staff member.
   (b) A report on the costs for overseas Ministerial travel (including family and staff) is tabled every six months by the Department of Finance and Deregulation. Interested Senators may refer to that public document for information on Ministerial travel costs.

(5) (a) One official.
   (b) (i) $13,120 (ii) $1,292 (iii) $395.

In addition the Department paid for some ground transport other than that used by the Minister - $1,369.
Attachment
Minister Carr’s Itinerary in Japan

Monday 17 November: Melbourne - Tokyo
0630 Depart Melbourne for Sydney on flight QF404 (Qantas)
0755 Arrive Sydney
0930 Depart Sydney for Tokyo on flight JL772 (JAL)
1705 Arrive Tokyo

Tuesday 18 November: Tokyo
1000-1130 Meeting with Miraikan Science Centre
1600-1630 Meeting with Toyota Motor Corp
1700-1730 Meeting with the Japanese Science Minister
1900 Dinner hosted by Toyota Motor Corp

Wednesday 19 November: Tokyo - Melbourne
0900 Depart Hotel for Airport
1130 Depart Tokyo for Singapore on flight SQ637 (Singapore)
1755 Arrive Singapore
2015 Depart Singapore for Melbourne on flight QF10 (Qantas)

Thursday 20 November: Melbourne
0630 Arrive Melbourne

Newcastle Rail Service
(Question No. 968)

Senator Ludlam asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 25 November 2008:

(1) Is the Minister aware: (a) that developers in Newcastle are again campaigning to cut the city’s passenger rail service to Newcastle station; (b) of reports in the Newcastle media indicating that federal government assistance is being sought to do this via urban revitalisation funding through the Government’s major cities program; and (c) of any such approaches (formal or informal) to him or the department for such assistance.

(2) Can the Minister assure the Senate and the people of Newcastle that federal government funding will not be provided to assist any project associated with cutting the Newcastle rail service.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

(1) Yes.

(2) The Australian Government has not yet considered the proposal.

Defence: Commonwealth Credit Cards
(Question Nos 979 and 998)

Senator Ronaldson asked the Minister representing the Minister for Defence, upon notice, on 25 November 2008:

(1) How many Commonwealth credit cards have been issued to departmental and agency staff within the Minister’s portfolio.

(2) How many Commonwealth credit cards have been issued to departmental and agency staff that fall within the responsibility of the Minister’s associated Parliamentary Secretary or Secretaries.
(3) Within the Minister’s portfolio, how many Commonwealth credit cards have been issued to: (a) staff employed under the Members of Parliament (Staff) Act 1984; (b) the Minister; and (c) the Minister’s associated Parliamentary Secretary or Secretaries.

(4) For each Commonwealth credit card issued in (3) above, what was the date of its issue.

**Senator Faulkner**—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) and (2) As at the 28th November 2008 there were 65,500 active Commonwealth credit cards issued within Defence comprising 59,663 Defence Travel Cards and 5,837 Defence Purchasing Cards.

(3) and (4) None. Staff employed under the Members of Parliament Staff Act 1984, Ministerial and Parliamentary Secretaries are not issued with Commonwealth credit cards as all business-related purchases are made by Ministerial and Executive Support Branch within Defence.

**Environment, Water, Heritage and the Arts: Commonwealth Credit Cards**

(Question No. 985)

**Senator Ronaldson** asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 25 November 2008:

(1) How many Commonwealth credit cards have been issued to departmental and agency staff within the Minister’s portfolio.

(2) How many Commonwealth credit cards have been issued to departmental and agency staff that fall within the responsibility of the Minister’s associated Parliamentary Secretary or Secretaries.

(3) Within the Minister’s portfolio, how many Commonwealth credit cards have been issued to: (a) staff employed under the Members of Parliament (Staff) Act 1984; (b) the Minister; and (c) the Minister’s associated Parliamentary Secretary or Secretaries.

(4) For each Commonwealth credit card issued in (3) above, what was the date of its issue.

