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SITTING DAYS—2009

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

Senate Officeholders

President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Hon. Alan Baird Ferguson
Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Leader of the Opposition in the Senate—Senator Hon. Nicholas Hugh Minchin
Deputy Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator Stephen Shane Parry

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 Whips—Senators Judith Anne Adams and David Christopher Bushby
The Nationals Whip—Senator John Reginald Williams
Australian Greens Whip—Senator Rachel Mary Siewert
Family First Party Whip—Senator Steve Fielding

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

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

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

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

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

Hon. Kevin Rudd, MP
Hon. Julia Gillard, MP
Hon. Wayne Swan MP
Senator Hon. Chris Evans
Senator Hon. John Faulkner
Hon. Lindsay Tanner MP
Hon. Simon Crean MP
Hon. Stephen Smith MP
Hon. Joel Fitzgibbon MP
Hon. Nicola Roxon MP
Hon. Jenny Macklin MP
Hon. Anthony Albanese MP
Senator Hon. Stephen Conroy
Senator Hon. Kim Carr
Senator Hon. Penny Wong
Hon. Peter Garrett AM, MP
Senator Hon. Joe Ludwig
Hon. Tony Burke MP
Hon. Martin Ferguson AM, MP

[The above ministers constitute the cabinet]
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<td>Minister for Home Affairs</td>
<td>Hon. Bob Debus MP</td>
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<tr>
<td>Assistant Treasurer and Minister for Competition Policy and Consumer Affairs</td>
<td>Hon. Chris Bowen MP</td>
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<tr>
<td>Minister for Veterans’ Affairs</td>
<td>Hon. Alan Griffin MP</td>
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<tr>
<td>Minister for Housing and Minister for the Status of Women</td>
<td>Hon. Tanya Plibersek MP</td>
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<td>Minister for Employment Participation</td>
<td>Hon. Brendan O’Connor MP</td>
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<td>Minister for Defence Science and Personnel</td>
<td>Hon. Warren Snowdon MP</td>
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<td>Minister for Small Business, Independent Contractors and the Service Economy and Minister Assisting the Finance Minister on Deregulation</td>
<td>Hon. Dr Craig Emerson MP</td>
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<td>Minister for Superannuation and Corporate Law</td>
<td>Senator Hon. Nick Sherry</td>
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<td>Hon. Justine Elliot MP</td>
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<td>Minister for Youth and Minister for Sport</td>
<td>Hon. Kate Ellis MP</td>
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<td>Parliamentary Secretary for Early Childhood Education and Childcare</td>
<td>Hon. Maxine McKew MP</td>
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<td>Parliamentary Secretary for Climate Change</td>
<td>Hon. Greg Combet AM, MP</td>
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<tr>
<td>Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water</td>
<td>Hon. Dr Mike Kelly AM, MP</td>
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<tr>
<td>Parliamentary Secretary for Regional Development and Northern Australia</td>
<td>Hon. Gary Gray AO, MP</td>
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<tr>
<td>Parliamentary Secretary for Disabilities and Children’s Services and Parliamentary Secretary for Victorian Bushfire Reconstruction</td>
<td>Hon. Bill Shorten MP</td>
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<td>Parliamentary Secretary for International Development Assistance</td>
<td>Hon. Bob McMullan MP</td>
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<td>Parliamentary Secretary for Pacific Island Affairs</td>
<td>Hon. Duncan Kerr MP</td>
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<tr>
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<td>Hon. Anthony Byrne MP</td>
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<td>Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector</td>
<td>Senator Hon. Ursula Stephens</td>
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<td>Senator Hon. Jan McLucas</td>
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<td>Hon. Laurie Ferguson MP</td>
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<tr>
<td>Parliamentary Secretary for Government Service Delivery</td>
<td>Senator Hon. Mark Arbib</td>
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SHADOW MINISTRY

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

[The above constitute the shadow cabinet]
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<td>Shadow Minister for Financial Services, Superannuation and Corporate Law</td>
<td>The Hon Chris Pearce MP</td>
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<td>Shadow Assistant Treasurer</td>
<td>The Hon Tony Smith MP</td>
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<td>Shadow Minister for Sustainable Development and Cities</td>
<td>The Hon Bruce Billson MP</td>
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<td>Shadow Minister for Competition Policy and Consumer Affairs and Deputy Manager of Opposition Business in the House</td>
<td>Mr Luke Hartsuyker MP</td>
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<td>Mr Scott Morrison</td>
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<td>Shadow Minister for Ageing</td>
<td>Mrs Margaret May MP</td>
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<td>Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence</td>
<td>The Hon Bob Baldwin MP</td>
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<td>Mrs Louise Markus MP</td>
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<td>Shadow Minister for Employment Participation, Training and Sport</td>
<td>Dr Andrew Southcott MP</td>
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<tr>
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<td>Shadow Parliamentary Secretary for Roads and Transport</td>
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<td>Senator Marise Payne</td>
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<td>Mr Barry Haase MP</td>
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<td>Senator Mitch Fifield</td>
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<tr>
<td>Shadow Parliamentary Secretary for Water Resources and Conservation</td>
<td>Mr Mark Coulton MP</td>
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<td>Shadow Parliamentary Secretary for Health Administration</td>
<td>Senator Mathias Cormann</td>
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<td>The Hon Peter Lindsay MP</td>
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<td>Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry</td>
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| 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, 10 March 2009

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

TEMPORARY CHAIRMEN OF COMMITTEES

The PRESIDENT—Order! Pursuant to standing order 12, I lay on the table my warrant nominating Senator McGauran as an additional Temporary Chairman of Committees when the Deputy President and Chairman of Committees is absent.

BUSINESS

Rearrangement

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

That, on Tuesday, 10 March 2009:

(a) the hours of meeting shall be 12.30 pm to 6.30 pm, and 7 pm to 11.40 pm;
(b) the routine of business from 7 pm shall be government business only;
(c) that from 7 pm, any question in respect of which a division is called for, and any questions consequent on the outcome of that division, shall stand postponed until the next day of sitting at a time fixed by the Senate; and
(d) the question for the adjournment of the Senate shall be proposed at 11 pm.

I thank the chamber for its support of this motion. It is the case that at this time of the year we have substantive legislation to deal with in the days available. We obviously were not able to work on Monday, as it was a public holiday in Canberra. We need the time. There are a substantive number of bills. There are more than 20-odd packages in total to be worked through in the fortnight, if I can call it a fortnight; it is actually nine days. That also requires a number of substantive bills. Those bills include the Fair Work Bill. This time will allow contributions on the second reading tonight. This will be on what we would generally refer to as a no divisions and no quorums basis. That will allow those people to make their contributions. As I understand it, there is a substantive list of people who are keen to speak on that bill. Therefore, this time will allow them to make their contributions. It will not be determined this evening. As the motion foreshadows, debate will spill over to tomorrow. Given the number of speakers, it may take part of this week to be concluded.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12.34 pm)—The Greens do not support the motion. We believe that the Senate should sit an extra week. We have made that clear to the government. The government believes that it can get this quite extraordinary workload dealt with by the Senate in the next nine days. The government is intending to have the Senate sit on Friday and on Friday week as well as extra hours at night. The government says, ‘Well, it was a holiday on Monday so we have to make up for that.’ When the schedule was planned last year, it was well known that yesterday would be a public holiday. That is irrelevant. The fact is that the government has scheduled one of the shortest sitting years in history—certainly since the Second World War—if you exclude election years. We are dealing with a global financial crisis, the onrush of catastrophic climate change and a number of other major items consequent upon a change of government not much more than 12 months ago.

This is bad planning and bad management by the government. We are here to consider legislation properly and in a considered frame of mind, in the wake—hopefully—of proper committee reports, where they are germane. For the government to simply say, ‘Well, we’re going to constrict the sitting weeks and then, as this big workload appears...’
on our plates, we’ll ask you to agree to sit later and to suddenly sit Fridays, is not acceptable. We have a responsibility to ourselves as well as to our electorate to be giving things like the industrial relations legislation, legislation on alcohol taxation, legislation on student unions, legislation on climate change and all the other matters on the Notice Paper due and proper consideration.

It is not good enough, due to the deliberate design of the government to sit perhaps the most frugal work hours in recent Senate history, to be then saying: ‘But we’ll expand the length of day; you can sit into the night. Then you can come back somewhat the worse for it the next day’—as if there are no electoral matters, media and all the rest to be dealt with—and we’ll keep doing that till we get through with this and then we’ll rush off.’ It is bad management and it is bad Senate procedure. And, by the way, I would expect that the next thing we will have, if it is not already in this motion, is that when we do sit on Friday there will be no question time. Then we will have a request that private members give up Thursday afternoon so that, effectively, this squeeze is going to mean the shortest period of private members’ legislation consideration since the Second World War when, arguably, the list of private members’ matters to be considered—and there are very important pieces of legislation there—is the longest.

I would say to the opposition: have a second think about this, because you are losing out and your constituents are losing out if we continue to accede to this sort of process coming from this government. The Senate deserves more respect and the electorate deserves a better outcome from Senate deliberations than we are going to get with this truncated, concentrated and devalued form of rearranging sittings on the run because insufficient time has been given for Senate sittings this year to deal with the expected workload.

It is not satisfactory. It is not reasonable. It needs rethinking. I would say to the opposition that we should use this opportunity to say no to this sudden move to sit tonight and next Friday, to abolish private members’ time and to have more days of sitting of the Senate with no question time for no good reason. It is good for a government that does not want scrutiny. It is good for a government that wants to get legislation through without proper debate. But it is not good for the Senate and it is not good for the electorate.

Senator PARRY (Tasmania) (12.39 pm)—I indicate that the opposition will support, today only, the increase which has been proposed by the Manager of Government Business. But I do place the government on notice that we will not tolerate filibustering, we will not tolerate padding out of any debate, as we have witnessed on previous bills when we have conceded time, we have agreed to hours changes, we have agreed to give up our general business time of the week and we have not lodged motions in relation to standing order 75. I think the government needs to understand that we have been exceptionally cooperative and, similarly to Senator Brown, our patience is probably wearing thin. The government needs to manage this agenda a lot better. The hours have to be allocated more clearly and time cannot be wasted in the chamber by dragging out debates to keep us waiting.

The government is on notice: we agree for today’s changes only. We have a leaders and whips meeting on Wednesday where we will discuss the matter further for any other considered extension. But the government must manage this process effectively and use the time that we are generously allocating to its best advantage.

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

The Senate divided. [12.45 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes.......... 44
Noes.......... 5
Majority........ 39

AYES
Bernardi, C.
Birmingham, S.
Boswell, R.L.D.
Brown, C.L.
Cameron, D.N.
Colbeck, R.
Conroy, S.M.
Farrell, D.E.
Fielding, S.
Forshaw, M.G.
Hogg, J.J.
Hutcheson, S.P.
Landy, K.A.
McEwen, A. *
McLucas, J.E.
Moore, C.
Parry, S.
Polley, H.
Scullion, N.G.
Sterle, G.
Trood, R.B.
Wortley, D.

NOES
Brown, B.J.
Ludlam, S.
Siewert, R. *

* denotes teller

Question agreed to.

COMMITTEES
Community Affairs Committee
Meeting
Senator McEWEN (South Australia) (12.48 pm)—by leave—At the request of the Chair of the Community Affairs Committee, Senator Moore, I move:

That the Senate Standing Committee on Community Affairs be authorised to hold public meetings during the sittings of the Senate today and Wednesday 11 March 2009 to take evidence for the committee’s inquiry into the provisions of the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 and a related bill.

Question agreed to.

Electoral Matters Committee
Meeting
Senator McEWEN (South Australia) (12.49 pm)—by leave—On behalf of the Joint Standing Committee on Electoral Matters, I move:

That the Joint Standing Committee on Electoral Matters be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.

Question agreed to.

TELECOMMUNICATIONS AMENDMENT (INTEGRATED PUBLIC NUMBER DATABASE) BILL 2009
First Reading
Bill received from the House of Representatives.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (12.49 pm)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading
Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (12.50 pm)—I move:

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

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

Leave granted.

The speech read as follows—
The bill proposes amendments to the Telecommunications Act 1997 (the Act) to allow information contained in the Integrated Public Number Database (IPND) to be disclosed to authorised persons to facilitate state and territory government initiated telephony-based emergency warning systems.

States and Territories have primary responsibility for emergency response measures.

They currently use a range of mechanisms to warn the public of impending emergencies - most commonly doorknocking, sirens, TV and radio broadcast alerts.

The capacity to provide telephony-based alerts would be a valuable addition to the States' and Territories' arsenal of warning mechanisms.

Telephony-based emergency warning systems would allow the States and Territories to deliver mass outbound emergency warnings (for example via Recorded Voice Announcements or SMS) quickly and accurately to the public in targeted geographical areas. Telephony-based emergency warnings would complement existing warning mechanisms with a view to improving a community's ability to prepare for, and respond to, an emergency.

The IPND is a centralised database of all telephone numbers in Australia (including unlisted numbers) and associated customer information, such as name and address information. The IPND was established for the efficient operation and functioning of telecommunications networks. The IPND is currently managed by Telstra Corporation Limited (Telstra). Telstra is currently required to provide and maintain the IPND as a condition of its carrier licence.

Given the personal nature of the information contained in the IPND (such as telephone numbers, names, addresses), access to the information in the IPND is strictly limited under the Act.

The Act does not currently permit wide-scale disclosure of information in the IPND to State and Territory emergency authorities for telephony-based emergency warnings.

The historical advice to the Commonwealth has been that any plan to allow the States and Territories access to the integrated public number database (IPND) as part of any warning system would be best secured by a legislative amendment. Legislation is required to impose appropriate ongoing controls against potential misuse of sensitive personal information taken from the IPND.

There are clear advantages in using data sourced from the IPND for telephony-based emergency warnings over the alternative consumer 'opt-in' arrangement. Opt-in arrangements rely on individual consumers to sign-up, maintaining data accuracy and currency. The IPND is a requirement for telephone usage and as a result it is the most comprehensive and accurate Australian public number database available and information is updated on a continual basis.

At the July 2008 COAG meeting the Commonwealth secured the agreement of the States and Territories that this matter was a priority and required policy agreement between the States and Territories by December 2008. This outcome was achieved.

In accordance with the agreement, this legislation has been drafted by the Commonwealth to authorise access to the IPND to the States and Territories for the purpose of developing and implementing warning systems.

This bill when passed will allow information contained in the IPND (including unlisted telephone numbers) to be disclosed to persons authorised by the Attorney-General. This is likely to primarily be State and Territory Government officials, however there is the flexibility for the Attorney to authorise other persons.

The bill provides the Attorney-General with powers to make legislative instruments.

The Attorney-General, in consultation with the Minister administering the Act, will specify who can use IPND information in the event of an emergency or disaster. It is anticipated that this will be at a senior level within agencies responsible for emergency management.

The circumstances in which IPND information could be used for a telephony-based warning will also be determined by the Attorney-General. It is intended that the meaning of 'emergency' will be
that which applies under relevant State and Territory laws respectively.

Individual States and Territories will also retain autonomy to decide when and how best to warn their citizens of emergencies and disasters. The States and Territories will be responsible for developing the telephony-based emergency warning message delivery systems and the content of any messages.

The bill includes a number of safeguards.

To address potential privacy concerns, when IPND information is used to issue an emergency warning, subscriber names will not be disclosed. Secondary disclosure provisions contained in the Act will also apply. In recognition of the sensitive personal information contained in the IPND and that both listed and unlisted numbers will be released, there are penalties of up to two years imprisonment for misuse of the IPND data.

The bill also requires any agency that activates a telephony-based emergency warning using IPND information to report each incident to the Attorney-General and the Australian Communications and Media Authority (ACMA). Agencies responsible for issuing alerts will also be required to report annually to the ACMA and the Office of the Privacy Commissioner.

**Location Dependent Carriage Services**

The bill also contains amendments that will clarify provisions in the Act which relate to the disclosure and use of IPND data for delivering Location Dependent Carriage Services (LDCSs). LDCSs are services which automatically route calls to the appropriate store or branch location of a business, depending on the location of the caller.

Examples of businesses commonly using this type of service include pizza delivery and taxi services. Currently the Act does not contain express authority for disclosure and use of information in the IPND for the purpose of providing LDCSs on a wide scale.

The amendments explicitly allow LDCS providers to access listed public number information in the IPND for the purpose of supplying large-scale LDCSs. The amendments are aimed at addressing the current legislative uncertainty concerning the ability of carriage service providers to use IPND data for LDCSs. The bill also addresses key privacy concerns around the release of IPND data. Disclosure of IPND information relating to unlisted numbers is not permitted under the new amendments. An additional secondary disclosure and use offence have been included in the amendments to further protect against improper disclosure and use of information from the IPND for the purpose of providing LDCSs.

I commend the bill to the Senate.

_{Senator MINCHIN (South Australia)} (12.50 pm)—I indicate at the outset that the opposition does support the Telecommunications Amendment (Integrated Public Number Database) Bill 2009. This bill was appropriately introduced by the government in February in the wake of the devastating bushfires in Victoria and is, I assume, the first response from the government in relation to this matter and does reflect the concern about the absence of a national emergency warning system. From our perspective, this is a very important move and we want to cooperate fully with the government in ensuring passage of this legislation, and I record here my thanks to Senator Conroy for his cooperation in ensuring that the opposition has been appropriately briefed by his department on this bill.

I do, of course, take the opportunity in the context of this bill and the purpose it seeks to serve to again record our sympathies for those who lost loved ones during the Victorian bushfires. Our thoughts and prayers continue to be with the families of those victims. This is about trying to ensure that in future we do what we can to reduce the loss of life from natural disasters of this kind. That is the sentiment behind this bill and that is the sentiment that we obviously strongly support. As I mentioned, there is widespread community concern about the need for a national early warning system for natural disasters of
This bill is the first step in ensuring that state and territory emergency service providers have access to the information to develop a telephony based early warning system in order to send out a mass warning using telephones. We have to acknowledge that a lot of work still needs to be done before a foolproof national system can be developed, but this is an important first step. The bill itself amends the Telecommunications Act 1997 to broaden access to the Integrated Public Number Database in emergency situations. There is probably not widespread knowledge of the existence of the Integrated Public Number Database but it is a very important asset whose management is critical and access to which must be governed very carefully and closely, given the data it holds. This is an important step in ensuring access to the database in emergency circumstances. The bill allows access by what is described as an emergency management person—that is a very bureaucratic term, but I guess we all understand what that means—as authorised by the Attorney-General, who will have administration of this at the Commonwealth level, because the Attorney-General is responsible for emergencies, to allow access to information contained in the IPND, the Integrated Public Number Database. Of course, we hope that doing so will assist in emergency situations with the communication of warnings—about the location of bushfires, in the case of the recent disaster—via both fixed line and mobile phone services.