**Senator Wong**—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) The following table outlines the number of Commonwealth credit cards currently issued at 12 December 2008 to departmental and agency staff within the portfolio of the Minister for the Environment, Heritage and the Arts:

<table>
<thead>
<tr>
<th>Agency</th>
<th>No. of Cards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of the Environment, Water, Heritage and the Arts (excluding Water Group)</td>
<td>288</td>
</tr>
<tr>
<td>Bureau of Meteorology</td>
<td>336</td>
</tr>
<tr>
<td>Great Barrier Reef Marine Park Authority</td>
<td>102</td>
</tr>
<tr>
<td>Murray Darling Basin Authority</td>
<td>0</td>
</tr>
<tr>
<td>Director National Parks</td>
<td>0</td>
</tr>
<tr>
<td>Sydney Harbour Federation Trust</td>
<td>2</td>
</tr>
<tr>
<td>Australia Council</td>
<td>11</td>
</tr>
<tr>
<td>Australian Business Arts Foundation</td>
<td>2</td>
</tr>
<tr>
<td>Australian National Maritime Museum</td>
<td>26</td>
</tr>
<tr>
<td>National Gallery of Australia</td>
<td>95</td>
</tr>
<tr>
<td>Bundanon Trust</td>
<td>1</td>
</tr>
</tbody>
</table>
Agency                        No. of Cards
Screen Australia             41
Australian Film Television and Radio School 21
National Film and Sound Archive 42
National Library of Australia 24
National Museum of Australia 11

(2) Not applicable.
(3) None.
(4) Not applicable.

Veterans’ Affairs: Commonwealth Credit Cards
(Question No. 994)

Senator Ronaldson asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 25 November 2008:

(1) How many Commonwealth credit cards have been issued to departmental and agency staff within the Minister’s portfolio.

(2) How many Commonwealth credit cards have been issued to departmental and agency staff that fall within the responsibility of the Minister’s associated Parliamentary Secretary or Secretaries.

(3) Within the Minister’s portfolio, how many Commonwealth credit cards have been issued to: (a) staff employed under the Members of Parliament (Staff) Act 1984; (b) the Minister; and (c) the Minister’s associated Parliamentary Secretary or Secretaries.

(4) For each Commonwealth credit card issued in (3) above, what was the date of its issue.

Senator Faulkner—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

(1) Three hundred and eight as at 5 December 2008.

(2) Not applicable.

(3) (a) Nil
(b) Nil
(c) Not applicable.

(4) Not applicable.

Rudd Government: Principal Advisers
(Question No. 1038)

Senator Ronaldson asked the Special Minister of State, upon notice, on 26 November 2008:

(1) How many staff employed under the Members of Parliament (Staff) Act 1984 are currently employed under the category of ‘principal adviser’.

(2) (a) In which ministerial offices are these principal advisers employed; and (b) if there is more than one principal adviser in a specific ministerial office, please specify which office or offices.

(3) Can a detailed accounting of the salary that is paid to each principal adviser be provided.

(4) Can a detailed accounting of the superannuation benefits that are paid to each principal adviser be provided.

(5) Are these principal advisers authorised to use COMCAR services without the presence of an accompanying member of Parliament or senator.
(6) (a) How many of these principal advisers have been issued with a car by the Government; and (b) can a list be provided detailing the make, model and value of each car issued to each principal adviser.

(7) For each principal adviser, can a detailed accounting be provided of the costs incurred over the past 12 months in the use of their Government-issued car for: (a) petrol; (b) car insurance; and (c) car maintenance.

(8) Have these principal advisers been issued with a mobile phone by the Government; if so, can a detailed accounting be provided of the mobile phone costs incurred by these principal advisers over the past 12 months.

(9) (a) Are these principal advisers entitled to a performance salary bonus of any type; if so, what are the performance criteria of this performance bonus scheme that must be satisfied to receive it; and (b) if applicable: (i) what is the value of the bonus performance scheme for principal advisers, both in the aggregate and itemised per principal adviser, and (ii) how much has been spent in performance bonuses for principal advisers as at 26 November 2008.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

(1) Four.

(2) (a) The Principal Advisers are employed by the Prime Minister, Deputy Prime Minister and the Treasurer.

(b) Two Principal Advisers are employed by the Prime Minister.

(3) The salary range for a Principal Adviser is $132,800 to $192,400 per annum. Only the range is provided so as not to identify personal information of individual employees. Two of the four Principal Advisers are paid outside the salary range.

(4) Depending on their individual circumstances, Principal Advisers may be eligible to be a member of the CSS, PSS or PSSap or may have employer superannuation contributions of nine percent paid to an eligible superannuation fund of their choice. Individual details are not supplied to protect the private financial information of individuals.

(5) The Principal Advisers have not used COMCAR services in Canberra without the presence of an accompanying Senator or Member except to the extent permitted in the case of all employees of the Prime Minister, who may use a COMCAR:

(a) To travel to or from RAAF Base Fairbairn when embarking or returning from travel with or on behalf of the Prime Minister; or

(b) When travelling along the same route to meet the Prime Minister; or

(c) When travelling as part of the Prime Minister’s advance party.

(6) (a) Three.

(b) One Ford Territory (monthly lease cost of $1067.78), one Toyota Prius (monthly lease cost of $945.97) and one Holden Calais (monthly lease cost of $954.61).

(7)

<table>
<thead>
<tr>
<th>Principal Adviser</th>
<th>Petrol</th>
<th>Car Insurance</th>
<th>Car Maintenance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,505.85</td>
<td>Car Insurance is included in the lease costs.</td>
<td>Car Maintenance is included in the lease costs.</td>
</tr>
<tr>
<td>2</td>
<td>$1,738.34</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>$165.85</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(8) Department of Finance and Deregulation does not supply mobile phones to Principal Advisers. This question will need to be directed to the home departments of the relevant Ministers.

(9) There is no provision for performance bonuses for any employee under the Members of Parliament (Staff) Act 1984.

Sunitinib Malate
(Question No. 1043)

Senator Milne asked the Minister representing the Minister for Health and Ageing, upon notice, on 28 November 2008:

(1) Is Sunitinib malate (Sutent) listed on the Pharmaceutical Benefits Scheme (PBS).
(2) If Sutent is listed on the PBS, are there any short- or long-term plans to remove it from the PBS; if so, can a time frame of the plans be provided.
(3) Is there an assessment process to determine whether Sutent is to be removed from the PBS; if so, what are the steps involved and the time frame for this process.
(4) How many kidney cancer sufferers currently take Sutent in Australia.

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

(1) No.

At its July 2008 meeting, the PBAC recommended the listing of sunitinib on the PBS for the treatment of certain patients with renal cell carcinoma. This recommendation is an important step in the process of a PBS listing. There are, however, other processes that need to be completed before a medicine can be given approval for listing. These may include pricing negotiations with the manufacturer, finalisation of the conditions for listing, quality and availability checks and consideration by the Government.

(2) Not Applicable.

(3) Not Applicable.

(4) The Australian Government maintains data relating to dispensing of medicines subsidised through the Pharmaceutical Benefits Scheme (PBS). As this medicine is not subsidised at present there is no data available.

Western Australia: Solar Salt Project
(Question No. 1046)

Senator Siewert asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 2 December 2008:

(1) When will the Minister make a decision on the controlled action under the Environment Protection and Biodiversity Conservation Act 1999 to establish a solar salt mine along the eastern coast of the Exmouth Gulf.

(2) Is the Minister aware of advice from the Environmental Protection Authority (EPA) of Western Australia to the Western Australian Minister for the Environment, published in EPA Report 1295, Yannarie Solar Salt, east coast of Exmouth Gulf, dated July 2008, which unconditionally rejects the proposal on environmental grounds.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) The Solar Salt Project proposed by Straits Salt Pty Limited is being assessed under the Environment Protection and Biodiversity Conservation Act 1999 utilising the bilateral agreement with
Western Australia on environmental impact assessment. The Department is seeking further information from Western Australia in relation to the impacts on the matters of national environmental significance arising from the proposed salt project, Listed Threatened Species and Communities, and Listed Migratory Species, before finalising its advice to me. I cannot make a decision until the advice is considered therefore it is not possible to give a firm date for the decision.

(2) Yes. My Department has been provided with a copy of the Western Australia Environment Protection Agency’s Report.

**Australian Federal Police**

*(Question No. 1049)*

**Senator Cormann** asked the Minister representing the Minister for Home Affairs, upon notice, on 2 December 2008:

(1) How many sworn officers were employed by the Australian Federal Police (AFP), as at: (a) 1 November 2007; and (b) 1 November 2008.

(2) How many sworn officers were recruited by the AFP between 24 November 2007 and 24 November 2008.

(3) How many sworn officers were made redundant by the AFP between 24 November 2007 and 24 November 2008.

(4) How many sworn officers is the AFP budgeted to recruit by 31 December 2009.

(5) Does the AFP anticipate any further redundancies as a result of the Rudd Government’s efficiency dividend between 2 December 2008 and 31 December 2009; if so, how many.

(6) For questions (1) to (5) above, can a breakdown be provided by state or territory of the number of sworn officers employed, recruited or made redundant during the indicated periods.