As I mentioned, the IPND is the master telephone database for every telephone device that is both fixed or mobile in Australia, both listed and unlisted and irrespective of carrier. It is a very important national aspect. It was established during the time of our government in 1998 in order that we can have a centralised, comprehensive database for use by the telecommunications industry and a limited number of other organisations with community protection functions. It is updated on a regular and often daily basis and it is managed by Telstra—and I commend that company on its management of this database—as the designated IPND manager. The effect of this bill will broaden access to the IPND beyond the current scope for state and territory initiated telephony based emergency warning systems so that they can make mass outbound calls.

Emergency management is a responsibility of state and territory governments. We note that under this bill the Attorney-General will rely on the definition of ‘emergency’ that is provided for in state and territory legislation to give effect to the powers provided for in this legislation. There has of course been, as I mentioned, previous discussion about the deployment of a national warning system. Our government put the issue on the COAG agenda in 2007, but to this point there has not been agreement at COAG level on the best way forward for the deployment of a national system and on exactly how it will be paid for. Various state based trials have tested opt-in solutions, but national agreement has only to this point been achieved in principle. Appropriate avenues should be pursued to ensure there are no barriers to the establishment of an early warning system, be it at state or national level, that will assist authorities in reducing risk to the population in an emergency situation. There are a number of steps that need to be undertaken to develop a national warning system, and we would of course encourage COAG to continue to consider what is required to deploy a fully effective and comprehensive national system as soon as possible.

Further, we continue to support efforts to improve the technology available so that such a warning system can be fully effective and as far as possible minimise confusion of
those receiving messages who may not be in a designated emergency area at the time of the communication. The government has properly acknowledged that at this stage the technology is still restricted to using the IPND to communicate with fixed lines and mobiles based on their billing address and not on the actual roaming location, which I think we all acknowledge is a limitation on the system, but that is all that we have to work with at the moment and we must proceed on that basis. Obviously it would be desirable to be able to warn and communicate with people who do not have a billing address in an area that is threatened. That is obviously desirable but not yet possible.

We are particularly concerned about ensuring all efforts are made to continue to protect the integrity of the database. That is critical and that is why access to it has been appropriately restricted to this point. We seek that particularly through the existing safeguards in the Telecommunications Act and their application to these amendments. The bill includes measures to protect the personal information contained in the database, including that subscriber names are not disclosed by the authorised user or by secondary disclosure, with appropriate penalties applying. We support these measures to secure personal information contained in the database, particularly as it pertains to some 50 million phone numbers and the personal and business details corresponding to those numbers. As I said, it is an extraordinary and valuable database. Criminal penalties of up to two years imprisonment will apply for misuse of the data on the IPND, consistent with the existing provisions of the Telecommunications Act for misuse of the database. The bill makes it an offence for IPND information to be disclosed if not for the provision of telephone based warning emergency systems. Proposed section 295X includes that reasonable steps be taken to ensure that the use of the IPND information does not adversely affect the normal operations of a telecommunications network, that any agency using the IPND for an emergency warning must provide a report of each activation of a telephony based emergency warning to the Attorney-General and the Australian Communications and Media Authority, and, further, that agencies responsible for issuing warnings will have to report annually to ACMA and the Privacy Commissioner. We strongly support those safeguards and the accountability mechanisms contained therein.

Further, the bill includes amendments to clarify the use of the IPND information for location dependent carriage services—something that, again, the community generally is probably not all that familiar with. This amendment stems from a discussion paper that was issued in 2007 under our government, and we support this amendment. Overall, we support this bill and the interim arrangements that have been put in place—and already acted upon—until the bill finally receives royal assent. As the government has noted, and which I think is important to emphasise, any use of the IPND for warnings cannot replace other measures already used by state and territory authorities to provide communities with warning about dangerous conditions, particularly given that, as I have previously indicated, telephony based warnings are not perfect due to the reliance on billing addresses to identify those to be warned. This is not a silver bullet, and I do not think the government pretends that it is, but it is an important first stage of our response as a parliament to the devastation in Victoria and it is one that we fully support.

Senator LUDLAM (Western Australia) (1.00 pm)—The Greens broadly support the Telecommunications Amendment (Integrated Public Number Database) Bill 2009. As the Leader of the Opposition in the Senate has
indicated, this is the very first step on the long road to a nationally integrated early-warning system. I would also like to add my thanks to Senator Conroy and his hardworking staff for keeping us informed as to the process and the reasoning behind the bill.

I am very pleased to be here this afternoon speaking in support of the bill. The first step that we are undertaking is to provide state and territory emergency service personnel, with due precautions, access to the IPND, the Integrated Public Number Database. This database contains all of the phone numbers in the country and is held by Telstra. As has been acknowledged by everybody, this is very much a first, small step. There is a great deal of detail to be worked out to actually deliver what this bill promises to do. For example, the new secure database that state and territory emergency services will access has not been created. It is not clear where it will sit, whether it will be one centralised database or a number of databases, or, therefore, who will manage it. The government will provide $11.3 million for the purpose of creating it and for ancillary purposes. Our understanding is that the tender will go out shortly to actually deliver what this bill promises to do. For example, the new secure database that state and territory emergency services will access has not been created. It is not clear where it will sit, whether it will be one centralised database or a number of databases, or, therefore, who will manage it. The government will provide $11.3 million for the purpose of creating it and for ancillary purposes. Our understanding is that the tender will go out ‘shortly’. The states will develop the emergency warning systems and the protocols etcetera ‘as soon as possible’, but obviously that could still be some time. It is my understanding that COAG have been in discussions about this since the fires that ravaged Canberra and have only just been able to come to an agreement on how the states will access this database.

We are certainly supportive of measures that could have any impact at all the next time Australian communities are faced with the kinds of horrors that they faced in Victoria or, before that, in Canberra. But this is to not minimise the difficulties that are faced. After all, each state and territory defines ‘emergency’ differently. The scope for what can be warned against is fairly broad: it is not only floods, cyclones and fires; chemical leaks, criminal events and even terrorist activities could also potentially be covered. There are different rules and procedures in each state relating to the definition of ‘emergency’. Other issues that will need to be addressed carefully include the need for consistent processes about who makes the decision and when to send out a warning, and expectations need to be managed about the level of detail and recommendations provided through these warnings. It is very tricky, particularly in an SMS, to convey meaning clearly to people so as not to cause panic and trauma. Technically it is very important that an early-warning mechanism like this should not interfere with, overload or disable people’s ability to access outgoing services, such as 000 services. There is a very real potential that dumping such a high volume of calls into a particular area of the network may congest that network at a time when it will already be under considerable strain.

The bill authorises the Attorney-General to specify by legislative instrument which state and territory emergency management personnel can have access to the IPND for warnings of a specified emergency event. I foreshadow now that the Greens support the technical amendments that have been circulated this morning, which require the Attorney-General to give written notice to Telstra, which holds the IPND, as to who is authorised to access it. We believe that this not only provides greater legal certainty and protection to Telstra but also is an additional transparency mechanism. Those amendments are supported.

Each time the database is disclosed, reports are required to be sent as soon as is practicable to the minister—in this case, the Attorney-General—and to ACMA describing the emergency or likely emergency and its location, the number of telephone numbers that were disclosed, the date, the number of
persons to whom the information was disclosed and the purpose of each disclosure. In addition, annual reports are required to be made to ACMA and the Office of the Privacy Commissioner.

That brings me to the key point on which the Greens are seeking some clarification from the Minister for Broadband, Communications and the Digital Economy: whether these reports should be made public. The minister has advised that, consistent with the Telecommunications Act, there is nothing in the bill to prevent these reports from being made public. You would expect this to be so, but it is not explicit. That is the only key issue we are seeking clarification of this afternoon. I do not believe that there is any reason to not make this information public, and that reporting would be an additional transparency and privacy protection. The parliament and the public have the right to know when these phone numbers have been accessed, even for very worthy reasons such as this. Of course, an emergency is a very public event, and a message going out to thousands of people is also a very public event. If ACMA is to be provided with annual reports as to who accessed the database and why, these reports could easily be made public. We are just seeking clarification from the minister as to his expectation of how that is to be handled. As I said in my opening remarks, the Greens are very happy to be here this afternoon supporting the bill.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (1.05 pm)—in reply—I thank all those who have contributed to the debate. The government is committed to doing whatever it can to respond to emergencies and natural disasters. The recent tragedy in my home state of Victoria, the floods in Queensland and even the close call we seem to have had with Cyclone Hamish off Australia’s north-east coast remind us that there is always more that we can do. It is in this context that the Telecommunications Amendment (Integrated Public Number Database) Bill 2009 has come forward today. I thank the senators who have spoken on the bill and I am encouraged by the support for the bill going forward.

The overall management of emergencies and disasters is a matter for the Attorney-General; however, my portfolio has worked with the Attorney-General’s Department to facilitate access to a database of all Australian telephone numbers and associated address information for emergency warning purposes. The database is the Integrated Public Number Database, or IPND, and it represents one of the most comprehensive, accurate and up-to-date listings of people in Australia. However, we need to use this database with care because it obviously contains large amounts of sensitive, personal information. For example, it contains information on all unlisted telephone numbers in Australia. There are people who, for professional and personal reasons, need to retain anonymity. I do not need to go into details about how important it is that this data be protected.

The bill will allow information contained in the IPND to be disclosed for emergency warning purposes. However, this bill does not provide a silver bullet. A range of mechanisms will continue to be needed to alert and inform people caught up in emergency situations. There are a range of measures that already exist through the actions of the front-line state and territory government emergency agencies and in coordination with the Commonwealth government’s Emergency Management Agency. These agencies currently use a range of mechanisms—most commonly door-knocking, sirens, and TV and radio broadcast alerts—to warn the public of impending emergencies. The capacity to provide telephony based alerts would be a valuable addition to the state and territory
arsenal of warning mechanisms and would help affected communities prepare for and respond to an emergency.

To address potential privacy concerns, the bill includes a number of safeguards. For example, subscriber names will not be disclosed for emergency warning purposes. In addition, there are penalties of up to two years imprisonment for misuse of the data sourced from the Integrated Public Number Database. There are also requirements for incident-by-incident reports to be sent to the Attorney-General and the Australian Communications and Media Authority following an emergency warning. Agencies responsible for issuing alerts will also be required to report annually to ACMA and the Office of the Privacy Commissioner. It is my understanding that there is nothing in this bill precluding ACMA from publicly reporting on the use of data from the Integrated Public Number Database for emergency-warning purposes. In fact, ACMA has advised that it will include this information in its annual report—subject to its statutory reporting requirements and relevant privacy obligations.

The government amendment that I introduced into the Senate will increase certainty and confidence when IPND information is disclosed by requiring specified emergency management persons to give a written notice to the IPND manager, stating that they will only use or disclose the information for emergency-warning purposes.

The past weeks have been an extraordinary time in the history of Australia and, particularly, Victoria. Bushfires have wrought unprecedented damage in Victoria while, at the same time, northern areas of the country have been visited by flood and cyclone. Our thoughts remain with those who have lost possessions and, tragically, loved ones. Those figuring at the front line—fire services, police and others—should once again be commended. Their work has been outstanding. However, it is also important to impress the need for continued vigilance from all in the community.

The passage of this bill will allow the portfolio of the Attorney-General, in consultation with state and territory governments, to proceed to develop the mechanism to deliver a telephone based emergency warning system. In a joint press release issued by me and the Attorney on 23 February 2009, the government announced that it would allocate $11.3 million for this purpose. The bill will also clarify that limited information from the Integrated Public Number Database can be disclosed for the provision of location dependent carriage services. Location dependent carriage services are for the delivery of services such as pizza delivery. These amendments provide greater certainty for existing service. It was very pleasing that our colleagues in the other place gave such strong bipartisan support to this bill. In addition to that unanimous support, there was also recognition that passage of this bill is a priority. I commend this bill, as amended by the government, to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (1.11 pm)—I table a supplementary explanatory memorandum relating to the government amendments to be moved to this bill. The memorandum was circulated in the chamber earlier today. I seek leave to move government amendments (1), (2) and (3) on sheet PF543 together.

Leave granted.

Senator CONROY—I move government amendments (1), (2) and (3) on sheet PF543:
I introduce government amendments to the bill for the consideration of the Senate. The proposed government amendments will make minor changes to the bill to strengthen the protections on the disclosure of information from the Integrated Public Number Database. The proposed amendments will require specified emergency management persons to give a written notice for the disclosure of IPND information—currently, Telstra is the IPND manager—stating that they will only use or disclose the information for emergency-warning purposes. There was not a requirement for a written notice in the version of the bill considered by the House of Representatives.

The written notice approach provided in the proposed government amendments will provide confidence to the IPND manager that it may disclose IPND information to the prescribed emergency management person. This greater certainty is likely to speed the release of the IPND data as well as provide greater protection for its provision to the right person. This approach will also reduce the need for the IPND manager to expend time verifying the legitimacy of a request for IPND data in an emergency. The written notice process in the proposed government amendment has been tailored to fit with the existing provisions in the bill and to minimise potential delays to the release of IPND data in an emergency. The proposed government amendment will also add a clause to clarify that a single written notice will be able to cover a series of disclosures. This will allow an emergency management person to receive regular updates of IPND information. This arrangement is similar to arrangements currently in place that allow copies of the IPND to be used for 000 and law enforcement purposes. I commend these government amendments to the Senate.

Senator MINCHIN (South Australia) (1.13 pm)—On behalf of the opposition, I indicate our support for these amendments. These amendments improve the bill. They improve the security surrounding access to the data. I seek from the minister an assurance that, in relation to the written notice to which these amendments now refer and require, there will be proper consultation with Telstra—the current manager of the IPND database, which has significant responsibilities in respect of this matter—over the form that that written notice might take such that the government and Telstra, as the manager, are at one on that written notice. It should, most properly, mitigate the risks associated with disclosure and ensure that the internal
processes of Telstra, in managing the data, can conform with the written notice.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (1.14 pm)—That is a very reasonable point made by Senator Minchin. I will pass it on to the Attorney-General, Mr McClelland, and assure him that the Senate is very keen to make sure that there is no confusion at all and that there is the maximum amount of consultation necessary.

Question agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading
Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (1.16 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

FAIR WORK BILL 2008
Second Reading

Debate resumed from 4 December 2008, on motion by Senator Ludwig:

That this bill be now read a second time.

Senator ABETZ (Tasmania) (1.16 pm)—The Senate is debating the Fair Work Bill 2008. It is important at the outset to unambiguously outline the coalition’s stand on this legislation. The yardstick by which we measure this legislation will be its impact on jobs and the capacity of the Australian economy to create jobs. Dovetailed in with that will be the issue of its impact on small business, which is clearly the engine room of job creation within our country.

The debate today is no longer about Work Choices. Work Choices is dead. That was the first announcement made by the coalition after the last election, and it remains our position. The Australian people did not need the coalition to tell them that Work Choices was dead. It was in fact the Australian people who told the coalition that Work Choices was dead, and we accept that verdict. We also accept that Labor was elected on a policy platform that is largely being implemented in this bill. We went to the last election with a policy designed to enhance the employment opportunities of our fellow Australians. It was in that regard well motivated and it delivered the job outcomes promised, but it gained those outcomes at a cost to working conditions which was largely unacceptable to the Australian people. The removal of the no disadvantage test and the unfair dismissal changes, with employers with up to 100 employees being counted into that part of the legislation, amongst others, were part of the community concern and delivered the community rejection.

The bill with which we are confronted today is the policy which is now under consideration and scrutiny. It will not do for those opposite to try to wind back the clock and talk about the policy position that we took to the last election, because that is no longer our position. What is under scrutiny today in the Senate is the government’s policy, the government’s legislation and the government’s policy impact on jobs and job creation.

We believe that Labor’s legislation will cost jobs. It will increase union power at the expense of workers’ rights to privacy. It will wind back the reform clock of over two decades. This is one of the great ironies in this debate today: it will wind back the clock on some of the reforms introduced by a former President of the ACTU, Mr Hawke, when he was Prime Minister. And who is winding back the clock on those Labor reforms introduced by a former ACTU president but the Labor Prime Minister who sold himself to the electorate at the last election as an eco-
nominal conservative. This is where we have a huge insight into what Mr Rudd and his government are all about: it is all about the spin not about the substance. As Mr Garrett so famously said, ‘Don’t listen to what we say; look at what we do when we get into government.’ So here we have somebody who adopted neoliberal economic conservative credentials before the election, winding back IR reforms introduced by a former ACTU President, Mr Hawke.

In fairness, the legislation will do some good things. I and the coalition believe that the legislation is well drafted, well set out and easy to read, and I would say to those who seek to draft other Commonwealth legislation that they should have a look at this legislation, not necessarily for all its content but in relation to the way that it is drafted. My congratulations go to those who were involved in its drafting. It is also interesting to note that Labor, after having initially promised to rip up Work Choices, lock, stock and barrel, is in fact adopting many aspects of it, as was highlighted by union submission after union submission to the Senate inquiry into this legislation. The constitutional lock, of course, is exactly the same as the coalition’s—that is, the use of the corporations power. Remember the High Court challenge? All those poor, long-suffering state Labor government taxpayers had to fund the High Court challenge because it was so outrageous and so immoral to use the corporations power for that purpose. The Labor Party is now converted and has fully adopted our approach.

Remember Labor’s opposition to our unfair dismissal laws, even when the figure was set at businesses with only 15 or 20 employees? Today in their legislation they are commending to this place a figure and regime very similar to ours, albeit with some barbs in it for small business that will go through undoubtedly at the committee stage of the legislation. But it is interesting that Labor have now come to the party and recognised that their unfair dismissal experiment was a failure and needed to be amended. Here they are with a regime where they say 15 employees would be an appropriate benchmark. The reason they came up with these sorts of policy lines in relation to adopting some of our unfair dismissal laws—condemning the possibility of compulsory arbitration, amongst other things—was to be able to sell their neoliberal economic conservative credentials before the last election. That is the truth of it. They knew they could not rip it all up lock, stock and barrel, as they had promised, and of course have now kept many things. But as always with Labor, as Mr Garrett so rightly said, ‘Don’t look at what we say; look at what we do.’

In the lead-up to the election Labor made some very strong promises in two areas that I will particularly canvass in this contribution to the second reading debate. They made these promises so that they would look as though they were economic conservatives and responsible. But they have now broken those election promises and they have done so in a very stark manner. Allow me first of all to deal with the right of entry rules that are now in this legislation. Indeed, Ms Gillard on many occasions, including to a press conference on 28 August 2007, before the last election, said:

We will make sure that the current right of entry provisions stay.
She also said subsequently:
We will keep the right of entry provisions.
And:
We promised to retain the current right of entry framework and this promise too will be kept.
It could not be clearer. Yet the legislation clearly does not keep the regime that we have in place. It is a complete and utter repudiation of it for one reason only—that is,
as a payoff to the trade union movement. Make no mistake, as late as 28 May, speaking to the Master Builders Association, when Ms Gillard was the minister, she said:

We promised to retain the current right of entry framework and this promise, too, will be kept.

So between 28 May 2008 and now something has changed. Of course, it is the strong arm of the trade union movement saying to Ms Gillard and the Labor Party: ‘We spent $100 million on your election campaign’—the biggest amount of money spent by any third party in Australian politics, in Australian history; more, I suggest, than the Liberal and Labor parties put together; it was a massive campaign—‘and we have to reboost our coffers. We’ve got to get our money back.’ The way to do it, of course, is to enhance the right of entry rules. So what we have now in this legislation is the capacity of the trade union official to storm into a place and say, ‘I want to have a look at the books and work records of all your employees, even those that have decided not to be a member of the trade union.’ That is wrong in principle. We make no apologies for saying as a coalition and an opposition that we stand up for workers’ rights—the right of workers not to have their privacy corrupted by the trade union movement looking through their records when that individual worker has said, ‘I do not want my records looked at by a union official.’

Similarly, if a union has no workers on a work site and if the workers so decide, the union should not have a right of entry to that workplace. If the workers say that they do not want a union entering into their workplace then that is something that we believe should be respected. I would respectfully refer honourable senators to the Committee Hansard of 18 February 2009, at page 16. A union official acknowledged this:

There is a massive overlap in eligibility rules throughout Australia... There is a very large overlap... 

... ... ...

Yes, and, one would have to say, in many cases beyond the wit and wisdom of a security guard at a gate who is being confronted with a union official with a 27-page eligibility rule and an explanation by the union official as to why it is they are entitled to be there.

Then, as this union official was pleased to tell us:

Without being too flippant about it, I have made a living out of the eligibility rules of unions for a number of years, and they can be extremely complex. You are quite right about that.

So what we are going back to is an era of unfettered entry into workplaces by trade union officials. We as a coalition say that that is wrong in principle and, what is more, if the workers decide they do not want trade union presence in their workplace, they are entitled to have that respected. Why do we say that? You see, 80 per cent of the Australian workforce in the private sector—indeed, I think I could go up to 85 per cent of workers—have said, by their choice, ‘We don’t want to be a member of a trade union.’ And they are entitled to exercise that choice in a free country such as Australia. But to then have those rights trampled upon by union officials saying: ‘Well, you might not be a member of our union, mate, but—guess what?—we are still going to look at your records that are held by your employer.’ Or they could say: ‘You might not want us to come into your workplace, but—guess what?—even if you do not want us to we are going to march on in there.’ That is unacceptable to workers’ rights. Somebody has to stand up for the 85 per cent of Australian workers that do not want to be a member of a trade union. We on this side unashamedly stand up for those 85 per cent of Australian workers who have made such a choice.
I now turn to the issue of compulsory arbitration. Ms Gillard is once again very strong on this. On 30 May 2007 Ms Gillard, in a speech to the National Press Club in which she once again stressed her neoliberal economic conservative credentials, said:

Our policy clearly states that no one will be forced to sign up to an agreement where they do not agree to the terms.

She went on to say:

… in the ordinary course … all of that bargaining will happen at the enterprise level, they will either strike an agreement or not strike an agreement.

Then, even after she became minister, on 17 September 2008—only some five months or so ago—she said:

Compulsory arbitration will not be a feature of good faith bargaining.

Guess what? It is today in this legislation in direct breach of very straightforward election promises to the Australian people, and they are promises that were reiterated after the election. So you have to ask the question: why is it that the Labor Party, having made a solemn election promise and recommitted to it after the election, then decided to do a big backflip? The reason is trade union muscle, trade union influence and trade union demands, because they want to muscle in on the bargaining process and if they cannot get an agreement they want to force one out of the employer through Fair Work Australia.

Time is running short so let me say that it is understood by the coalition that Labor is introducing a number of amendments to its own legislation. We will look forward to those and will deal with them on their merits, but I indicate that we as a coalition do have concerns in relation to the regime, in relation to greenfields agreements and, once again, in relation to the enhanced union power that is being suggested there. We are also concerned about how the unfair dismissal laws might apply. We will of course have a look at the amendments that the government proposes and deal with them on their merits.

In coming to this debate, let me say that Work Choices is dead and there is no need to revisit that. What we need to visit is the regime that is being proposed today. That regime must be tested on a number of criteria. The first one is its impact on jobs and job creation. Clearly, what we need to do, with a good safety net—and this legislation provides a substantial safety net—is ensure that everything is done to enhance employment opportunities in this country. We believe that there are aspects of this legislation that run counter to that ambition, especially in the current environment where so many jobs are currently being lost through a number of factors, including the uncertainty that this legislation provides to employers. Many employers are telling me and my coalition colleagues that they are getting in first because of the anti-employment regime in this legislation; they are starting to shed jobs now so that they will not be caught up in the regime that is being introduced today. So, as with the credit crisis, which Labor made worse with its bungled bank guarantee, we now have the job losses being experienced in Australia today being made worse by another Rudd bungle in this legislation.

Unlike Labor we do accept that Labor have a mandate in relation to a number of the matters that they raised before the election. I remind Labor that our good grace in relation to that was never shown by the them when we won on unfair dismissal laws in 1996, 1998, 2001 and 2004. Did the Labor Party say, ‘The Australian people have spoken’? No, because they were always beholden to the trade union movement and they could not care less about electoral mandates. When it came to the GST, on which we got a mandate, they sought to block us every step of the way. We are not an irresponsible opposition. We are an opposition that accepts the
verdict of the Australian people, but we also accept that we have a role to keep the government honest in relation to this and other legislation. And, where their legislation is a clear and complete repudiation of that which they took to the Australian people, we will seek to hold the government to account. I remind those opposite—all those former trade union officials who will be getting up to speak—that this debate is no longer about Work Choices. It is about the regime that Labor want to put in place and the impact that will have on jobs in the engine room of job creation in this country, which of course is small business. I look forward to the committee stage.

Senator SIEWERT (Western Australia) (1.36 pm)—The Greens believe that the workplace has a central part to play in most people’s lives. We spend a large proportion of our time at work, and work is important for our social and economic wellbeing. The regulation of the workplace and the relationship between employers and employees affects the lives of millions of Australians. It has a central role in shaping the type of society we live in and it reflects the values we hold. The Fair Work Bill 2008 is therefore an extremely significant piece of legislation.

Fundamental changes to our industrial relations laws have a long-lasting impact on not just our workplaces but our broader community. It is therefore important that we get this bill right. What we must never forget is that employment law is not just about the economy or productivity; it has an absolutely essential social value. Labour is not merely a commodity. Workers must be treated with respect and dignity, and the framework of our laws is a significant factor in ensuring such respect. The debate about this bill should not just be about its immediate impacts, whether it will harm productivity or encourage employment, but also about the long-term consequences of consolidating fundamental change in our industrial relations system and its effects on our community.

The Greens are informed by the following values when considering workplace laws: that we can create a sustainable future with fair workplaces and sustainable communities, protect our environment and ensure a healthy economy; that all people have a right to pursue their wellbeing in conditions of freedom and dignity, economic security and equal opportunity; that working people have the right to be involved in decisions about their work; and that free, independent and democratic unions are an essential pillar of a civil society.

In evaluating this bill the Greens have not limited ourselves to comparing the bill to Work Choices or to comparing it to what the government has said previously. We believe the bill needs to be independently assessed on its own merits and not justified merely by the fact that it may be better than Work Choices and the experiences we have had over the last few years. We believe the overall question is whether we will have a better, fairer industrial relations system, not merely how it can be graded against Work Choices.

The economic arguments for and against this bill will, I am sure, be debated at length in this chamber. The Greens do not believe the bill will have a significant impact either way on productivity or employment, certainly not compared with impact of the worldwide economic circumstances we are now facing or the looming environmental crisis. In fact, we strenuously reject arguments that workplace rights—treating workers with dignity—are a luxury only to be enjoyed in the good times. We note that the same organisations that are arguing against the expanded employee rights in this bill, on the basis we are facing difficult economic times, are the same groups that supported the
extreme ‘flexibility’ of Work Choices in the good economic times. It seems that for some employers, and unfortunately for some in the coalition, there is never a good time to accord workers decent labour standards.

As a global community we are facing serious challenges—the current economic crisis and a severe environmental crisis. Either we can start transforming our society and our economy now to meet these challenges or change will happen later, with more pain and trauma. The current economic and environmental crises, which are in many ways interlinked, provide us with the perfect opportunity to act, to approach the development of such vital laws with new thinking, free from the political compromises of the past few years. We cannot afford the same thinking that got us into our current situation, the naïve belief in deregulation, in maximum ‘flexibility’ for business and that the profit motive will provide for all. We need new thinking about how we can refashion our society and its key institutional structures—economically, socially and environmentally—to move us to a low-carbon economy where we meet the environmental, economic and social challenges and create a sustainable future.

A transformed economy includes doing business differently. It includes respecting workers, workplace democracy and dignity at work. Some may say these are old-fashioned values, but we think they are values that must endure. It is misguided to assume that fair wages and conditions and fair dispute resolution can be left to the market. There are some workers for whom the market will provide but there are many others whom the market will fail, which is why we need to provide a robust set of protections in this new industrial relation system. We saw the evidence of this with Work Choices and the loss of important workplace conditions and less take-home pay for many workers.

A measure of what is wrong with where we are at present is indicated by comparing the profits-to-wages share of our national income. The profit share is at record high levels and trending upwards, while the wages share is at the lowest levels since the mid-sixties and trending downwards. These trends, coupled with the justified community outrage at excessive CEO pay, tell us something about where we are as a society and what we value. As a community we are now facing the consequences of an overly individualised society. In the past we have put community values on the backburner. It is way past that time. Now is the time for change. We need to refocus on the common good and on what we can achieve together.

The Greens are not convinced that the Fair Work Bill provides the necessary framework for us to meet the challenges we as a community face in the coming years. It is for these reasons we view the Fair Work Bill as a missed opportunity for the ALP government.

The bill has some positive aspects, in particular the provisions supporting collective bargaining—including the good-faith bargaining provisions and the low-paid bargaining stream—as well as the expanded general protections and transfer of business provisions. Overall, the bill is an improvement on Work Choices. Quite frankly, how could it not be? The evidence on Work Choices is clear: it ripped away workers’ rights, was used by employers to exploit workers by removing pay and conditions and was explicitly anti-union and anti collective action.

Unfortunately, however—and this is why it is so essential that we do keep going back to Work Choices—the bill also keeps many elements of Work Choices. It builds on the Work Choices architecture, with the use of the corporations power, retains the current severe restrictions on taking industrial action, provides for a downgraded awards system, incorporates the idea that some workers...
should have more rights than others and cannot quite shake off individual agreements. What the bill does not do is address some of the most pressing issues facing Australian workers. Unreasonable working hours remains a significant issue for many workers, whether it is working some of the longest hours in the OECD, working unsocial hours or not working enough. The Fair Work Bill provides no new thinking on addressing these very important issues. It takes its working hours provisions substantially from Work Choices and provides for individual agreements which will have the same potential as AWAs to undermine people’s conditions, including penalty rates for unsocial working hours.

The Fair Work Bill adds very little to the ongoing concerns about the work-life balance. It introduces a right to request flexible working arrangements but gives the provisions no force. These matters of working hours and the work-life balance remain important in the context of this bill and must not be forgotten in the midst of fears of job losses. In fact, some of the innovative means of addressing these issues could be taken on board in addressing the downturn in the economy by keeping people in and attached to the workforce for when our economy recovers.

Another perennial issue is pay equity. We still have a situation in this country where women are paid less than men for doing work of equal or comparable value. The pay gap nationally remains at around 16 per cent, while in my home state of WA it is up to around 28 per cent—and getting worse. Such disparities are unacceptable. We will wait to see how the new pay equity provisions in the bill operate in practice. But more attention has to be paid to pay equity in the award review process and the minimum wage setting. We do not want all the hard work that went into the pay equity reviews in the states going to waste. These are all primary concerns in the workplace. They are about ensuring that work is not just an economic activity but provides quality of life.

The major flaw with the bill is the lack of independent dispute resolution processes that can result in the determination of a dispute. While it is a positive that the ALP has introduced last resort arbitration into the collective bargaining provisions and also, importantly, into the low-paid bargaining stream, there remains no means of effectively resolving workplace disputes unrelated to bargaining. In particular, disputes about the application of the National Employment Standards, award or agreement provisions are unable to be finally determined by an independent arbitrator unless there is consent by both parties.

The Greens support the call made by many submissions to the Senate inquiry for the bill to provide Fair Work Australia with a more general power to resolve workplace disputes. We also note that many of the strongest calls for Fair Work Australia to retain a broad arbitration power have come from representatives of workers from low-paid industries, often women, who have historically been less able to exert industrial muscle to achieve fair outcomes. Ms Julie Bignell, from the Queensland Australian Services Union, eloquently argued for the retention of independent dispute resolution and summed up the fundamental shift this bill represents. She said:

Arbitration is in our view the epitome of the Australian value that we all aspire to, and that is a fair go. It is a feature of our country for a hundred years and it was a unique feature that was very much the envy of other countries because it preserved employment relationships, not destroyed them. The current bill’s provisions do not create an environment where differences can be settled and the parties get back to work quickly. Instead, they create a legalistic framework where workers
will have to pay lawyers to represent them in court, probably many months after the dispute arose, and the focus of the litigation will not be on preserving the employment relationship but will be on assigning blame and ordering penalties against one of the parties. We say this is not in the spirit of a fair go and we say that justice needs to be accessible to everyone and in order to work, not just those who can afford a lawyer.

The shift from a framework focused on resolving disputes to a complex and complicated series of laws to be enforced will have long-lasting consequences for our society. It further tilts the balance towards employers, particularly in difficult economic times.

The fundamental imbalance in the workplace was acknowledged by our forebears in our Constitution. In recent years, the dominant ideology has focused on the individual and tried to deny or ignore the inequities that resulted. While the bill provides for strengthened collective bargaining rights, the need to address the power imbalance between employees and employers infuses all aspects of the workplace. And this is where the Fair Work Bill fails—as did Work Choices. If a worker or a group of workers has a dispute in the workplace, whether it is about changes to rosters, working hours or the general treatment of workers—anything unrelated to bargaining or the actual enforcement of a right—the resolution of the dispute will favour the strongest party. The strongest party is likely to be the employer. This is particularly the case given industrial action outside of bargaining is also unlawful under this bill. Workers are therefore left disempowered in the workplace.

If we are turning our back on our history with a rejection of arbitration, we need then to recognise in our law the fundamental right of workers to withdraw their labour in pursuit of their economic or social interests. Any sense of fairness in the Fair Work Bill is undermined by the denial of a fair and final dispute resolution process coupled with the denial of the right to take industrial action. The Greens believe that this should be included in our industrial relations system.

Apart from the philosophical differences we have with both major parties about the regulation of workplaces, we have a number of more specific concerns with the provisions of the bill. Our key concerns include the fact that individual flexibility arrangements have the potential to operate like AWAs in reducing people’s take-home pay and conditions. At this stage, we appreciate why the government chose to not register these individual agreements—that is, they do not want them to be statutory. In fact, the government have come up with a halfway house under pressure—particularly from the mining sector in my home state of Western Australia—to maintain individual flexible arrangements. They came up with those as a halfway house instead of having individual contracts. Now we have an instrument that nobody is going to be able to check or review. We simply will not know if it is undermining people’s rights and conditions.

We are concerned that the bill maintains restrictions on the content that can be agreed to in enterprise agreements. We believe that employers and employees should be able to agree on whatever they want to in those particular contracts. We believe that that is in line with ILO conventions. We are concerned—and we have repeatedly put this concern on the record—that the unfair dismissal laws do not provide the necessary protections for all workers. We are extremely concerned about the fact that workers in small businesses will have different rights from those in larger businesses. We are con-
cerned that the award modernisation process is resulting in workers losing important conditions.

We articulated this when we discussed the previous transition bill that established the award modernisation process. We are deeply concerned that the issues that we raised at that time are now, unfortunately, becoming reality—it is finally dawning on people that conditions are being lost through this award modernisation process. We believe that the process needs to be reviewed much sooner than after four years, as proposed by the government. We are concerned that the bill fails to resolve the jurisdictional mess that comes from relying on the corporations power, leaving workers in my home state of Western Australia at the mercy of a state government that wants the worst of WorkChoices back. It also leaves many workers that work for local government and non-government organisations in an unresolved jurisdictional mess. A number of people raised those concerns during the Senate inquiry.

In the course of the debate in the Committee of the Whole, the Greens will move a series of amendments to address what we view as some of the most glaring inequities and flaws in the bill. We do this with an eye to providing all those who work with the protections, rights and responsibilities of a fair, just and sustainable society. Yes, we believe the government has a mandate to provide a fairer system; but that fairer system is not there yet. The government went to the electorate during the election with a set of policies, as did the Greens. The Greens believe we also have a mandate to ensure the government keeps its promise to provide a fairer industrial relations system in this country. We will pursue amendments to ensure the government delivers on its mandate, because we also have a mandate to ensure that a fair system is provided. As I articulated a moment ago, we will move a series of amendments around awards, around the National Employment Standards, around collective bargaining and around unfair dismissal to ensure that the government keeps its promise to Australia.

Senator POLLEY (Tasmania) (1.54 pm)—I rise on this occasion to speak in support of the Fair Work Bill 2008. I know that, along with me, hundreds of thousands of Australian workers and their families have been waiting for this bill to be introduced. The changes and benefits proposed under the Fair Work Bill put me in mind of the great Australian pastime of sport. Australians enjoy either competing in or watching team sports of many kinds. However, we expect all team sports to have the same underlying principles to ensure our enjoyment. We want two sides, equal in strength and ability, to ensure fair and balanced play. We want clearly defined rules that do not benefit one side over the other. We want the players to meet on a level playing field under the adjudication of a fair, impartial and experienced umpire. We want to see the players retain the right to dispute a decision if the play is not considered fair. Most of all, we want to see the players participate in the spirit of good sportsmanship. It is these principles in sport that make participating in and watching it so enjoyable. Fairness underpins our way of life and reflects the sort of society we want to create in work, play, family and community. Fairness has always lain at the heart of Labor philosophy and belief. That fairness will at last be restored to workplaces across our nation.

When the extreme measures of the former Howard Liberal government’s WorkChoices laws were foisted upon Australian workers, the balance and fairness of the industrial relations system was lost. Without mandate, without warning and without common sense, the former Howard Liberal government
moved to strip away basic, fundamental rights and conditions that ensured that Australian workplaces were secure and just. Employers were given the right to terminate employment with the get-out-of-jail-free excuse of ‘operational reasons’. Employers were given uneven powers that allowed them to pressure countless workers into signing AWAs, saying that these agreements would give workers the opportunity to bargain on the issues that were most important to them by trading away those that were not. In reality, the only opportunity workers had was to watch basic entitlements disappear from their conditions of employment. They watched as shift workers’ loadings were removed. They watched as annual leave loadings and penalty rates disappeared. They watched as public holidays, overtime allowances, rest breaks and any semblance of fairness vanished from their day-to-day reality, along with, of course, their redundancy payments.