**Senator Wong**—The Minister for Home Affairs has provided the following answer to the honourable senator’s question:

(1) (a) and (b) Sworn\(^{(1)}\) officers employed by the AFP as at 1 November 2007 and 1 November 2008

<table>
<thead>
<tr>
<th>Location</th>
<th>1/11/2007</th>
<th>1/11/2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>1234</td>
<td>1369</td>
</tr>
<tr>
<td>SA</td>
<td>58</td>
<td>54</td>
</tr>
<tr>
<td>NT</td>
<td>34</td>
<td>64</td>
</tr>
<tr>
<td>Overseas</td>
<td>227</td>
<td>272</td>
</tr>
<tr>
<td>QLD</td>
<td>186</td>
<td>244</td>
</tr>
<tr>
<td>WA</td>
<td>106</td>
<td>96</td>
</tr>
<tr>
<td>External Territories</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>TAS</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>VIC</td>
<td>325</td>
<td>300</td>
</tr>
<tr>
<td>NSW</td>
<td>468</td>
<td>451</td>
</tr>
<tr>
<td>Total</td>
<td>2655</td>
<td>2871</td>
</tr>
</tbody>
</table>

\(^{(1)}\)Excludes state police seconded to the AFP

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**QUESTIONS ON NOTICE**
(2) Sworn officers recruited by the AFP between 24 November 2007 and 24 November 2008

<table>
<thead>
<tr>
<th>Location</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT Police</td>
<td>185</td>
</tr>
<tr>
<td>National</td>
<td>49</td>
</tr>
<tr>
<td>IDG Mission Component</td>
<td>123</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>357</strong></td>
</tr>
</tbody>
</table>

Excludes state police seconded to the AFP
Includes members graduating during the reference period

(3) Sworn officers made redundant by the AFP between 24 November 2007 and 24 November 2008

<table>
<thead>
<tr>
<th>Location</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>23</td>
</tr>
<tr>
<td>NSW</td>
<td>7</td>
</tr>
<tr>
<td>Overseas</td>
<td>1</td>
</tr>
<tr>
<td>QLD</td>
<td>7</td>
</tr>
<tr>
<td>SA</td>
<td>4</td>
</tr>
<tr>
<td>VIC</td>
<td>15</td>
</tr>
<tr>
<td>WA</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>62</strong></td>
</tr>
</tbody>
</table>

Of the 62 sworn redundancies for the year to 24 November 2008, 60 were part of the voluntary redundancy exercise initiated in late June 2008.

(4) Sworn officers budgeted for by the AFP to 31 December 2009

Federal Government funded sworn recruitment.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>By 30 June 2009</td>
<td>30</td>
</tr>
<tr>
<td>By 30 June 2010</td>
<td>30</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>60</strong></td>
</tr>
</tbody>
</table>

Excludes state police seconded to the AFP

The commitment of 60 sworn officers is provided for in the New Policy Initiative: Recruitment of additional 500 Federal Agents into investigative roles.

(5) Anticipated further redundancies

The AFP has not planned for a further redundancy exercise as a direct result of the application of Government efficiency dividends. The AFP, like any other public agency, uses redundancies as part of its ongoing human resource management. Such processes free up resources and enables the AFP to recruit new people with skills and competencies that address the AFP’s new and emerging business priorities.

**Defence: Program Funding**

*(Question Nos 1097 and 1118)*

**Senator Abetz** asked the Minister representing the Minister for Defence, upon notice, on 3 December 2008:

(1) (a) For the period 1 December 2007 to 30 June 2008, what funds has the Government committed to spend under regulation 10 of the Financial Management and Accountability Act 1997 (the Act) for each department and/or agency that operates under the Act in the Minister’s portfolio; and (b) how much of this commitment was approved: (i) at the department or agency level, and (ii) by the Minister for Finance and Deregulation.
(2) How much depreciation funding for each department or agency in the Minister’s portfolio: (a) was available as at 30 June 2008; (b) was spent in the 2007-08 financial year; and (c) was spent in the 2007-08 financial year to directly replace assets for which it was appropriated.

Senator Faulkner—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) (a) and (b) Defence committed $3,892.8 million, none of which required the approval of the Minister for Finance and Deregulation.

The Defence Materiel Organisation (DMO) committed $2,971.7 million, none of which required the approval of the Minister for Finance and Deregulation.

(2) (a) Defence: $3,611.4 million (Refer to page 107 of the Defence Portfolio Additional Estimates Statements 2007-08).

DMO: $4.7 million (Refer to page 162 of the Defence Portfolio Additional Estimates Statements 2007-08).

(b) Defence: $3,654.9 million (Refer to page 245 of Volume 1 of the Defence Annual Report 2007-08).

DMO: $5.0 million (Refer to page 120 of Volume 2 of the Defence Annual Report 2007-08).

(c) Defence’s expenditure to directly replace assets exceeded depreciation funding and an additional amount was provided through an equity injection to fund that expenditure (Refer to page 104 of the Defence Portfolio Additional Estimates Statements 2008-09).