As they watched as one by one their colleagues were dismissed for ‘operational reasons’, workers wondered when the former Liberal government had ever asked them whether they wanted these changes, when Work Choices had been brought to them as a question rather than a statement and when they had been given the opportunity to be heard. Australian workers and their families had not been given that opportunity before Work Choices was brought into existence, but they made sure that they were heard at the first possible opportunity afterwards. At the federal election in November 2007, Labor was clear about its intentions and direction for industrial relations. Labor heard the stories of people’s treatment under Work Choices and the loss of confidence in the system. It heard those comments, opinions and suggestions, and it was the Rudd Labor government that acted.

In the first half of its first term, the Rudd government has proven that it will deliver on its promises and commitments. The government has exemplified the importance of the issue by its decisive action, by moving swiftly to abolish AWAs and now by introducing the Fair Work Bill to bring Work Choices close to its final curtain, relegating it to the history books as bad policy born out of a lack of desire to listen to the people. The Fair Work Bill is a necessary step towards bringing the pendulum back towards the middle. This legislation will bring about a new system based on fair laws and a balancing of the needs of employees, unions and employers. No one side gets everything it wants, yet at the same time no one side gets to wield an uneven share of power. This sets the basis for fair and equitable play amongst the teams and allows the nation to drive productivity through a sense of security. This in turn will benefit us all.

The sense of security delivered in this bill is grounded in the reintroduction of safety nets. These safety nets, in the shape of standards and modern awards, will ensure that employees never again have to relinquish basic conditions of employment whilst retaining fundamental entitlements to cover the normal, human, day-to-day realities of life. It will be these safety nets that will allow Australian workers to go to work each day with a sense of ease and security and to do their jobs with conviction and certainty, knowing that their hard work will be rewarded consistently and appropriately.

The National Employment Standards will enshrine 10 basic standards of employment for all employees under the federal system from 1 January 2010. The basic standards will include (1) the right to work a maximum ordinary week of 38 hours for full-time employees, with appropriate remuneration—

*(Time expired)*

Debate interrupted.
MINISTERIAL ARRANGEMENTS

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (2.00 pm)—by leave—I table for the information of the Senate a revised ministry list reflecting changes to the ministry made on 25 February 2009, all of which relate to parliamentary secretary appointments, following the resignation of the Hon. John Murphy MP as Parliamentary Secretary to the Minister for Trade. The Prime Minister has acknowledged the significant and strong contribution that Mr Murphy has made to the government and has thanked him for his service.

I have great pleasure in advising that Senator the Hon. Mark Arbib has been appointed Parliamentary Secretary for Government Service Delivery and has been given particular responsibility for implementing the government’s Nation Building and Jobs Plan; and that Senator the Hon. Ursula Stephens will be sworn in tomorrow to administer FaHCSIA, in addition to DEEWR, to better reflect her responsibilities as Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector. I seek leave to have the document incorporated in Hansard.

Leave granted.

The document read as follows—

RUDD MINISTRY 25 February 2009

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<tr>
<td>(Leader of the Government in the Senate)</td>
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<td>(Vice President of the Executive Council)</td>
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<td>Minister for Tourism</td>
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CHAMBER
Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Climate Change in the Prime Minister’s portfolio and a Department of Veterans’ Affairs in the Defence portfolio. Except for the Department of the Prime Minister and Cabinet, the Department of Finance and Deregulation, the Department of Education, Employment and Workplace Relations, the Department of Foreign Affairs and Trade, the Department of the Environment, Water, Heritage and the Arts, the Department of Climate Change and the Department of Resources, Energy and Tourism the title of each department reflects that of the portfolio minister.

**SHADOW MINISTERIAL ARRANGEMENTS**

Senator MINCHIN (South Australia—Leader of the Opposition in the Senate) (2.01 pm)—by leave—I also have a short statement to make, about shadow ministry arrangements.

May I first congratulate Senator Arbib and Senator Stephens on their appointment and promotion respectively and wish them well in their new roles. I advise the Senate that Senator Stephen Parry has been appointed Manager of Opposition Business in the Senate, a role that he will serve concurrently with his pre-existing role as Chief Opposition Whip, and I warmly congratulate Senator Parry on that responsibility.

I also advise of amendments to the shadow ministry, with Senator Helen Coonan becoming the shadow finance minister and Senator Mitch Fifield being appointed to the front bench as shadow parliamentary secretary for disabilities, carers and the voluntary sector. I seek leave to table the list of revised shadow ministerial arrangements and have that incorporated into Hansard.

Leave granted.

*The document read as follows—*

**COALITION SHADOW MINISTRY 23 February 2009**

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Tuesday, 10 March 2009 SENATE 1011

QUESTIONS WITHOUT NOTICE

Economy

Senator COONAN (2.02 pm)—My question is to Senator Conroy, the Minister representing the Treasurer. Minister, is Australia in recession?

Senator CONROY—Thank you for that question. As this government has said in being honest and straightforward with the Australian public, Australia is being buffeted by international financial circumstances. As we have said consistently, we are better placed than almost all other countries to cope with this. The last national accounts figures speak for themselves. The IMF forecasts consistently come with the proviso—the same as the Reserve Bank, the Treasury and this government, because we are being honest and straightforward about this—that all the risks are on the downside, despite those opposite living in some fantasyland for the last 12 months, dismissing the size and scale of the economic crisis, dismissing the need for swift action, with even their former Treasurer saying we should wait; we should sit on our hands to see what we should do. It is no wonder that that former Treasurer has the word 'former' in front of his former title, because this was a completely irresponsible position to take. Those opposite have sought to play cheap politics when what this country has needed is swift and decisive action. In November, we put forward the ESS, designed specifically to protect Australian families, and as those figures...
those issues contained in the question from Senator Coonan. I urge you to rule there is no point of order.

The PRESIDENT—There are 13 seconds left for you to answer the primary question, Senator Conroy. I draw your attention to the question.

Senator CONROY—Those opposite seem to want to try and avoid the substance of their own question, and that is the state of the Australian economy. My previous answer was entirely relevant to the state of the Australian economy—(Time expired)

Senator COONAN—Mr President, I ask a supplementary question. As Senator Conroy obviously had some difficulty in answering the first question, could he try this one. The government’s Updated Economic and Fiscal Outlook forecasts that 300,000 more people will be unemployed by next financial year. Given that the GDP contracted by half a per cent in the December quarter 2008, will the government now revise its unemployment forecasts?

Senator CONROY—As we made clear when we produced the recent UEFO forecasts—we actually produced and brought forward new, updated forecasts, which is somewhat unusual; it has not been done by many if any other previous governments—all the risks are on the downside. We could not be clearer. We could not be trying to hide anything. We could not be clearer than that. We have been engaged in a rigorous process to give as much information to the Australian public as it has been possible to do as the economic collapse around the world has occurred. We continue to be forthright and honest with the Australian public about the magnitude of the international crisis. There is no—(Time expired)

Senator COONAN—Mr President, I ask a further supplementary question. Now that, clearly, the economy is going backwards on the Rudd Labor government’s watch, will the government now admit that its December $10.4 billion cash splash failed to create the promised 75,000 additional jobs and was a waste of taxpayers’ money?

Senator CONROY—Despite the claims of those opposite, including Senator Coonan here today, there is evidence that the Economic Security Strategy released last year, which those opposite voted for, has boosted consumption. Don’t let the facts get in the way of any economic truth for those opposite! The retail trade figures for the month of December released recently show our Economic Security Strategy has delivered a very solid boost to consumption at a time when our economy desperately needed it. The December retail trade figures show that retail sales increased by 3.8 per cent in December. To put this in context, this is the biggest monthly increase since August 2000. Can you imagine the do-nothing approach from those opposite, their ‘say we’ll support something one day and oppose it the next day’—(Time expired)

Climate Change

Senator CAMERON (2.08 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Can the minister outline to the Senate the challenges Australia faces on climate change and what steps the government is taking to meet those challenges?

Opposition senators interjecting—

The PRESIDENT—Order! I will call Senator Wong when there is silence.

Senator WONG—Thank you, Mr President. It is interesting to notice the different range of interjections on the other side when the words ‘climate change’ are uttered in this chamber, evincing yet again the complete division on that side, certainly between Senators Boswell and Minchin and others who claim to care about the issue of climate
change and want to do something about it. What we know is that carbon pollution and other greenhouse gases are causing the world’s climate change and we are experiencing more extreme weather, higher temperatures, more droughts and rising sea levels. We also know that, with one of the hottest and driest continents on earth, this nation’s environment and our economy will be one of the hardest and fastest hit by climate change if we do not act now.

At the last election Australians made it clear that they wanted action on climate change; that they, unlike too many in the Howard government, understood the challenge of climate change and wanted a government to act. We are getting on with the job of tackling climate change in a number of ways. As you will recall, Mr President, our first official act was to ratify the Kyoto protocol. We are now engaged in negotiations for a global agreement. We are creating a massive expansion in low-pollution jobs and renewable energy, firstly, with our 20 per cent renewable energy target, which will increase the uptake of renewable energy in this country by four times—a massive investment in renewable energy in Australia. Through the Nation Building and Jobs Plan, which was announced by the Prime Minister, we have made the largest investment in energy efficiency in the nation’s history. Later today I will be releasing the exposure draft legislation for the Carbon Pollution Reduction Scheme. We will be releasing that exposure draft, as we said we would; the outworking of the decisions in the white paper—(Time expired)

Senator CAMERON—Mr President, I ask a supplementary question. Can the minister advise the Senate on any international developments on climate change which may have implications for Australia?

Senator Boswell—What about the workers?

Senator WONG—I will take Senator Boswell’s interjection. It appears he is lecturing the Labor Party about the workers. It is a pity he did not remember that when he voted for Work Choices in this chamber. The fact is this is about the jobs of the future, Senator Boswell, as well as protecting today’s jobs. Unlike you, we will not shy away from the task of building tomorrow’s jobs whilst we protect the jobs of today. In relation to the question, there have been some welcome developments in recent times. I particularly welcome the comments of both President Obama and his US climate envoy, Mr Todd Stern, in recent weeks which did a number of things: first, reinforcing the US administration’s commitment to a strong international agreement at Copenhagen and also to a broadbased cap and trade emissions trading program. We are pleased that the new administration is showing leadership on this issue. We have always said since we have come to government that critical to any international agreement will be the United States as well as China. (Time expired)

Senator CAMERON—Mr President, I ask a further supplementary question. Can the minister indicate to the Senate what potential threats there are to Australia taking responsible action on climate change?

Senator WONG—There is a very simple answer to that, through you, Mr President, and that is: those opposite—those opposite who made sure for over a decade they did nothing on this issue, dominated by—

The PRESIDENT—Senator Wong, address your comments to the chair; do not take the interjections from the other side. Those on the other side: interjections are disorderly.

Senator WONG—a government on that side which denied the existence of climate
change for years, locking in continued growth in Australia’s carbon pollution, which it has left for this government to put in place policies to turn around. What is interesting is to look at the range of things that those opposite have said about when they would announce their position. First they said they would announce their targets after Professor Garnaut’s report. Well, that was September last year. Then they said it would be after the Treasury modelling: October last year. Then they said it would be after the white paper: December last year. Then they said after their own Pearce review, which occurred last month. When will you actually announce a position? You do not have one. *(Time expired)*

**Climate Change**

**Senator COLBECK** *(2.14 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Was the minister consulted about the government’s decision both to set up and then to scrap the inquiry into its emissions trading scheme?**

**Senator WONG**—It is interesting that when they confront the issue of climate change, this challenge which requires a whole-of-economy reform, those opposite want to come back to process politics and playing games with this issue, just like they did for years in government. As the Treasurer has said, it was quite clear from the way in which those opposite were playing politics on the issue of the terms of reference of that inquiry that it would not be helpful for that inquiry to be continued. As I have also said, we will be moving in the Senate that this legislation, the draft legislation that I will be releasing shortly, be referred to the Senate Standing Committee on Economics for consideration. We think it is important—

**Senator Ian Macdonald**—Mr President, I raise a point of order. Had Senator Colbeck wanted to know this information he would have asked a question about it. His question was very deliberate: was the minister consulted in the setting up and then the disbanding of the inquiry? That is all we want to know and we would appreciate it if the minister could answer the question asked of her.

**Senator Ludwig**—Mr President, on the point of order: what we have now is simply a point of order taken on the basis that a Liberal senator on the other side thinks that Senator Wong is not answering the question. I ask those on the other side to raise their point of order with what that point of order is because that is not easily discernible from the diatribe that comes from the other side. If you are going to raise a point of order it is important that you state what the point of order is so that we on this side can address it appropriately. If that is the issue, I will address that: Senator Wong is being relevant to the question, is being on point and is dealing with a very serious matter.

**The PRESIDENT**—Senator Wong, you have one minute and three seconds to address the question that has been asked.

**Senator WONG**—In relation to the inquiry, the Treasurer has made clear the government’s position. He wrote to the parliamentary committee and proposed an inquiry. As a result of the way in which the inquiry had been misunderstood, including by those opposite who used the opportunity to open up the debate again as to whether or not we should have an emissions trading scheme, the Treasurer then asked that the committee reconsider that reference. Obviously, the committee’s decisions are a matter for the committee and the Treasurer has outlined the position from the government’s perspective.

**Senator COLBECK**—Mr President, I ask a supplementary question. Senator Wong obviously did not understand whether she was consulted or not or whether the chair of
the committee was consulted or not. He cer-
tainly had a different interpretation from his 
Treasurer. Will the minister support a Senate 
inquiry into the government’s emissions trad-
ing scheme which contains precisely the 
same terms of reference as the inquiry an-
nounced by the Treasurer on 12 February this 
year and instruct government agencies to 
cooperate with the inquiry?

Senator WONG—We await the opposition’s agreement with the Greens on the 
terms of reference for the inquiry. I have not seen it as yet—I have not seen the agree-
ment. I do find it interesting that we have 
senators Boswell and Joyce saying they will 
not support an emissions trading scheme and, 
meanwhile, the Liberal Party and the coali-
tion are coming to an agreement with Sena-
tor Milne about terms of reference. It will be 
a very interesting terms of reference, may I 
say. We will certainly consider the terms of 
reference that the Liberal Party and the 
Greens put up. I would like to know, of 
course, whether it is a joint position of the 
coalition or only the Liberal Party.

Senator COLBECK—Mr President, I 
ask a further supplementary question. I refer 
the minister to the Prime Minister’s pre-
election promise to introduce an emissions 
trading scheme by 2010 without disadvan-
taging our export and import competing indus-
tries. Does the minister deny that the 
government scrapped its proposed inquiry 
because it now realises its ETS policy will 
cost jobs and kill investment?

Senator WONG—The answer to that 
question is no. The government is absolutely 
clear that this is the responsible thing to do 
for both the challenge of climate change and 
in order to create the jobs of the future. 
Unlike those opposite we are not going to 
take a position where we continue to duck 
the issue of climate change, as occurred over 
the last 10 years. There may be those on the 
other side—and they are gradually exerting 
more influence—who simply do not want 
action on climate change and for whom this 
has become one of the ways in which Mr 
Turnbull is undermined, but the reality is that 
we on this side of the chamber understand it 
is the responsible thing to do to both support 
today’s jobs and build the jobs of tomorrow.

Economy

Senator FEENEY (2.20 pm)—My ques-
tion is to the Minister representing the Treas-
urer in this place, Senator Conroy. Can the 
minister update the Senate on global eco-
nomic developments and the impact they are 
having on the Australian economy?

Senator CONROY—I thank my good 
friend Senator Feeney for that question. As I 
have pointed out many times in this chamber, 
we are facing the most serious global eco-
nomic downturn since the Great Depression. 
To put this into some context, in the last 
three months of last year there was the 
sharpest downturn in the global economy in 
living memory. Twenty-one of the 25 OECD 
countries for which we have figures con-
tracted in the December quarter of last year. 
Recent data shows that the US economy has 
shed more than 600,000 jobs a month in each 
of the last three months. Let us be clear 
about this: job losses of this magnitude are 
unprecedented in the 70-year history of the 
data series.

Last week’s national accounts showed 
that, like almost all other developed econo-
 mies, our economy contracted in the Decem-
ber quarter. Our economy contracted by 0.5 
per cent in the December quarter to be 0.3 
per cent higher through the year. However, it 
is very important to note that this is a much 
milder contraction compared to most other 
countries. It demonstrates the point that the 
Rudd government has been making consis-
tently: while we cannot completely resist the
pull of global economic forces, we are still better placed than other nations.

Senator Ian Macdonald—Thanks to Peter Costello!

Senator CONROY—We can see there are those who are still hankering for change. Oh dear, oh dear! (Time expired)

Senator FEENEY—Mr President, I ask a supplementary question. Can the minister outline to the Senate how last October’s Economic Security Strategy helped support growth and jobs, given the global economic environment we all face?

Senator CONROY—To compare what happened here to what happened in the rest of the world in the December quarter, just consider the following numbers. Japan contracted by a staggering 3.3 per cent, its largest contraction since 1974. The European and UK economies contracted by 1.5 per cent, their sharpest quarterly contraction since the early 1980s. The US economy contracted by 1.6 per cent, its worst performance since 1982.

The most recent national accounts figures show that our economy has performed better than each of the G7 economies. Of course, we have other strengths. We have one of the strongest financial systems in the world and it has weathered the global financial crisis. It is true that with our Economic Security Strategy in October— (Time expired)

Senator FEENEY—Mr President, I ask a further supplementary question. Can the minister indicate to the Senate whether the government’s approach is consistent with the advice from international experts?

Senator CONROY—The Rudd government recognises the enormous challenges the global recession presents for the Australian economy. It is important in this context that we know just how critical it is to act decisively to support jobs and growth. The considered view of the IMF and respected economists from all parts of the world is that governments must take decisive action—

Senator Ferguson—Even Hanover!

Senator CONROY—You are just jealous. Governments must take decisive action to stimulate economic activity in the interests of jobs. Last weekend the IMF warned that, given the depth of the crisis, avoiding or postponing action is not a viable option. Further, the Chairman of the Federal Reserve, Ben Bernanke, warned that failing to act would be more costly in the end. He said: We are better off moving aggressively today to solve our economic problems ...

(Time expired)

Manufacturing

Senator ABETZ (2.25 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Given the ongoing closures and job losses in the manufacturing sector, including Pacific Brands, why did the government fail to provide any support for the manufacturing sector in its $52 billion cash splashes?

Senator CARR—I thank the senator for his question. With regard to Pacific Brands, I might begin by reiterating that the government’s primary concern is for the 1,850 workers whose jobs are on the line. Our concern is also for the 4,000 or more workers that the company will continue to employ after the closures of a number of plants that have been announced. Our concern is for the 40,000 workers who continue to rely on the textiles, clothing and footwear industry. The government are convinced that these industries do have a future in Australia and that that future is based on innovation.

We cannot compete with low-wage countries producing low-wage goods and we cannot compete on costs alone. We can compete on originality, on quality, on timeliness and
on safety. We can compete on these things when you invest in innovation. Advanced countries like Australia have maintained a significant presence in the TCF industries by focusing on high-wage areas such as technical textiles and fashion. This is the direction Australia needs to be heading in, and Pacific Brands is an important player but it is not the whole industry. Australia has and will continue to have significant TCF capacities not only in manufacturing but in design, supply chain management and research and development. We need to harness those capacities to build an innovative and sustainable TCF sector, and we need to focus on new technologies and niche markets.

We need to focus on management skills. Many have suggested that Pacific Brands is in fact the victim of poor management. It is worth noting that the company chairman—

(Time expired)

Senator ABETZ—Mr President, I ask a supplementary question. I do not think I got an answer to my question, but let us try the minister on this one. I refer to the Prime Minister’s statement last week that the government is working to ‘extract’ money from Pacific Brands. How much is the government looking to extract and on what legal basis is this being done?

Senator CARR—I was indicating that the company has been the subject of considerable public debate in recent times and that the source of the difficulties that the company is now facing has been raised as an issue. Some would argue that there is no future in manufacturing for the textiles, clothing and footwear industry. That is not a position that the government holds. The government takes the view that there is a sustainable industry here that ought to be maintained. It takes the view that the company’s chairman and chief executive are relatively new to the job. To a large extent, they are actually dealing with the consequences of decisions that were taken by the previous board. The government is doing all that it can to keep jobs in Australia. The government is acutely aware of community concerns about the remuneration of paid directors. (Time expired)

Senator ABETZ—Mr President, I ask a further supplementary question. That was another nonanswer but, hopefully, third time lucky, we might get an answer on this one. Does the minister endorse the union’s demand for a boycott of Pacific Brands’ products?

Senator CARR—I thank the senator for the question. Ministers have expressed the view repeatedly that our concerns are with the jobs of workers in Pacific Brands and with TCF industries generally. The government is facilitating talks between the company and the unions about workers’ entitlements, training and job support. Pacific Brands has indicated that retrenched workers will receive their full benefits. We do not support a boycott of Pacific Brands and we are not seeking retribution to be directed at this particular company. This company, as the community is now acutely aware, is working through the consequences of decisions that have been taken as a result of the actions of the previous board to a large extent. The government is doing all that it can to ensure that people—(Time expired)

Climate Change

Senator MILNE (2.31 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Can the minister confirm that, on the figures from the white paper, even the government’s most ambitious 2020 emissions reduction target of 15 per cent below 2000 levels would see global greenhouse gas concentrations in the atmosphere rise to at least 510 parts per million, a point well beyond what many scientists have
identified as the key threshold for runaway climate change?

Senator WONG—I think Senator Milne has asked me some similar questions previously and I would again make the point that the parts per million figure is always going to be a function not only of Australia’s targets over 2020 to 2050, as the senator knows, but of the nature and scale of the global agreement which can be achieved at Copenhagen for the years ahead. That is the reality. I appreciate that Senator Milne has a particular view about the targets, and she is entitled to put that. The government has taken the view that these are responsible targets and we have considered very carefully, not just the immediate issue of the current economic situation, but also what will be required to move this economy to a low-pollution economy of the future.

One of the things which seems to be forgotten in discussion about the targets is what sort of emissions growth is already built into the system as a result of past inaction. Without the CPRS Australia’s emissions will grow to 20 per cent above 2000 levels—that is, we will be at 120 per cent of 2000 levels—so five to 15 represents up to a 30 per cent reduction of business as usual. This is a very significant set of targets that Australia has put on the table and we believe they are responsible targets particularly in light of the various factors that the government has to balance. They are absolutely about driving change in the Australian economy to build the low-pollution jobs of tomorrow.

Senator MILNE—Mr President, I ask a supplementary question. I notice in the minister’s answer that essentially she is saying that the rest of the world should shoulder a bigger burden, and then Australia will go for 510 and let other people work it out. When the minister told ABC’s Four Corners last night that this is a game over a number of decades, was the minister expressing the view that we have a number of decades in which to avoid triggering critical tipping points in the earth’s climate and, if so, what scientific evidence does the minister have for this unorthodox view?

Senator WONG—Thank you, Senator, through you, Mr President. I think I spoke about the need to take a long-term perspective on what was occurring. One of the differences, I would suspect, between Senator Milne and the government is that the government is acutely conscious of the economic challenge which confronting climate change requires. The point that I have made, not just to Four Corners but a number of times, is that what we have to achieve by 2050 is a very substantial reduction in the greenhouse gas contribution, not just for Australia but for all developed economies, as well as a substantial reduction from developing economies. The peak in global emissions must occur well prior to that. The point I was making and will continue to make is that to achieve the sorts of reductions Australia will need to put in place by midcentury requires an enormous economic transformation. An economic transformation that will take— (Time expired)

Senator MILNE—Mr President, I ask a further supplementary question. I note that the minister did not respond to how many decades she does think we have to address this issue. Is the government aware of recent findings by Australian scientists in the CRC for Antarctic Climate and Ecosystems that an atmospheric carbon concentration of 450 parts per million is a tipping point for ocean acidification that would lead to a collapse in the ocean food chain? If so, why is the government aiming, at best, for a 510 parts per million target that will push us over the tipping point?
Senator WONG—The government is aware of the science, which is why the government is acting on climate change. Can I say that it seems that the proposition being put—because some senators may have a different view about what the scheme should look like—is that somehow no scheme is better than doing something. We want to get on with the job of building the low-pollution economy—

Senator Bob Brown—Mr President, I rise on a point of order. The question was about the disastrous tipping point of ocean acidification, which the minister’s targets will not avoid. She should answer that question.

Senator Chris Evans—On the point of order, Mr President, I am not sure that there was a point of order. Increasingly, points of order are being used to make argument against ministers’ answers. Senator Wong was directly on the subject matter of the question, and I ask you to rule that there is no point of order.

The PRESIDENT—Senator Wong, you have 35 seconds remaining to answer the question.

Senator WONG—I again make the point that climate change requires a global response. Australia is absolutely prepared to play its full part. To do that, we need a scheme that will enable these emissions reductions to occur. The decision that this Senate will have to make in the coming months is whether for the first time in our nation’s history we will begin to reduce Australia’s carbon pollution from next year.

Special Air Service Regiment

Senator JOHNSTON (2.38 pm)—My question is to the Minister representing the Minister for Defence, Senator Faulkner. I refer to the fact that on 26 February this year the Minister for Defence waved around in the parliament the salary variation advice of an SAS soldier who had been financially disadvantaged by the government’s bungling of the SAS pay issue. I refer the minister to the fact that, when the Minister for Defence was asked by the partner of the SAS soldier concerned for details of the salary variation debt advice, the minister refused to provide it to her on grounds that ‘the release of information is constrained by the requirements of the Privacy Act 1988’. Minister, why was it okay for the Minister for Defence to have access to the soldier’s salary variation advice and wave it around for all to see but it was not okay for the soldier’s partner to be provided with details as to what debt recovery had been undertaken whilst he was away on deployment?

Senator FAULKNER—I am certainly happy to provide Senator Johnston with what information I have on this issue, and I will not be able to answer all the elements of the question that he has asked me. I would make the point in commencing my answer to Senator Johnston that of course the government is committed to looking after our service personnel. The dangerous work that they do, including our special forces soldiers on deployment in Afghanistan, they of course do, as we all understand, in the service of the nation.

My understanding is that on 22 October 2008 the Minister for Defence issued an instruction that the debt recovery on this particular matter should cease. Senator Johnston may be aware that the Chief of Army then directed that all debt recovery action would cease from 13 November 2008, which was the next pay period. I can say that since that time the Army has been conducting a thorough audit to find out how many people have been affected. Senator Johnston may be aware that KPMG is now conducting an independent audit to ensure that any remaining pay concerns of special forces soldiers and their families are put to rest. I can also in-
form the Senate that an interim report from KPMG was delivered today. I can say in relation to that independent audit report—(Time expired)

Senator JOHNSTON—Mr President, I ask a supplementary question. I ask Senator Faulkner, who is representing the Minister for Defence: does the government now admit that the SAS pay issue has been bungled from the start by the Minister for Defence and that he has now been exposed as not being across his portfolio?

Senator FAULKNER—What I can say to Senator Johnston is this: the independent auditors have provided an interim report to the Minister of Defence. I can say that the auditors note that the complexity of the situation has meant that progress has been slow. Included in the terms of reference for the audit is a requirement that the audit identify ways to remedy any outstanding pay situations and how to avoid these problems in the future. Of course the government looks forward to getting this advice. The minister will make that final report public by tabling it in parliament, and I think most reasonable people would accept that this is a very proper way for the Minister for Defence to conduct—(Time expired)

Senator JOHNSTON—Mr President, I ask a further supplementary question. Will the government now apologise to the dozens of SAS soldiers who have been in financial turmoil for the past eight months for the bungling that led to the SAS pay fiasco and will you table in the Senate today a copy of the KPMG audit into the issue ordered by the minister?

Senator FAULKNER—I have indicated that I am advised that the minister has made clear that the final report of KPMG will be made public, so it certainly can be tabled at that time. There is no problem with that, Senator; it will be done, as you would expect. I can also say that as recently as last Wednesday the minister met with SAS forces and some family members and discussed these issues at length with them and, I think, indicated his concerns to them at that time and certainly acknowledged the need for these matters to be addressed. You know that, Senator Johnston. You have been made aware of that, and again I would hope that you would agree it was an appropriate—(Time expired)

Workplace Relations

Senator CAROL BROWN (2.44 pm)—My question is to the Minister representing the Minister for Workplace Relations, Senator Ludwig. Can the minister inform the Senate of how the government’s new workplace relations framework, which will provide a strong safety net that workers can rely on, will address the effect of the global financial crisis on the Australian workforce, and can he describe the impact on employment across the country?

Senator LUDWIG—I thank Senator Carol Brown for her question and note her interest in the role of the government’s new workplace relations system in these difficult economic times. The new workplace relations framework delivers on the promises set out by the Rudd government at the election. We were given a clear mandate by the Australian people to get rid of Work Choices and that is exactly what we are doing—implementing a fair and balanced workplace relations system based on collective bargaining, underpinned by a strong safety net. The government’s workplace relations framework was designed to be the right policy for the good economic times and for the difficult economic times, to balance flexibility and fairness. The Fair Work policy was not designed for one set of economic circumstances. The elements of flexibility and good faith mean that it is responsive to the needs...
of business, at the same time providing a safety net for working people.

There could not be a worse time for Work Choices—no safety net, no security, no provisions to assist those who are low paid. Work Choices is what the Liberal opposition still thinks is alive and well. Work Choices allowed basic pay and conditions to be stripped away and meant that an employee could be sacked for no reason, without any entitlement to redundancy. Let us be very clear: the impact of the global financial crisis is hurting Australian businesses and, therefore, hurting Australian jobs. Far from destroying jobs, the Fair Work framework’s primary focus on collective agreements at the enterprise level will, of course, promote greater flexibility and deliver higher productivity. (Time expired)

Senator CAROL BROWN—I have a supplementary question for the Minister representing the Minister for Employment and Workplace Relations. Is the minister aware of any attempts to preserve the Work Choices legislation that was so comprehensively rejected by the Australian people in 2007?

Senator LUDWIG—I thank Senator Brown for her supplementary question. It does seem that the Liberal and National parties, at the very least, have not listened to the voices of the Australian people on this matter. It seems they just cannot quite commit themselves to vote for a new fair and balanced workplace relations system. Let me be clear about this. The alternative Leader of the Opposition, Mr Costello, has put his policy forward. The member for Higgins believes that the answer to the global financial crisis is Work Choices. This is what he said on the Today show on 5 March 2009 in answer to the question:

How would you fix it, that is, the GFC? You tell Australia right now.

Mr Costello replied:

It—the government—has to reconsider its proposal in relation to industrial relations.

It did not stop there. There was a rejoinder by Senator Boswell, who agrees with the member for Higgins. (Time expired)

Senator CAROL BROWN—I have another supplementary question for the Minister representing the Minister for Employment and Workplace Relations. Can Senator Ludwig further inform the Senate of any other measures that the government will be providing to secure Australian industries and jobs for workers.

Senator LUDWIG—I am happy to inform the Senate that, unlike those in the opposition who would have us do nothing, we have announced a range of other initiatives to support workers in addition to the announcements through Fair Work Australia. These include immediate employment services to support retrenched workers, a $298.5 million additional investment in employment services in Australia, $6.3 billion towards a new car plan for Australia—

Senator Abetz—We would actually get them jobs!

Senator LUDWIG—Those on the other side interject, perhaps because they believed Senator Boswell when he said, ‘Look the Labor proposal is going to cost a lot of jobs and I agree totally with Mr Peter Costello.’ That is where the Liberals are. This government is doing something about it. We have $4.7 billion for a nation building package, $300 million towards local government infrastructure and, of course, $15.1 billion—

(Time expired)

Traveston Crossing Dam

Senator IAN MACDONALD (2.51 pm)—My question is to Senator Wong, representing the Minister for the Environment,
Heritage and the Arts, Mr Garrett. The minister would be aware that the ALP candidate for Maroochydore electorate in Queensland said on ABC Coast FM yesterday that damming the Mary River at Traveston Crossing was ‘now in the hands of the federal government’. Minister, could this be true or is what you have been telling us the truth—that it is now up to the Queensland government to apply for approval, which Premier Bligh has indicated she would do after the election? Minister, who is right? Is it the Queensland government who is peddling the story that it is your fault or are you right in saying that it is up to the Queensland government to deal with the Traveston Crossing Dam first?

Senator WONG—I have to confess that I was not listening to Coast FM—I apologise for that! I welcome Senator Ian Macdonald’s continuing interest in the Traveston dam issue, although I have to say to him that obviously this is Senate question time, not a Queensland election campaign event. The advice I have—and I again remind the Senate that these decisions are governed by the EPBC Act, as I previously discussed—is that the Queensland government has not yet made a decision on the proposal. However, Queensland have announced that, if they approve the dam, it would be subject to conditions which could delay construction until certain environmental mitigation measures are in place. I am also advised that the Queensland Coordinator-General is still preparing his assessment report.

As I believe I have previously advised the Senate, Mr Garrett is aware of the high level of public concern about the possible impacts on a number of species that occur in the Mary River and in the Great Sandy Strait Ramsar wetland. I again emphasise that, in his capacity as environmental regulator, Mr Garrett has kept an open mind throughout the ongoing assessment of this project and met with advocates both for and against the proposed dam to hear their views. I am advised that, if Queensland decides to proceed with the proposed dam and submits a formal assessment report to the Australian government, Mr Garrett will review that report and a range of other scientific evidence and make a final decision on the proposal. In applying that approach, Mr Garrett will obviously apply rigorously and transparently—(Time expired)

Senator IAN MACDONALD—Mr President, I ask a supplementary question. I thank the minister for confirming that Queensland Labor Party candidates are being untruthful in blaming the federal Labor government. I want to ask the minister: is she aware of the impact the Traveston Crossing Dam will have on the Ramsar wetlands at the mouth of the Mary River and the Great Sandy Strait near Hervey Bay and Maryborough? Will the minister use whatever powers he has in relation to Ramsar wetlands to stop the Queensland government proceeding with that dam? Would she also tell her colleagues in the Queensland ALP not to tell porkies about the federal ALP when it comes to whose fault it is that the Traveston Crossing Dam is going ahead?

Senator Chris Evans—Mr President, I raise a point of order, which goes to the use of supplementary questions to make argument and to make allegations. I have raised this with you before, Mr President, but I think the practice is getting out of control. Consistently we have opposition senators seeking to make commentary rather than just asking the supplementary question. I think Senator Macdonald took it to a new low with his attempt to make accusations in his introduction to the supplementary question. Mr President, I raise this point of order because I do think it is becoming an unhealthy practice encouraged by the new question time format where we have seen repeated use of this
practice. I do ask you to give consideration to perhaps being more firm with senators. I know you have drawn their attention to it on a number of occasions, but I do think it is becoming a practice that ought to be stamped out.

Senator Ian Macdonald—On the point of order, Mr President: a consideration of Hansard will show that I asked questions on every occasion in the supplementary. I did not do any commentary; I was simply quoting ABC Coast FM where this Labor Party candidate said that the problem of Traveston dam was in the hands of the federal government. Everything I said was truthful and was in the form of questions to the minister.

Honourable senators interjecting—

The President—Order! There have been two occasions today when people have been asking supplementary questions where I have asked the people to get to the question. It is a concern sometimes that people try to debate the answers. There is a meeting of the Senate Standing Committee on Procedure tomorrow, and I think this would be best looked at by the Procedure Committee. We will advance the matter from there.

Senator WONG—It is a little embarrassing for Senator Macdonald that he had to defend himself and no-one rose to his defence, but what was perhaps more embarrassing was that he actually did not listen—

Senator Abetz—Mr President, on a point of order: standing orders require that a minister’s answer be directly relevant to the question that was asked. I was expecting Senator Evans to get up on a pious point of order in relation to somebody trying to debate an issue but, given that he did not, I thought I would bring it to his and your attention, Mr President, and invite the minister to be directly relevant to the question that was actually asked.

The President—Order! The minister has been answering for 11 seconds; she has 49 seconds left.

Senator Wong—Before Senator Abetz jumped up I was going to go on and say that what was probably more embarrassing was that Senator Macdonald clearly wrote his supplementary question and read it out without listening to the answer to the primary question. The only part, as I recall, of his question that was relevant to the portfolio as opposed to being political diatribe was the question in relation to the Ramsar wetlands, and I already indicated in my answer to the first question that Minister Garrett was aware of the high level of public concern about possible impacts on a number of endemic and iconic species that occur in the Mary River and the Great Sandy Strait Ramsar wetland. So I have responded on that point. In relation to the status of Minister Garrett’s involvement, I have already provided the advice I have. (Time expired)

Senator IAN MACDONALD—Mr President, this minister does not listen to any questions. My question was: would the minister use the powers that he has in relation to Ramsar wetlands to stop the travesty that is occurring to the unique flora and fauna in those areas? Will the minister also use whatever influence he has with the Queensland Labor government to stop actual activities on the dam site and get them to call off the proposal now and not wait until after the election and then bring it back on again?

Senator WONG—Perhaps Senator Macdonald does not understand the nature of the Environment Protection and Biodiversity Conservation Act.

Senator Abetz interjecting—

Senator Wong—Senator Abetz suggests I am being patronising. Can I just say that the question betrays a lack of understanding of the role that Minister Garrett has under the
act. I have outlined previously the status of
this matter. Minister Garrett has a statutory
responsibility under the act. The senator op-
opposite seems to be suggesting that he should
act outside of that responsibility. As we have
previously indicated on a number of occa-
sions in this place, as I have previously indi-
cated and as Minister Garrett has indicated in
the other place, he will discharge his respon-
sibilities under this act in accordance with its
provisions.