Veterans’ Affairs: Program Funding
(Question No. 1114)

Senator Abetz asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 3 December 2008:

(1) (a) For the period 1 December 2007 to 30 June 2008, what funds has the Government committed to spend under regulation 10 of the Financial Management and Accountability Act 1997 (the Act) for each department and/or agency that operates under the Act in the Minister’s portfolio; and (b) how much of this commitment was approved: (i) at the department or agency level, and (ii) by the Minister for Finance and Deregulation.

(2) How much depreciation funding for each department or agency in the Minister’s portfolio: (a) was available as at 30 June 2008; (b) was spent in the 2007-08 financial year; and (c) was spent in the 2007-08 financial year to directly replace assets for which it was appropriated.

Senator Faulkner—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

Department of Veterans’ Affairs (DVA)

(1) (a) $6.720 million; and

(b) (i) $6.720 million; and

(ii) Nil.

(2) (a) Nil;

(b) $18.297 million; and

(c) $10.093 million.
Australian War Memorial
(1) Not applicable.

(2) (a) $14.761 million;
(b) $15.6 million; and
(c) $15.6 million.

United Nations: Resolutions
(Question No. 1161)

Senator Cormann asked the Minister representing the Minister for Foreign Affairs, upon notice, on 3 December 2008:

(1) Can an outline be provided of the reasons for Australia’s change in voting position during the 63rd session of the United Nations (UN) General Assembly on the following resolutions: (a) draft resolution on the ‘Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories’ (document A/C.4/63/L.16); and (b) draft resolution on ‘Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan’ (document A/C.4/63/L.17).

(2) Did the Minister receive any communication from Israel or the Palestinian Authority on this change of position, either prior to the vote or subsequently; if so: (a) can an outline be provided of the nature of these communications; and (b) can copies of any correspondence on this matter be provided.

(3) Has the Minister or the department had any discussion, internal or external, on the impact of this changed position regarding the resolutions outlined in (1) above on the Government’s desire to secure a seat on the UN Security Council.

(4) Has the Minister or the department had any formal or informal approach from other nations in regard to the resolutions mentioned in (1) above, either: (a) generally; or (b) specifically in relation to Australia securing a seat on the UN Security Council.

Senator Faulkner—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

(1) The Government examines on a case by case basis each Middle East resolution tabled in the United Nations General Assembly including the resolutions on settlements and the Fourth Geneva Convention. In its examination of each resolution, the Government was guided by its strong commitment to a two-state solution to the Israel-Palestinian conflict, based on Israel’s right to live in peace within secure borders, and recognition of the legitimate aspirations of the Palestinian people for a state of their own.

(2) The Australian Government has had several exchanges with the Government of Israel and representatives of the Palestinian Authority regarding the Middle East resolutions at the United Nations General Assembly. As part of this interaction, the Australian Government informed the Government of Israel and representatives of the Palestinian Authority of its voting intentions prior to the vote on the resolutions. Consistent with usual diplomatic practice, the details of these conversations are not public.

(3) The Australian Government has not changed, and does not intend to change, its General Assembly votes for electoral reasons.

(4) The General Assembly is the United Nations’ primary deliberative organ. All resolutions put forward for General Assembly consideration are discussed by Australia’s delegation in New York with a range of other delegations as part of its normal General Assembly work. The details of those con-
versations are not public. As noted in response to (1), the Government’s decisions on voting were made on a case by case basis, guided by its strong commitment to a two-state solution to the Israel-Palestinian conflict, based on Israel’s right to live in peace within secure borders, and recognition of the legitimate aspirations of the Palestinian people for a viable state of their own.

**Centrelink: Adelaide Office**

*(Question No. 1162)*

**Senator Scullion** asked the Minister for Human Services, upon notice, on 4 December 2008:

On what date was the Government first informed that Centrelink must vacate their premises in Currie Street, Adelaide.

**Senator Ludwig**—The answer to the honourable senator’s question is as follows:

On 21 November 2008, the landlord served Centrelink with a notice to vacate the building by 24 December 2008. The landlord’s eviction notice was acknowledged on 24 November 2008 and acted upon by Centrelink.

The existing lease at 55 Currie Street expired on 31 July 2008. Centrelink has been negotiating a lease renewal at 55 Currie Street since November 2007, but has been unsuccessful in agreeing to terms with the landlord.

**Centrelink: Adelaide Office**

*(Question No. 1163)*

**Senator Scullion** asked the Minister for Human Services, upon notice, on 4 December 2008:

With reference to the Minister’s statement ‘The short answer is that we have been evicted from those premises’ (Senate *Official Hansard*, 3 December 2008, p8016), concerning the Centrelink office in Currie Street, Adelaide: What was the reason provided to the Government by the building owners/managers for this eviction.