Victorian Bushfires

Senator JACINTA COLLINS (2.59
pm)—My question is to the Minister for
Human Services, Senator Ludwig. Can the
minister update the Senate on the financial
assistance that the Australian government is
providing through the Human Services port-
folio in response to the Victorian fires?

Senator LUDWIG—I thank Senator
Collins. I know she has a deep interest in this
issue. The Rudd Labor government is ensur-
ing every support is given to people in the
fire affected communities. The agencies
within the Human Services portfolio are at
the forefront of the relief and recovery effort
and are working hard, hand in glove with the
Victorian Department of Human Services.
We are continuing the difficult work of re-
covery for those people who have been im-
pacted by the fires, and we are moving ahead
with preparations of the task of long-term
reconstruction. Australians have shown
overwhelming support and generosity for fire
affected communities in Victoria. Tragically,
so many lives have been lost, so many peo-
lies have been injured, houses and posses-
sions have been wrecked and whole commu-
nities virtually destroyed.

Through Centrelink we have continued to
make the Australian government’s disaster
recovery payment to people who have been
significantly impacted by those fires. This is
a one-off payment of $1,000 per adult and
$400 per child. So far Centrelink has paid
around 35,000 claims covering over 45,000
adults and children, totalling almost $40 mil-
lion as of today. Centrelink is also continuing
to administer the income recovery subsidy.
This is for eligible people who have lost their
primary income because their farm, business
or place where they work has been affected
by the bushfires. It is a regular payment
which will be paid for an initial 13-week
period at the rate of Newstart allowance. So
far more than 2,500 people have started re-
ceiving this payment.

For those people—and my heart goes out
to them—who have unfortunately and tragi-
cally lost loved ones, the Australian govern-
ment is also providing funeral assistance.
(Time expired)

Senator JACINTA COLLINS—My first
supplementary question is: can the minister
inform the Senate of the Commonwealth’s
role in the case management service that has
been made available to families and indi-
viduals affected by the fires?

Senator LUDWIG—I thank Senator
Collins for her supplementary question. The
Rudd government recognises that the
wounds from these terrible events are too
deep to be healed overnight. That is why the
Rudd government has committed to help the
Victoria government and the communities
affected to rebuild. The agencies within my
portfolio are making good that promise. Cen-
trelink and CRS Australia have made over
100 professionally qualified case managers
available to help the Victorian government
provide a case manager to each family af-
acted by the fires.

Centrelink is also running the case man-
agement phone line through which families
can be referred to a case manager. The role
of case managers is to ensure that each fam-
ily has one point of contact to access ser-
vices, payment and support. The case man-
agers will work with families to meet their individual needs, whether that is putting children back in school, financial support, access to health services, accommodation, counselling, employment, or legal or insurance matters. *(Time expired)*

**Senator JACINTA COLLINS**—Mr President, I ask a further supplementary question. Can the minister also inform the Senate of what Human Services agency staff have been deployed to support the communities?

**Senator LUDWIG**—I had a breakfast meeting with a range of portfolio staff—mostly staff from Centrelink—while I was in Victoria late last week. I expressed to them the government’s gratitude and appreciation for their hard work and dedication. Centrelink customer services advisers and social workers from around Australia have been on the ground from the very start in communities devastated by the fires. Centrelink has been operating around the clock, offering financial and emotional support to those hit hardest by these fires—on the phones, in the relief centres and through other customer access points. Whilst in Victoria I also had the opportunity of meeting with my state counterpart, Minister Lisa Neville, to ensure Centrelink continues to liaise closely with state and local authorities to provide support in relief and recovery centres and community service hubs. While the focus of this question— *(Time expired)*

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

**PERSONAL EXPLANATIONS**

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) *(3.04 pm)*—On a point of clarification, I have a point of order in relation to a statement made before by Senator Conroy. He said that we voted for the first stimulus package. I have checked the record. I certainly did not vote for the first stimulus package. In fact, both votes went through on the voices. I think I would be clearly on the public record saying that I did not support the first stimulus package. I certainly did not support the second one.

**The PRESIDENT**—If this is a matter of personal explanation you should take it up at the appropriate time after we take note of answers. That has been the traditional time, Senator Joyce. I recommend that to you. It is more a matter of personal explanation, which I think you are entitled to make at the appropriate time.

**QUESTIONS WITHOUT NOTICE:**

**TAKE NOTE OF ANSWERS**

**Answers to Questions**

**Senator COONAN** (New South Wales) *(3.05 pm)*—I move:

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

In particular I want to address answers given by Senator Conroy on behalf of the Treasurer. Whether the Prime Minister, Mr Rudd, labels himself an economic conservative or a market socialist matters little. It is becoming increasingly clear that, whatever he calls himself, he and his government are not up to the task of competently managing Australia’s economy. Senator Conroy’s answers in response to a question I asked today were little more than gibberish. There is precious little point in trying to ask Senator Conroy about what is going on in the economy and just how close or otherwise this country is to a recession. The Labor government is clearly flying blind in the economic storm. In saying that all the risks are on the downside, I think they are putting it mildly when it comes to the government’s capacity to operate the economy! All the trumpeting about taking early and decisive action to deal with the economic crisis is only a defence—I repeat,
it is only a defence—if it is the right action and it actually works.

The December national accounts released last week, on 3 March 2009, show that the economy is going backwards on Mr Rudd’s watch, and if we are not yet in a technical recession it will surely feel like one to people who have lost their jobs, who are anxious about what the future may hold and who are looking to this government for some kind of clue that it knows how to manage the economy. The actions of this inexperienced Labor government have only made the Australian situation worse. The government has embarked on an extraordinary spendathon now totalling in the order of $52 billion in an attempt to spend its way out of the crisis and on the very flimsy pretext that it is protecting jobs. At the same time, the government acknowledges that it does not know whether its so-called decisive action is the correct response. There is no silver bullet, as Mr Rudd has conceded on several occasions.

What we have seen from the Labor Party in relation to the global economic crisis is not steady and sober reflection about how to approach it; we have seen panic and policy on the run. The release of the national accounts for the December quarter, as I said, showed the economy going backwards on Mr Rudd’s watch. Gross domestic product fell by 0.5 per cent in the December quarter and business profits fell by 3.3 per cent, although, happily, private business investment remained relatively high. But the national accounts are a clear sign that the government has mismanaged its response to the global financial crisis.

Throughout 2008 the government undermined confidence, first by talking up inflation and raising taxes in the May budget and then with poorly designed policies such as the unlimited bank deposit guarantee. Its $10 billion cash splash in December failed to have a significant stimulatory effect on the economy or indeed employment. In fact, the Labor government cannot point to one job, let alone 75,000 jobs, created, as they claimed would happen as a result of the $10 billion cash splash. Instead, what we have is a significant debt, up to $200 billion, without enhancing our productive capacity for future growth. We also know that, despite the fact that this was supposed to be spent—this package was all about spending and you would have thought, having flowed before Christmas, that is when it would have been spent—80 per cent of it has been saved and not spent. It was poorly targeted and has done relatively nothing for small business to help with cash flow.

While Labor talks about jobs, Australians are losing theirs. We will continue to oppose the job-destroying actions of the Labor Party. The opposition will continue with a jobs policy that is good for the economy, good for jobs and good for families. It is our policy to support jobs and to help small businesses keep their employees and in fact create new ones. We will not be a party to a stimulus package that we voted against for very good reasons that is simply yet another cash splash with Labor not knowing how it is going to go.

Senator McEWEN (South Australia) (3.10 pm)—I too would like to take note of answers given by Senator Conroy and other senators on this side of the chamber to questions from the opposition today. It gives one an opportunity to reinforce how important the economic stimulus packages have been to the wellbeing of Australia. As ministers on this side said during question time today, Australia is not immune from the global financial crisis and there is no way that we could be immune from such a tsunami, if you like, of problems that we have had to address.
I am very pleased to be part of a government that recognised very early on in the piece that Australia had to act swiftly to address the global financial crisis, and indeed we did act swiftly. We acted swiftly to maintain the stability of our financial system and we are very pleased to be able to say that our financial system has survived much better than many other financial systems, including those of the G7 countries, and will continue to provide the underpinning of the Australian economy in the future. We acted quickly with our financial stimulus packages, which were both to support spending and also, importantly, to set us up for the future by supporting jobs and by building infrastructure.

The opposition to the latest economic stimulus package, our Nation Building and Jobs Plan, was somewhat surprising given the importance of that package in assisting the nation to retain jobs, to retain skills for the future and to build infrastructure for the future. There were some comments made about spending patterns after the first economic stimulus package and I think it is worth pointing out that in December, after the first economic stimulus package flowed to the Australian people, retail sales in Australia increased. The retail industry in Australia employs 1.5 million people and it was incredibly important that we put some money into the economy to assist us to retain those jobs in that very important sector—a sector mainly populated, of course, by lower paid workers and particularly women.

I note that the government’s package is targeted in particular at supporting lower income workers, just as our new workplace relations framework is targeted to supporting workers in industries that are vulnerable. Isn’t it absolutely timely that we should be considering strengthening our workplace relations system at a time when Australian workers are fearful about what the future may hold for them? It is very pleasing that the government has been acting to ensure that the previous government’s appalling workplace relations system, which made vulnerable workers even more vulnerable, is being addressed and overturned.

I was talking about retail sales, and it is worth noting this comparison with the rest of the world: in December last year in the United States retail sales fell by around three per cent, in Japan sales fell by two per cent and in Germany and New Zealand—comparable nations—they fell by around one per cent, but in Australia sales increased by 3.8 per cent. I also note that the latest economic stimulus package, which from this week will start to flow to recipients, has gone down extremely well with the Australian public. In fact, while speaking to some small business people only yesterday, I was told how important the economic stimulus package has been for them in assisting them to purchase new assets for their businesses. In turn, that has meant cost savings and an ability for these essential small businesses to retain staff at a time when it would otherwise be difficult for them to do so. That is a small example of how important it is to act quickly and efficiently, in a targeted way, to support the Australian economy in the face of the global financial crisis. (Time expired)

Senator BUSHBY (Tasmania) (3.15 pm)—Prior to the last election our current Prime Minister, the then Leader of the Opposition, went to the Australian people claiming, ‘I am an economic conservative.’ A conga line of then senior shadow ministers followed—including, incredibly, given her previous position on economic matters, the then Deputy Leader of the Opposition and now the Deputy Prime Minister—also stating that they were economic conservatives. This was backed up with big spending to try to convince the Australian public to believe that the Australian Labor Party were, on the whole, economic conservatives. Unfortu-
nately, many Australians took them at their word and now, in the face of the worst inter-
national financial crisis that the world has faced since the Great Depression, here we are witnessing the Prime Minister and all of his ministers abandoning any pretence of being economic conservatives. Surely in such times as these this is exactly when Aus-
tralians would have the right to expect that the economic conservatives that they elected to run the economy would employ economi-
cally conservative policies and tools to pru-
dently and effectively address the very seri-
ous consequences for Australia and Austra-
lians that will flow from this international crisis.

There is a lot at stake here and for most Australians the thing that is most at stake is their jobs. So what has our ‘economically conservative’ government done so far to help Australians keep their jobs? They have bor-
rowed against the future prosperity of our children and our grandchildren to fund ill-
considered, poorly targeted and largely inef-
fectual cash splashes that are already being proved to have failed to have achieved their stated objectives. In the lead-up to the first stimulus package—up till then one of the biggest handouts to Australians in our history that has since been beaten considerably—they splashed cash around to all of those from whom they were under political pres-
sure. Pensioners—yes, they were having some problems with pensioners; and car-
ers—yes, they were having some issues with them. Also first home buyers were complain-
ing because they could not afford to buy houses. All of these people were dealt with in that first $10.4 billion package.

Clever politics! But how clever was it in terms of achieving the stated objectives of creating 75,000 jobs? The evidence coming through is that it was an abject failure. Sure, some of it was spent, maybe around 20 per cent, on immediate consumption which would have boosted the retail sales figures to some extent but by only a fraction of the value of the money that was actually handed out. But, as the GDP figures showed just last week, it failed to keep the country out of a position of negative growth, with the first quarter of negative growth being recorded in Australia for 31 quarters. As for jobs, well, jobs keep being lost, from high-profile losses at large companies like Pacific Brands down to small, less newsworthy but just as impor-
tant losses of people’s jobs from small busi-
nesses right across our country. That is not to mention how many self-employed small business people have been forced to close their doors or are facing that prospect. Un-
fortunately, they do not show up in the job loss figures.

Let us have a look at the latest economic news out today. The National Australia Bank monthly business survey shows us that busi-
ness conditions have crunched down another nine points in February. Forward orders and employment have fallen significantly again and capacity utilisation has fallen below 80 per cent for the first time since 2001. De-
stocking continues and capital expenditure and exports remain very weak. Overall, the survey suggests a further step down in de-
mand and further negative growth. The fore-
cast of Australian GDP in the NAB survey has been lowered to negative one per cent in 2009. Previously it was negative 0.25 of one per cent. That is reflecting weak fourth-
quarter GDP estimates, signs of very weak near-term outcomes and worse outcomes for exports and business investment. GDP in 2010 is predicted to be a touch below one per cent, with unemployment predicted to rise to 7½ per cent in 2010. Yes, that is right: 7½ per cent. That translates into hundreds of thousands of jobs that will be lost between now and then by everyday Australians—people with families to feed and mortgages to pay. We have not seen that many people
lose their jobs since the bad old days of Paul Keating.

Although the Reserve Bank of Australia has decided to pause its rate cutting, the NAB survey indicates an expectation that the RBA will resume cutting in the third quarter as growth and unemployment continue to deteriorate, with the cash rate to bottom in late 2009. Clearly, the efforts of the government so far to stave off the worst results of this economic crisis have been ineffective. What does the ANZ job ads information released today tell us? Job ads on both the internet and in newspapers fell by 10.4 per cent in February, taking the annual fall to 39.8 per cent. (Time expired)

Senator BILYK (Tasmania) (3.21 pm)—
The Rudd Labor government is more than up to the task of managing the economy. To us on this side it is truly amazing that those on the other side talk about jobs as if they actually cared for Australians. If they did they would have voted for the economic stimulus packages and so helped to save some jobs. We are facing serious economic uncertainty but things would be worse if we did not act, and the Rudd Labor government has acted decisively. It is all about temporary spending with lasting gains, engaging in genuine nation building and supporting jobs. In the previous 12 years there was a complete lack of money being put into infrastructure and development and research and design.

It is easy to say the opposition left the government with a great surplus, but they only did that because they managed to put money away rather than spending it where it needed to be spent. More than two-thirds of our economic stimulus is directed towards investing in schools and roads and housing—that is, for the future, for the kids of today and tomorrow. It is uncharted waters, but we know that doing nothing means exposing families to the full force of the global recession. If those on the other side had any true concerns about where Australia is going financially, rather than just trying for political one-upmanship, they would have voted for the economic stimulus packages. They think we should just let the market rip and expose families to the full force of global recession. I think they probably want a longer, deeper downturn and even higher unemployment because it suits their petty political agenda. It is not really about what they can do for the people of Australia; it is about what makes them look good.

National accounts have been a real slap in the face for Mr Turnbull and Mr Hockey, who have said that the global recession is hyped up and manufactured. They cannot have it both ways: it is either hyped up and manufactured or it is real. The fact that Mr Hockey says he expected strong growth in December shows how little he appreciates the magnitude of the global challenge that is taking place. As I have said, the Rudd Labor government have a clear view that we can get through this global recession better than other nations if we are strong and if we are united. We will continue to build on our strengths. It will be tough; we will need every ounce of national unity and ingenuity if we are to deal with this challenge.

Economists across the globe acknowledge that the world is facing its greatest economic crisis since the Great Depression. We cannot deny that; we do not try to deny it. What we are trying to do is act in an appropriate and responsible way to help save people’s jobs. Earlier today Pacific Brands was mentioned. It is very unfortunate to see so many people losing jobs, and the government is quite disappointed that Pacific Brands is withdrawing from the majority of its worldwide manufacturing. Through absolutely no fault of their own, 1,850 Australians will lose their jobs. This is a very, very serious blow to not only those people and their families, but to us as
well while we are trying to handle the global economic downturn. Pacific Brands has indicated that it is a strategic decision. I understand Senator Kim Carr spoke with Pacific Brands and asked if there was anything the government could do to change the decision. The answer was no. So our concern is for the workers and for their families, and we will do everything we can to see them through this difficult time, including helping them to re-skill and to get back into the workforce as soon as possible. The government are very clear that they will take all action possible to help the workers and their families.

Earlier in question time, we were talking about the textile, clothing and footwear industries. We heard Senator Carr comment that he believed these are viable areas for Australia, that they are not to be written off. (Time expired)

Senator MILNE (Tasmania) (3.26 pm)—I rise to particularly take note of an answer given by the Minister for Climate Change and Water, Senator Wong. I want to point out to the Senate that we are reaching the global tipping point from which there will be no return. This is a matter that shows how serious the climate crisis has become. There are other senators in this chamber who joined me only a week ago in Tasmania at the CRC for Antarctic Climate and Ecosystems. We heard from the scientists there with regard to acidification of the ocean. Their study is published today in the journal *Nature Geoscience*. They pointed out to us last week that microscopic creatures in the Southern Ocean have shells that are already 30 to 35 per cent thinner than they were in preindustrial times. They know that from the shell samples that were taken when they were first discovered a couple of hundred years ago.

Looking at those samples, we find that today their shells are that much thinner. In a very chilling moment, the scientists said that 450 parts per million is the tipping point. We will reach a point where we will have saturation of the oceans and, if we want to prevent collapse of the ecosystems by 2030, we have to prevent reaching a tipping point of 450 parts per million. That was the context in which I asked Senator Wong today to confirm the parts per million of the government’s target of 15 per cent—forget the five for a minute; let us assume they would take it out to 15 if the rest of the world acts—reflects. It is 510 parts per million. So even the very best of what the government are offering us is a target which is beyond the tipping point for the Southern Ocean, for the world’s oceans.

Does it matter that these creatures are losing their shells at this rate? Yes, it does, because at some point they will not be able to create those shells anymore. Once you have corals dissolving and ocean creatures unable to grow shells, you are going to see a collapse of the ocean food chain. That is where we are up to and that is the significance of this. Forget saving the whales and the Japanese whale hunt, because they will be starving to death in our oceans by mid century! Without the microscopic organisms in the Southern Ocean, you do not have the food for krill. If you do not have krill then you do not feed penguins, you do not feed whales, you do not have the whole marine ecosystem, so we are at the point of rapidly reaching a tipping point.

Secondly, the minister said last night, ‘This is a game over a number of decades.’ This is not a game. This is a matter of life and death. This is a matter of the collapse of ecosystems. It is not a game, and we do not have decades; we have only a few years. The IPCC, which was extremely conservative in its estimates on climate change, said we had until 2015 for global emissions to peak and then come down. Now the world’s scientists say we are tracking above the worst-case
scenario of the IPCC in our greenhouse gas emissions. So it will be sooner than 2015. We do not have decades. And this is not a game: we are talking about the climate system of the planet and we do not have the decades that the minister seems to think we have.

In relation to the news about the Southern Ocean, in terms of the marine ecosystem you are also talking about the collapse of fisheries. And, if you are talking about the collapse of fisheries, you are talking about the collapse of communities around the world because so many people depend on getting fish in order to get protein in their diets. We are going to see social and economic collapse in many island communities in particular. I cannot imagine life on earth with the collapse of fisheries. The social and ecological ramifications are huge. So the government had better think again—15 per cent, 510 parts per million, way over the 450 parts per million which the scientists have now declared is the tipping point. It is a big move for the CRC to say 450 is the tipping point—

(Time expired)

Question agreed to.

CONDOLENCES
Mr John Murray MBE

The DEPUTY PRESIDENT (3.31 pm)—It is with deep regret that I inform the Senate of the death on 25 January 2009 of John Murray MBE, a member of the House of Representatives for the division of Herbert, Queensland from 1958 to 1961.

PETITIONS

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

Dampier Archipelago: World Heritage Listing

To the Honourable President and members of the Senate in Parliament assembled:
The petitioners support for World Heritage Listing of the Dampier Archipelago as shown in the underlying map and oppose the development of any further industrial infrastructure on any of the islands that make up the Dampier Archipelago that may impact on the National and World Heritage values of the place.

It is acknowledged that the Dampier Archipelago contains what is probably the largest assemblage of prehistoric rock engravings (petroglyphs) anywhere in the world and provides one of the few chronologies in the world of environmental and social change through the last ice age to the present.

In light of the above statement your petitioners request that the Senate:

Review all scientific data and expert advice on the scientific, cultural and heritage values of the rock art, standing stones and other components of the archaeology that exists on the islands of the Dampier Archipelago to test its value as a World Heritage nomination.

Investigate what activities the Federal Government has made or may undertake to encourage the State of Western Australia to nominate the area for World Heritage listing and make ensuing recommendations to the Federal Government to pursue such nomination.

Your petitioners therefore request that you give this matter earnest consideration, and your petitioners as in duty bound, will ever pray

by Senator Siewert (from 132 citizens)
Petition received.

NOTICES
Presentation

Senator Marshall to move on the next day of sitting:

That the time for the presentation of the report of the Education, Employment and Workplace Relations Committee on Australia’s research and training capacity in the area of climate change be extended to 17 September 2009.

Senator McEwen to move on the next day of sitting:

That the time for the presentation of the first report of the Environment, Communications and
the Arts Committee on the effectiveness of the Environment Protection and Biodiversity Conservation Act 1999 and other programs in protecting threatened species and ecological communities be extended to 18 March 2009.

Senator Lundy to move on the next day of sitting:

That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sittings of the Senate on Wednesday, 18 March 2009, from 11 am to 1 pm, and Thursday, 19 March 2009, from 9.30 am to 11.30 am, to take evidence for the committee’s review of Auditor-General’s reports.

Senator Moore to move on the next day of sitting:

That the Community Affairs Committee be authorised to hold public meetings during the sittings of the Senate, from 3.30 pm:

(a) on Thursday, 12 March 2009, to take evidence for the committee’s inquiry into petrol sniffing and substance abuse in central Australia; and

(b) on Thursday, 19 March 2009, to take evidence for the committee’s inquiry into the impact of gene patents on the provision of healthcare in Australia.

Senator Moore to move on the next day of sitting:

That the time for the presentation of the report of the Community Affairs Committee on the provisions of the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 and a related bill be extended to 16 March 2009.

Senator Mark Bishop to move on the next day of sitting:

That the Foreign Affairs, Defence and Trade Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 12 March 2009, from 4.30 pm, to take evidence for the committee’s inquiry into the economic and security challenges facing Papua New Guinea and the island states of the southwest Pacific.

Senators Milne and Abetz to move on the next day of sitting:

(1) That a select committee, to be known as the Select Committee on Climate Policy, be established to inquire into and report by 14 May 2009 on:

(a) the choice of emissions trading as the central policy to reduce Australia’s carbon pollution, taking into account the need to:

(i) reduce carbon pollution at the lowest economic cost,

(ii) put in place long-term incentives for investment in clean energy and low-emission technology, and

(iii) contribute to a global solution to climate change;

(b) the relative contributions to overall emission reduction targets from complementary measures such as renewable energy feed-in laws, energy efficiency and the protection or development of terrestrial carbon stores such as native forests and soils;

(c) whether the Government’s Carbon Pollution Reduction Scheme is environmentally effective, in particular, with regard to the adequacy or otherwise of the Government’s 2020 and 2050 greenhouse gas emission reduction targets in avoiding dangerous climate change;

(d) an appropriate mechanism for determining what a fair and equitable contribution to the global emission reduction effort would be;

(e) whether the design of the proposed scheme will send appropriate investment signals for green collar jobs, research and development, and the manufacturing and service industries, taking into account permit allocation, leakage, compensation mechanisms and additionality issues; and

(f) any related matter.

(2) That the committee consist of 10 senators, 4 nominated by the Leader of the Opposition in the Senate, 4 nominated by the Leader of the Government in the Senate, 1
nominated by the Leader of the Australian Greens and 1 nominated by the independent senators.

(3) That:

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

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

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

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

(5) That the committee elect as chair one of the members nominated by the Leader of the Opposition in the Senate and, as deputy chair, a member nominated by the Australian Greens.

(6) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(7) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and the deputy chair at a meeting of the committee.

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

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

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

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

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

Senators Abetz, Colbeck, Parry, Bushby and Barnett to move on the next day of sitting:

That the Senate—

(a) notes:

(i) that the inquiry into the establishment of an Australian Football League (AFL) team for Tasmania being undertaken by the Rural and Regional Affairs Committee has only received 2 submissions since the reference was referred on 28 August 2008 and is yet to hold hearings,

(ii) that discussions are ongoing between the Tasmanian Government and the AFL regarding a future Tasmanian AFL team, and

(iii) the comments of the Tasmanian Government that they do not intend to make a submission to the inquiry;

(b) further notes the comments of the Tasmanian Government that a submission to this inquiry could jeopardise negotiations with
the AFL regarding a future Tasmanian AFL team; and
(c) directs the Rural and Regional Affairs and Transport Committee to discontinue its inquiry into the establishment of an AFL team for Tasmania immediately.

Senator Bob Brown to move on the next day of sitting:
That the Senate meet from Monday, 6 April, to Thursday, 9 April 2009.

Senator Abetz to move on the next day of sitting:
That the Senate—
(a) notes with concern recent developments in the Tasmanian red meat industry; and
(b) calls on Swift Australia Pty Ltd to deal fairly with the Australian hide and skin company Cuthbertson Brothers Pty Ltd, and others, in its operation of its Tasmanian abattoirs.

Senator Wong to move on the next day of sitting:
That the following matter be referred to the Economics Committee for inquiry and report by 14 April 2009:

The exposure draft of the legislation to implement the Carbon Pollution Reduction Scheme.

Senator Hanson-Young to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) 8 March was International Women’s Day (IWD),
(ii) this global day of action was established to celebrate the economic, political and social achievements of women past, present and future, and
(iii) IWD is now an official holiday in China, Armenia, Russia, Azerbaijan, Belarus, Bulgaria, Kazakhstan, Kyrgyzstan, Macedonia, Moldova, Mongolia, Tajikistan, Ukraine, Uzbekistan and Vietnam;
(b) recognises that:
(i) for more than 30 years, Australian women have been campaigning for the introduction of paid parental leave, and
(ii) Australia and the United States of America are now the only two Organisation for Economic Cooperation and Development countries yet to formally legislate on a paid parental leave scheme; and
(c) calls on the Rudd Government, as part of their commitment to Australian families, to support the introduction of a paid parental leave scheme in the upcoming 2009 Budget.

Senator Cormann to move on the next day of sitting:
That the Senate—
(a) notes:
(i) the Prime Minister’s stated commitment before the 2007 Federal election that Federal Labor would retain the ‘existing private health insurance rebates, including the 30 per cent general rebate and the 35 and 40 per cent rebates for older Australians’ as well as the commitment to ‘maintain Lifetime Health Cover and the Medicare Levy Surcharge’,
(ii) the government’s reaffirmation of those commitments during its first Senate Estimates as the new government in February 2008, and on other occasions,
(iii) revelations that since the election of the Rudd Government work has been done by both Treasury and the Department of Health and Ageing on options and/or recommendations for scrapping the private health insurance rebate and other options for change to the rebate and Lifetime Health Cover, and
(iv) the departmental records listing for the Department of Health and Ageing for the period 1 July 2008 until 31 December 2008 listing six specific ideas and policy development papers on changes to private health insurance in general
and Lifetime Health Cover in particular;
(b) considers publication of those policy development ideas to be in the public interest; and
(c) orders that there be laid on the table by the Minister Representing the Minister for Health and Ageing by no later than 12 pm on 16 March, the following documents:
(v) 2008/066297 CARE & ACCESS – POLICY – Development – Private Health Insurance Reforms 2008 – Policy Development & Implementation (P&D&I) Section – ACPHI, and

Senator Cormann to move on the next day of sitting:
That the Senate—
(1) Notes:
(a) that the government has not complied with the order of the Senate made on 4 February 2009, ordering the production of certain unpublished information relating to the Department of the Treasury modelling, Australia’s Low Pollu-
tion Future: The economics of climate change mitigation;
(b) the government’s statement to the Senate on 11 February 2009 expressing the ‘belief’ that the provision of some of the documents requested would cause substantial commercial harm to organisations that were contracted to assist Treasury;
(c) that the claim of commercial harm cited by the government in its refusal to release the required information relates to only part of the information requested and that no explanation was provided as to why all of the other information not covered by the claim of commercial harm should not be provided for scrutiny by the Senate;
(d) the evidence to the committee in this regard by Professor McKibbin, one of the consultants contracted by Treasury for its modelling, that in his view models developed with public funding should be publicly available;
(e) that the committee has received correspondence from Monash University, one of the two organisations the government indicated in its statement would be exposed to substantial commercial harm were the requested information to be released, which states that “the University wishes to assist (the Fuel and Energy Committee) in every way possible”, and that the University Solicitors would work with the creators of the Monash Multi-Regional Forecasting model “to identify the manner and nature of disclosure that will meet the Committee’s needs as far as possible while protecting the University’s interests”;
(f) the correspondence received from Purdue University, the other organisation mentioned in the government’s statement, which explains that the simple purchase of a licence would avoid any commercial harm;
(g) the evidence of the WA Department of Treasury and Finance indicating that they had also been unsuccessful in obtaining access to relevant modelling information, which was preventing them from providing proper and informed advice on the economic impact of the proposed Carbon Pollution Reduction Scheme in Western Australia to the government in that state; and

(h) the ongoing concerns expressed by a wide variety of stakeholders about the inadequacy of the Treasury modelling of the impact of the proposed Carbon Pollution Reduction Scheme;

(2) Considers that:

(a) irrespective of the government’s statement in the Senate on 11 February 2009 it is in the public interest that all the underlying information used by Treasury in its modelling be available to help facilitate proper scrutiny by the Senate of the impact of the government’s proposed Carbon Pollution Reduction Scheme;

(b) models used in the modelling exercise developed using public funding ought to be publicly available; and

(c) where the public release of information is likely to cause significant commercial harm to an external organisation every effort ought to be made to prevent that harm while not preventing the Senate from fulfilling its proper role to scrutinise the activities and proposals of government;

(3) Orders that the following information be produced to the Senate Select Committee on Fuel and Energy by noon on Friday 13 March 2009:

(a) the information referred to in paragraph (b) of the Senate’s order for documents of 4 February 2009 relating to the Department of the Treasury modelling, Australia’s Low Pollution Future: The economics of climate change mitigation;

(b) any other information not published and not covered by (a) relating to the Department of the Treasury modelling, including but not limited to:

(i) any information and documents generated by the government for the purpose of the composition of the information covered by (a),

(ii) for the two scenarios modelled for the CPRS (CPRS -5 per cent and the CPRS -15 per cent) and the reference scenario, the time series data per annum to 2050 for all states and territories of the following:

a) Industry growth output in millions of dollars,

b) Employment numbers,

c) Gross State Product,

d) Emissions, and

e) Household CPI changes,

(iii) the data from (ii), a), b) and c) broken down by region where applicable, and

(iv) any substrate data of gross industry output by the above regions.

(4) That the committee may make the information described in paragraph (3) available to the person contracted by the committee and referred to in paragraph (a) of the Senate’s order of 4 February 2009, and any person appointed by the leader of a party in the Senate or an independent senator, duly notified to the committee, to examine that information and report to that senator.

(5) That the committee, any senator and any other person referred to in paragraph (4) treat the information produced in accordance with paragraph (3)(a) of this order as confidential, and not publish the information to any other person except as authorised by this order.

(6) That the committee may refer to the information produced to it in accordance with this order and any conclusions reached from it in a report to the Senate, but shall not disclose the information in such a report.
Withdrawal

Senator WORTLEY (South Australia) (3.32 pm)—Pursuant to notice given on 12 February 2009, I now withdraw business of the Senate notice of motion No.1 standing in my name for 12 sitting days after today.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (3.32 pm)—I withdraw government business notices of motion Nos 1 and 2, relating to the Nation Building and Jobs Plan legislation and to the days of meeting and estimates hearing dates for 2009.

Senator WILLIAMS (New South Wales) (3.32 pm)—I withdraw general business notice of motion No. 362 standing in my name for tomorrow.

Senator MILNE (Tasmania) (3.32 pm)—I withdraw general business notice of motion No. 183 standing in my name for today.

COMMITTEES

Public Accounts and Audit Committee Meeting

Senator O’BRIEN (Tasmania) (3.33 pm)—by leave—At the request of Senator Lundy, I move:

That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 11 March 2009, from 11am until 1 pm, to take evidence for the committee’s inquiry into the Auditor-General’s role in scrutinising government advertising campaigns.

Question agreed to.

NOTICES

Withdrawal

The following notice of motion was withdrawn:

General business notice of motion no. 348 standing in the name of Senator Hanson-Young for 11 March 2009, relating to family planning guidelines.

Postponement

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Milne for today, proposing a reference to the Environment, Communications and the Arts Committee, postponed till 12 May 2009.

MINISTERIAL STATEMENTS

Enhanced Australian Engagement with Pakistan

Discussions in Poland on Progress in Afghanistan

Employment Services in Response to the Global Financial Crisis

Indigenous Disadvantage

Australia-Korea Free Trade Agreement

International Women’s Day

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (3.34 pm)—I present ministerial statements as listed on today’s Order of Business, relating to Pakistan, Afghanistan, the global financial crisis, Indigenous disadvantage, the Australia-Korea Free Trade Agreement and International Women’s Day.

DOCUMENTS

Tabling

The DEPUTY PRESIDENT—Pursuant to standing orders 38 and 166, I present documents as 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.

The list read as follows—

Committee Reports

Legal and Constitutional Affairs—Standing Committee—Federal Justice System Amendment (Efficiency Measures) Bill (No. 1) 2008 [Provisions]—
Interim report, dated 17 February 2009. [Received 17 February 2009]

Report, dated February 2009, additional information and submission. [Received 23 February 2009]

Foreign Affairs, Defence and Trade—Standing Committee—Defence Legislation (Miscellaneous Amendments) Bill 2008 [Provisions]—Report, dated February 2009, additional information and submissions. [Received 20 February 2009]


Economics—Standing Committee—Trade Practices Amendment (Cartel Conduct and Other Measures) Bill 2008 [Provisions]—Report, dated February 2009, Hansard record of proceedings, document presented to the committee, additional information and submissions. [Received 26 February 2009]

Legal and Constitutional Affairs—Standing Committee—Federal Court of Australia Amendment (Criminal Jurisdiction) Bill 2008 [Provisions]—Interim report, dated 26 February 2009. [Received 26 February 2009]

Legal and Constitutional Affairs—Standing Committee—Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008 [Provisions]—Report, dated February 2009, Hansard record of proceedings, additional information and submissions. [Received 26 February 2009]

Education, Employment and Workplace Relations—Standing Committee—Fair Work Bill 2008 [Provisions]—Report, dated February 2009, Hansard record of proceedings, documents presented to the committee and submissions. [Received 27 February 2009]


Legal and Constitutional Affairs—Standing Committee—Interim report—Foreign Evidence Amendment Bill 2008, Federal Court of Australia Amendment (Criminal Jurisdiction) Bill 2008 and exposure draft of the Personal Property Securities Bill 2008, dated 4 March 2009. [Received 4 March 2009]


Government Documents

Department of Resources, Energy and Tourism—Report for the period 3 December 2007 to 30 June 2008—Addendum (Geoscience Australia financial statements). [Received 13 February 2009]

Department of the Environment, Water, Heritage and the Arts—Energy use in the Australian Government’s operations—Report for 2006-07. [Received 5 March 2009]

Estimates of proposed supplementary additional expenditure for 2008-09—Portfolio supplementary additional estimates statements no. 2—Portfolios and executive departments—

Agriculture, Fisheries and Forestry portfolio. [Received 2 March 2009]

Defence portfolio (Department of Veterans’ Affairs). [Received 2 March 2009]

Environment, Water, Heritage and the Arts portfolio. [Received 2 March 2009]

Families, Housing, Community Services and Indigenous Affairs portfolio. [Received 2 March 2009]

Foreign Affairs and Trade portfolio. [Received 2 March 2009]
Infrastructure, Transport, Regional Development and Local Government portfolio. [Received 2 March 2009]

Treasury portfolio. [Received 2 March 2009]

National Environment Protection Council (NEPC)—Report for 2007-08. [Received 13 February 2009]


Auditor-General—Audit Reports Nos 22 and 24 of 2008-09—Documents

Auditor-General—Audit reports for 2008-09—

No. 22—Performance audit—Centrelink’s complaints handling system—Centrelink. [Received 17 February 2009]

No. 24—Performance audit—The administration of contracting arrangements in relation to Government advertising to November 2007—Department of the Prime Minister and Cabinet; Department of Finance and Deregulation; Department of Education, Employment and Workplace Relations; Department of Health and Ageing; Attorney-General’s Department. [Received 5 March 2009]

Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents

Indexed lists of departmental and agency files for the period 1 July to 31 December 2008—Statements of compliance—

Agriculture, Fisheries and Forestry portfolio agencies. [Received 17 February 2009]

Department of Broadband, Communications and the Digital Economy. [Received 3 March 2009]

Department of Families, Housing, Community Services and Indigenous Affairs. [Received 27 February 2009]

Health and Ageing portfolio agencies. [Received 24 February 2009]

Innovation, Industry, Science and Research portfolio agencies. [Received 26 February 2009]

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

Departmental and agency contracts for 2008—Letters of advice—

Agriculture, Fisheries and Forestry portfolio agencies. [Received 23 February 2009]

Attorney-General’s portfolio agencies. [Received 3 March 2009]

Department of Defence and Defence Materiel Organisation. [Received 2 March 2009]

Department of Infrastructure, Transport, Regional Development and Local Government. [Received 18 February 2009]

Department of Veterans’ Affairs. [Received 2 March 2009]

Education, Employment and Workplace Relations portfolio agencies. [Received 6 March 2009]

Families, Housing, Community Services and Indigenous Affairs portfolio agencies. [Received 6 March 2009]

Finance and Deregulation portfolio agencies. [Received 26 February 2009]

Foreign Affairs and Trade portfolio agencies. [Received 24 February 2009]

Health and Ageing portfolio agencies. [Received 24 February 2009]

Human Services portfolio agencies. [Received 27 February 2009]

Innovation, Industry, Science and Research portfolio agencies. [Received 27 February 2009]
Prime Minister and Cabinet portfolio agencies. [Received 26 February 2009]
Resources, Energy and Tourism portfolio agencies. [Received 2 March 2009]
Treasury portfolio agencies [3]. [Received 25 February 2009]

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

Departmental and agency appointments—
Additional budget estimates—Letter of advice—Immigration and Citizenship portfolio agencies. [Received 17 February 2009]

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

Departmental and agency appointments—
Additional budget estimates—Letter of advice—Immigration and Citizenship portfolio agencies. [Received 17 February 2009]

Ordered that the committee reports be printed.