**Senator Ludwig**—The answer to the honourable senator’s question is as follows:

The Termination Notice issued by the landlord’s solicitor on 21 November 2008 did not provide a reason for the termination of the lease. The Notice noted that Centrelink had been a monthly tenant since the lease expiry of 31 July 2008 in accordance with clause 4.6 of the lease, and advised that the lease is to terminate on and from 24 December 2008.

The landlord previously advised by email on 12 November 2008 that if Centrelink did not agree to their latest offer made on 31 October 2008, by 14 November 2008, the landlord reserved the right to withdraw this offer and issue a notice to vacate. The landlord’s offer was unacceptable to Centrelink, and when Centrelink sought to negotiate further, the Termination Notice was issued.

**Mr Harry Nicolaides**

*(Question No. 1168)*

**Senator Bob Brown** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 15 December 2008:

With reference to the arrest of Mr Harry Nicolaides in Thailand in August 2008 on the charge of lese-majeste:

(1) What steps has the Government taken to investigate the circumstances of Mr Nicolaides’ arrest.

(2) Does the Government know why it took so long for the authorities in Thailand to arrest Mr Nicolaides for lese-majeste after he volunteered his book for approval.
(3) Does the Government know why Mr Nicolaides has been refused bail four times when other people in similar cases have received bail.

(4) Has the Government ascertained why Mr Nicolaides’ detention has exceeded the 84-day period under Thai law.

(5) Given that the family of Mr Nicolaides reports that his mental and physical health are rapidly deteriorating, what does the Government plan to do if his health reaches a critical point.

Senator Faulkner—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

(1) The Government does not investigate arrests of Australians overseas.

(2) No.

(3) Bail decisions are a matter for the Thai courts.

(4) Mr Nicolaides was brought before the court and formally charged within the 84-day period prescribed by Thai law.

(5) Consular staff of the Australian Embassy in Bangkok are visiting Mr Nicolaides regularly in prison in an effort to ensure his health and welfare are safeguarded. As they have done in the past, the Embassy’s consular staff will ask the Thai authorities to take prompt action in relation to any health concerns.

United Nations: Zimbabwe and the Congo

(Question No. 1169)

Senator Bob Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 16 December 2008:

In what way does the Australian Government support a United Nations intervention, including a military intervention, to alleviate human misery and suffering in: (a) Zimbabwe; and (b) the Congo.

Senator Faulkner—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator’s question:

The Australian Government strongly supports United Nations (UN) action to address the situation in Zimbabwe. In July 2008 Australia co-sponsored a draft UN Security Council (SC) resolution imposing international sanctions against the Mugabe regime. This draft resolution was vetoed by two permanent members. The Minister for Foreign Affairs welcomed further consideration of Zimbabwe by the UNSC in December 2008, and urged the Council to continue to sustain its interest in the crisis.

In the absence of UNSC-mandated sanctions, the Australian Government tightened Australia’s sanctions against Zimbabwe in December 2008. These measures now impose travel and financial restrictions against 254 members of the Mugabe regime and four companies.

The Australian Government continues to support UN humanitarian efforts in Zimbabwe. Since March 2008, Australia has contributed over $20 million to the UN World Food Programme’s current Protracted Relief and Recovery operation for Zimbabwe. In December 2008, Australia provided $800,000 to UNICEF to meet the immediate needs of women and children affected by Zimbabwe’s cholera epidemic.

The Government would support a military intervention in Zimbabwe were such action proposed and endorsed by the UNSC under the UN Charter. Such military intervention would need to be based on an overwhelming assessment that proposed military action would alleviate the suffering of the Zimbabwean population as a whole, and that the risks to the population attendant on military action could be addressed effectively. UN authorisation for military intervention in Zimbabwe is not expected in the near future, primarily due to continuing efforts by the UN, the African Union and the Southern African...
Development Community to find a political solution, and the reluctance of some members of the Security Council to support military action.

The Australian Government strongly supports UN action to address the situation in the Democratic Republic of Congo (DRC) and has welcomed efforts by UN Secretary-General Ban Ki-moon and his Special Envoy, former Nigerian President Olusegun Obasanjo, to broker a peaceful settlement between the parties to the conflict.

The Government welcomed the announcement by the UNSC on 20 November 2008 that the UN peacekeeping mission in the DRC (MONUC) would be reinforced by an additional 3,000 personnel. Australia contributed US$14.5 million to MONUC in 2007-08, and has provided US$10.2 million so far this financial year.

On 1 December 2008, the UN Human Rights Council adopted a resolution condemning human rights abuses in the DRC, particularly sexual violence and use of child soldiers, and emphasising the primary responsibility of the DRC Government to protect its people. Australia co-sponsored convening of the meeting, and made a statement expressing concern at the humanitarian crisis and support for the work of MONUC.

Australia has pledged $5 million in emergency humanitarian assistance since early November 2008 for the people affected by the current fighting. Of these funds, $4 million was provided to UN agencies including the World Health Organization, UNICEF, the UN High Commissioner for Refugees and the UN Office for the Coordination of Humanitarian Affairs.

Radioactive Waste

(Comment No. 1175)

Senator Ludlam asked the Minister representing the Minister for Resources and Energy, upon notice, on 16 December 2008:

With reference to the answer to question on notice No. 737 (Senate Official Hansard, 13 October 2008, p. 5870), in which the Minister stated that, ‘in 1999 Australia and France exchanged letters pursuant to the 1981 Agreement between the Government of Australia and the Government of the French Republic concerning Nuclear Transfers between Australia and France. In these letters, Australia stated that it will accept the return of spent research reactor fuel reprocessing wastes and committed to taking “all reasonable steps to facilitate their return, within the framework of relevant regulatory requirements, as soon as such return is technically possible”, and assured France that it “does not intend to take or support any legislative or regulatory initiative or other action which would prevent or hinder execution of the [ANSTO-COGEMA] contract relating to the return” of wastes to Australia’:

(1) Can a copy of the letter be provided; if not, can the Minister confirm the dates of these letters and who signed on behalf of Australia.

(2) Can the Minister confirm the legal status of these non-public, voluntary letters of commitment.

(3) Can the Minister confirm whether these letters effectively replace the contractual requirements as stipulated in the Contract for the Management of ANSTO’s [Australian Nuclear Science and Technology Organisation’s] Research Reactors Spent Fuel, between ANSTO and the French company Compagnie Generale des Matieres Nucléaires (COGEMA) for reprocessing the spent nuclear fuel from Lucas Heights.

(4) (a) Can details be provided of the return arrangements for Australian waste which is to be returned to Australia from the reprocessing of spent research reactor fuel in the United Kingdom (UK); (b) what is the date by which such waste is to be returned to Australia; and (c) what is the quantity of waste returning from the UK.
Senator Carr—The Minister for Resources and Energy has provided the following answer to the honourable senator’s question:


(2) These public letters have less-than-treaty status, that is, they are not legally binding. They represent political and moral commitments between Australia and France that embody the two countries’ understanding and intentions as to how they will conduct themselves in the future in relation to the matters covered by the letters.

(3) ANSTO has a commercial contract under French law with COGEMA for the reprocessing of its spent research reactor fuel. The contract includes requirements for ANSTO to accept reprocessing wastes within timeframes specified in the contract. The letters exchanged between the Australian and French governments do not affect these contractual requirements, but rather commit

• both governments not to take or support legislative or regulatory action that would prevent ANSTO or COGEMA fulfilling their obligations under the contract; and

• the Australian Government to take all reasonable steps to facilitate the return of reprocessing wastes within the contractual timelines.

(4) (a) and (b) Waste arising from the reprocessing of research reactor spent fuel by the United Kingdom Atomic Energy Authority (UKAEA) is presently being cemented. The UKAEA will store the waste for a minimum period of two years after cementation is complete. ANSTO and the UKAEA have agreed on a return date between July 2015 and June 2016.

(c) Australia will receive an estimated fifty-three 500L drums of cemented waste. As cementation is presently in process the exact number of drums has not been finalised and may vary from the estimate by up to three.

National Health and Medical Research Council Career Development Awards
(Question No. 1183)

Senator Abetz asked the Minister representing the Minister for Health and Ageing, upon notice, on 17 December 2008:

With reference to the National Health and Medical Research Council Career Development Awards:

(1) For each financial year from 1999-2000 to 2008-09, what was the: (a) total amount of Government funding available for these awards; (b) total amount of Government funding spent on these awards; and (c) total number of awards given.

(2) Has there been a decline in these awards in 2008; if so, what is the reason for this decline.

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

(1) The Career Development Awards (CDA) funding scheme was established in 2001. National Health and Medical Research Council (NHMRC) funding is awarded on a calendar year basis.

The following table summarises the funding commitment (1a) for each calendar year and number of related funded awards (1c).
<table>
<thead>
<tr>
<th>Relevant Application year</th>
<th>New CDA funding for ($m)</th>
<th>Grants awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>10.1</td>
<td>26</td>
</tr>
<tr>
<td>2002</td>
<td>14.8</td>
<td>38</td>
</tr>
<tr>
<td>2003</td>
<td>16.8</td>
<td>40</td>
</tr>
<tr>
<td>2004</td>
<td>18.8</td>
<td>42</td>
</tr>
<tr>
<td>2005</td>
<td>20.3</td>
<td>46</td>
</tr>
<tr>
<td>2006</td>
<td>22.2</td>
<td>49</td>
</tr>
<tr>
<td>2007</td>
<td>25.0</td>
<td>65</td>
</tr>
<tr>
<td>2008</td>
<td>21.2</td>
<td>56</td>
</tr>
</tbody>
</table>

The following summarises the actual CDA expenditure each financial year (1b), flowing from the calendar year commitments, and the total number of current CDA award holders.

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Financial Year Expenditure($m)</th>
<th>Financial Year Active Grants</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-02</td>
<td>0.1</td>
<td>2</td>
</tr>
<tr>
<td>2002-03</td>
<td>4.3</td>
<td>26</td>
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<td>2003-04</td>
<td>6.9</td>
<td>64</td>
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<tr>
<td>2004-05</td>
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<td>2005-06</td>
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<tr>
<td>2006-07</td>
<td>16.8</td>
<td>185</td>
</tr>
<tr>
<td>2007-08</td>
<td>20.6</td>
<td>207</td>
</tr>
<tr>
<td>2008-09</td>
<td>23.1</td>
<td>298</td>
</tr>
</tbody>
</table>

(2) NHMRC grants span up to five years. For this reason the number of active grants is the measure used to assess the level of support for all grant types.

The number of grants awarded in the 2007 calendar year (65) contributed to the significant growth in the total number of CDA grants for the 2008-2009 financial year (298).

**Liquified Natural Gas Processing Plant**

(No. 1201)

Senator Cormann asked the Minister representing the Minister for Resources and Energy, upon notice, on 19 December 2008:

(1) Given the estimated $800 million in additional infrastructure investment required by Inpex Corporation as a result of the decision to process gas from the Browse Basin’s Ichthys gas field in Darwin rather than in Western Australia: (a) what will be the delay in commencement of Petroleum Resource Rent Tax payments from the Ichthys gas field as a result of this additional capital expenditure; and (b) what is the potential impact on Commonwealth revenue as a result of reduced petroleum resource rent tax flowing from the increase in project capital costs.

(2) Given the media release by the Minister on 26 September 2008 which stated that, ‘The Australian Government is pleased Inpex has taken the decision today on a site in Darwin for its proposed LNG plant utilising gas from the Ichthys gas field in Western Australia’, did the Minister consider the reduced returns for the community through Commonwealth royalties from this project; if so, did the Minister take all possible steps to maximise returns to the community by attempting to ensure that the processing of the Ichthys gas field took place in Western Australia; if not, why did the
Minister fail to assess the return to the community of a major development project which he travelled to Darwin to announce.

Senator Carr—The Minister for Resources and Energy has provided the following answers to the honourable senator’s question:

(1) It is not possible to estimate delays or impacts on Petroleum Resource Rent Tax (PRRT) payments which may arise from the decision by the Ichthys joint venture partners (INPEX and Total) to locate its Ichthys LNG project in Darwin rather than in Western Australia. PRRT payments are affected by a wide range of variables. Producing such an estimate would require a detailed knowledge of the cost structure of both options for the LNG project and an accurate forecast of future spending and revenue, with revenue essentially being dependent on the oil price. Government, as a matter of course, is not privy to this level of commercial information from a project proponent in making commercial decisions on developments of this nature.

(2) The decision making process undertaken for the type of major project represented by the Ichthys Project is complex and influenced by a range of factors and project risks. The entire Australian community benefits from project proponents making appropriate commercial decisions on project developments within a rigorous legal and regulatory framework. The Australian Government does not propose to direct project proponents in making these decisions.

Attorney-General’s: Staff Working Hours
(Question No. 1208)

Senator Abetz asked the Minister representing the Attorney-General, upon notice, on 23 December 2008:

With reference to the answer to question no. 113 taken on notice on 20 October 2008 at the 2008-09 supplementary Budget estimates hearings of the Legal and Constitutional Affairs Committee:

(1) What are the definitions of: (a) ‘normal hours’ in paragraph b of the answer; and (b) ‘normal working hours’ in paragraph c of the answer.

(2) What is the earliest starting time and latest finishing time for the hours of work to be classified as ‘normal’.

Senator Wong—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) The span of hours during which OPC staff may work normal hours is 7 am to 7 pm. This definition applies to the ‘normal hours’ in paragraph b and ‘normal working hours’ in paragraph c of the answer to question no. 113.

(2) The earliest starting time is 7 am and the latest finishing time is 7 pm for the hours of work to be classified as ‘normal’.

QUESTIONS ON NOTICE