The DEPUTY PRESIDENT—In accordance with the usual practice and with the concurrence of the Senate, the government response will be incorporated in Hansard.

The document read as follows—

THE HON LINDSAY TANNER MP
Minister for Finance and Deregulation
Member for Melbourne
Senator Helen Polley
Chair
Senate Finance and Public Administration Committee
Parliament House
CANBERRA ACT 2600
Dear Senator Polley

I am writing to provide an interim response to the Committee’s report (Transparency and Accountability of Commonwealth Public Funding and Expenditure, March 2007).

The Committee made a number of recommendations that are consistent with the reforms I have announced under the banner of Operation Sunlight and which the Government has already begun to implement. I have also announced, on 24 March 2008, that Senator Andrew Murray is to review and provide advice on options to further improve budget transparency.

Senator Murray has been asked to conduct his review and provide advice to me before 30 June 2008. The advice will take into account the initiatives covered under Operation Sunlight as well as the findings and recommendations of your Committee’s report.

I believe it is important to receive Senator Murray’s advice prior to finalising a formal response to your Committee’s report.

As an interim measure, however, I would like to advise you of efforts under the first phase of Operation Sunlight which the Government has either implemented or will be implementing in 2008 that are consistent with a number of the recommendations of your Committee’s report:

(a) for the first time since the 1999-2000 statements, the Consolidated Financial Statements released by me on 20 December 2007 have recognised the GST as a Commonwealth tax (recommendation 7);

(b) improvements to the transparency of agency Portfolio Budget Statements and the Budget Papers are planned for the forthcoming Budget (recommendations 1, 3, 5 and 11)

(i) as I advised you in my letter of 10 March 2008, agency Portfolio Budget Statements have been redesigned to include a resource statement, outlining all of the resources available to the agency, as well as a more consistent approach across agencies to the structure and presentation of their information, and

(ii) Budget Paper 4 (relating to Agency Resources) will be simplified and clarity improved through the introduction of new tables on special appropriations and the removal of repetitive information;

(c) I and my Department (Finance) will have a stronger role in vetting outcomes, and Finance, in consultation with agencies, will be reviewing all outcomes by the end of 2008 (recommendation 12); and
(d) Finance will work with the Department of the Prime Minister and Cabinet to finalise the Annual Reporting guidance for 2007-08, setting out improved reporting and transparency of appropriations (recommendation 3), and will be making further changes in 2008-09 to reflect the improvements being introduced through the 2008-09 Portfolio Budget.

Statements.

The Government is committed to increasing the standards of transparency under Operation Sunlight and I consider that the initiatives outlined above represent a practical and first step forward.

My intention is to present a further and full response to the Committee report in the second half of 2008, addressing the report recommendations and the manner in which the Government is responding to their aims.

Yours sincerely
(signed)
Lindsay Tanner
06 APR 2008

COMMITTEES

Legal and Constitutional Affairs Committee

Extension of Time

Senator O’BRIEN (Tasmania) (3.35 pm)—by leave—On behalf of the Chair of the Standing Committee on Legal and Constitutional Affairs, Senator Crossin, I move:

That the time for the presentation of the final reports of the Legal and Constitutional Affairs Committee on the Foreign Evidence Amendment Bill 2008, the provisions of the Federal Court of Australia Amendment (Criminal Jurisdiction) Bill 2008 and the exposure draft of the Personal Property Securities Bill 2008 be extended to 11 March 2009.

Question agreed to.

DOCUMENTS

Tabling

The DEPUTY PRESIDENT—I present a report under standing order 37(3) on access to documents of the Senate Select Committee on Civil Rights of Migrant Australians.

Responses to Senate Resolutions

The DEPUTY PRESIDENT—I present the following responses to various Senate resolutions:

Minister for Agriculture, Fisheries and Forestry (Mr Burke) – 26 November 2008 – Agricultural research

Ambassador of Japan (His Excellency Mr Takaaki Kojima) – 5 February 2009 – Japan’s whaling program

VICTORIAN BUSHFIRES

The DEPUTY PRESIDENT (3.37 pm)—I present messages of condolence from overseas legislatures relating to the bushfires in Victoria.

AUDITOR-GENERAL’S REPORTS

Report No. 23 of 2008-09

The DEPUTY PRESIDENT—In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: Report No. 23 of 2008-09: Performance audit: management of the Collins-class operations sustainment: Department of Defence.

COMMITTEES

Australian Commission for Law Enforcement Integrity Committee

Report

Senator PARRY (Tasmania) (3.38 pm)—On behalf of Senator Johnston, I present the report of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity entitled Inquiry into law enforcement integrity models, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator PARRY—by leave—I move:

That the Senate take note of the report.

Question agreed to.
Public Works Committee
Reports

Senator TROETH (Victoria) (3.40 pm)—On behalf of the Parliamentary Standing Committee on Public Works, I present the 72nd annual report and the first report of 2009 on the Enhanced Land Force Stage 1 Facilities Project. I seek leave to move a motion in relation to the reports.

Leave granted.

Senator TROETH—I move:

That the Senate take note of the reports.

I seek leave to incorporate a tabling statement in Hansard.

Leave granted.

The statement read as follows—

On behalf of the Parliamentary Standing Committee on Public Works, I present the Committee’s Seventy-Second Annual Report and its first report of 2009.

The Annual Report, required by the Committee’s Act, outlines the Committee’s work over 2008. In total, the Committee investigated 19 proposals totalling $1.8 billion. The Committee was also notified of 63 works under the threshold limit for investigation totalling $330 million of expenditure.

The Annual Report outlines some of the issues that arose for the Committee during the course of the year, but recognising that the public information presented to it is widely available, it has not reported in great detail on those matters already in the public domain.

I also table the Committee’s first report of 2009 on the Enhanced Land Force Stage 1 Facilities Project proposed by the Department of Defence. This project is valued at $793 million in locations across Australia with nearly half of the expenditure occurring in Townsville.

The facilities provided under this initiative will provide for the expected 3,000 personnel increase in the Defence Force as well as providing employment in many regional areas during construction.

The Committee has recommended that the House agree to the project proceeding. I would like to thank the Members and Senators on the Committee for their work in relation to this inquiry.

I commend this report to the House.

Question agreed to.

Corporations and Financial Services Committee
Report

Senator MASON (Queensland) (3.40 pm)—I present the report of the Parliamentary Joint Committee on Corporations and Financial Services entitled Statutory oversight of the Australian Securities and Investments Commission, together with the Hansard record of proceedings. I seek leave to move a motion in relation to the report.

Leave granted.

Senator MASON—I move:

That the Senate take note of the report.

I seek leave to incorporate a tabling statement in Hansard.

Leave granted.

The statement read as follows—

I am pleased to speak to the Joint Corporations and Financial Services Committee’s report on the statutory oversight of ASIC.

I would like to thank the secretariat for their work on this report as well as ASIC officials for their ongoing cooperation with the committee and their participation at the committee’s public hearing on the 28th of November last year.

The report covers a number of regulatory issues stemming from the financial crisis, including the short selling ban and hardship exemptions for frozen mortgage fund redemptions. The committee also continued its interest in financial market regulation, ASIC’s restructure, superannuation issues and financial literacy.

Short selling

Last year’s temporary ban on all short selling, and the proposed new disclosure regime for covered short selling, was the most significant issue discussed at the hearing. ASIC told the committee
that it implemented the ban to provide a circuit breaker during the height of the share market turmoil. It is hoped that the new disclosure regime for short selling will help the regulator identify those who profit from short selling during chaotic trading periods through false market rumours and insider trading. The committee also welcomes ASIC’s involvement with other national regulators to achieve an internationally consistent approach to regulating short selling.

**Freeze on redemptions**

A freeze on redemptions from cash management and mortgage trust funds following the announcement of the bank deposit guarantee has left some people without access to their savings. ASIC told the committee that 52 mortgage trusts had frozen redemptions, and the regulator has responsibility for administering hardship relief by the funds to eligible applicants. The committee will continue to monitor the effects of the bank deposit guarantee on this sector and the administration of hardship payments where they are needed.

**Financial market regulation**

Insider trading, false rumours and market manipulation continue to be of concern for us as a committee. ASIC has increased the number of investigations it is conducting in this area, although the difficulty of proving these activities makes it a difficult task. Initiatives such as ASIC’s Project Mint and the Corporations and Markets Advisory Committee’s investigation of overseas approaches are important steps in tackling these issues.

**ASIC review and restructure**

The implementation of ASIC’s restructure had almost been completed when we met in November, including senior executive appointments. Recruitment has apparently been made easier by the financial crisis and job insecurity in the private sector. The external advisory panel had not yet been appointed though. ASIC emphasised to us the importance of bringing cultural change to the organisation and getting staff to think about the market, rather than process. The committee supports these changes within ASIC.

**Superannuation**

The provision of projections to members of super funds continues to concern ASIC. The funds are currently not permitted to provide projections because of the personal advice provisions in the Corporations Act, restricting an important source of guidance when members are calculating their contributions level. Although the committee understands the risks with super funds offering projected retirement benefits, the current situation is preventing members from making informed decisions about their retirement income. ASIC should press for reform in this area as a matter of urgency.

**Financial literacy**

Finally, improving the financial literacy of Australians was discussed at our hearing with ASIC. The committee strongly believes that financial literacy is crucial to minimising the harm done by investment scheme collapses and other financial products likely to cause financial hardship. The recent collapse of Storm Financial has highlighted the need for investors to better understand the character of the products they invest in. The committee has again urged ASIC to do more in the mainstream press to warn consumers about investment pitfalls.

Question agreed to.
leaders requesting changes in the membership of committees.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (3.42 pm)—by leave—I move:

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

Community Affairs—Standing Committee—

Appointed—Substitute member: Senator Fifield to replace Senator Adams from 10 March to 12 May 2009

Corporations and Financial Services—Joint Statutory Committee—

Appointed—Senator Williams for the duration of the committee’s inquiry into financial products and services in Australia

Finance and Public Administration—Standing Committee—

Discharged—Senator Fifield

Appointed—Senator Bernardi

Legal and Constitutional Affairs—Standing Committee—

Appointed—

Substitute member: Senator Ludlam to replace Senator Hanson-Young for the committee’s inquiry into Australia’s judicial system

Participating member: Senator Hanson-Young.

Question agreed to.

APPROPRIATION BILL (No. 3) 2008-2009

APPROPRIATION BILL (No. 4) 2008-2009

CUSTOMS AMENDMENT (ENHANCED BORDER CONTROLS AND OTHER MEASURES) BILL 2008

LAW AND JUSTICE LEGISLATION AMENDMENT (IDENTITY CRIMES AND OTHER MEASURES) BILL 2008

TAX LAWS AMENDMENT (2008 MEASURES No. 6) BILL 2009

URANIUM ROYALTY (NORTHERN TERRITORY) BILL 2008

First Reading

Bills received from the House of Representatives.

Senator LUDWIG (Queensland—Minister for Human Services) (3.43 pm)—These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion in relation to the listing of the bills on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator LUDWIG (Queensland—Minister for Human Services) (3.43 pm)—I table a revised explanatory memorandum relating to the Tax Laws Amendment (2008 Measures No. 6) Bill 2009 and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—
I rise to introduce Appropriation Bill (No. 3) 2008-2009.

There are two Additional Estimates Bills this year: Appropriation Bill (No. 3) and Appropriation Bill (No. 4). I shall introduce the latter Bill shortly.

The Additional Estimates Bills seek appropriation authority from Parliament for the additional expenditure of money from the Consolidated Revenue Fund, in order to meet requirements that have arisen since the last Budget. The total additional appropriation being sought through Additional Estimates Bills 3 and 4 this year is $3.1 billion, or about 4.1% of total annual appropriations.

Turning to Appropriation Bill (No. 3), the total appropriation being sought this year is $2.05 billion. This proposed appropriation arises from changes in the estimates of program expenditure, due to variations in the timing of payments and forecast increases in program take-up, reclassifications and from policy decisions taken by the Government since the last Budget.

I now outline the major appropriations proposed in the bill.

AusAID will be provided with an additional $157.2 million as part of the Government’s commitment to increase Australia’s overseas development assistance over the long term. Of this amount, $150 million will be contributed to the World Bank, as follows:

- $50 million for the Trust Fund established to respond to the global food price crisis. This Fund will be used to help stimulate agricultural production in developing countries adversely affected by higher global food prices. Activities supported by the Multi-Donor Trust Fund will include improving access for small farmers to seed and fertiliser for the upcoming planting season; and
- $100 million will be contributed to the Clean Technology Fund, which will offer development finance at highly concessional rates for transformative investments in low carbon technologies by developing countries in the transportation and power sectors and in energy efficient buildings, industry and agriculture.

AusAID will also be appropriated $1.6 million to develop a policy framework that enables the Government to rapidly deploy and sustain a trained civilian contingent in response to natural and man-made disasters in developing countries, and a further $5.6 million (including some capital) for a facility in Indonesia that will promote increased co-operation in responding to disasters.

An additional appropriation of $87.8 million is proposed for the Department of Defence to reimburse it for the cost of extending Australia’s military participation in stabilisation and reconstruction activities in Iraq to 30 June 2009.

The Department of Defence will also be provided with $153 million to meet additional costs arising from movements in the exchange rate, while an amount of $29.4 million is proposed to cover unavoidable overspends on operations in the previous financial year, which are funded by the Government on a no win – no loss basis.

In addition, the Department of Defence will be provided with $307 million to address pressures in a number of areas, including the Graded Other Ranks Pay Structure Review, Superannuation, Rental Allowances and higher fuel costs. This funding is matched by reduced estimates for Defence in later years.

For the Department of Climate Change, an additional $13.95 million is provided for a national advertising campaign to raise public awareness of climate change and the Carbon Pollution Reduction Scheme. The campaign is being conducted through print, radio and television advertisements, a new website and publications for schools and households. The campaign aims to increase community understanding of the causes and impacts of climate change on Australia and to encourage participation in the development of the Carbon Pollution Reduction Scheme.

The Government will provide an additional $21.3 million to the Department of Health and Ageing (including $3.9 million that has been reclassified from Appropriation Act No. 2) to increase the number of organ donations and transplantations across Australia by implementing a comprehensive set of initiatives including:
• dedicated organ donation specialist doctors and other staff to work closely with emergency department and intensive care unit teams in selected public and private hospitals across Australia;
• additional staffing, bed and infrastructure costs associated with organ donation in hospitals;
• raising community awareness and building public confidence in organ donation and transplantation; and
• counselling and support of potential donor families.

As part of this package, the Government will establish the Australian Organ and Tissue Donation and Transplantation Authority, which will commence on 1 January 2009. The Authority will coordinate clinicians and other hospital staff dedicated to organ and tissue donation in hospitals across Australia, and will also oversee a new national network of state and territory organ and tissue donation agencies. Of the total appropriation proposed for the Department of Health and Ageing for this package, $4.9 million will be set aside to fund the operations of the new Authority.

The Department of Health and Ageing will also be provided with an additional $7.5 million in 2008-09 to increase the number of places available under the Prevocational General Practice Placement Program, which provides opportunities for junior doctors to gain clinical experience in primary care with the aim of encouraging them to take up general practice as a career. This amount will be funded by bringing-forward unallocated funding from the Better Outcomes for Hospital and Community Health program from future years.

The Government has agreed to return $21.4 million to the diagnostic imaging industry, as part of the recently expired Memorandum of Understanding between the Commonwealth and the industry. The MOU managed the delivery of Medicare-funded diagnostic imaging services. This amount represents the estimated shortfall in expenditure on diagnostic services over the life of the agreement. An amount of $11.4 million is proposed for the Department of Health and Ageing to return to the industry in 2008-09, while the balance will be returned next financial year.

The Department of Health and Ageing will also be appropriated an additional $14.4 million to meet the costs associated with an increased uptake of the breast cancer drug Herceptin, provided under the Herceptin Program.

The Government will provide the Department of Human Services with an additional $39 million for the Job Capacity Assessment program. The additional funding is required to meet higher than expected demand for assessments, and will provide for an additional 139,000 assessments to be undertaken in 2008-09.

The Department of the Environment, Water, Heritage and the Arts will be provided $101 million to meet the increased demand for household rebates under the Solar Homes and Communities Plan. Of this amount, $48.8 million will be brought forward from 2009-10, while $52.2 million is additional funding. The program provides rebates of up to $8,000 for the installation of solar power panels in homes and grants for up to half the cost of a 2 kilowatt system for community buildings.

The Government will provide $61.6 million to assist small block irrigators in the Murray Darling Basin affected by drought who wish to cease irrigation farming but stay on the farm. The program provides taxable exit grants of up to $150,000 to eligible irrigators with permanent water entitlements of at least 10 megalitres, on properties of 15 hectares or less, who sell their water entitlements to the Commonwealth and cease irrigation farming. The program also provides two complementary taxable grants of up to $10,000 each for advice and training, and removal of permanent plantings and other production-related infrastructure.

Of the total amount proposed for this program, the Department of the Environment, Water, Heritage and the Arts will receive $57.1 million. This will be funded by bringing forward an equivalent amount from 2009-10 from the Sustainable Rural Water Use and Infrastructure program. In addition, the Department of Agriculture, Fisheries and Forestry will be provided with $4.5 million, including $4 million for Centrelink to deliver the program.

The Government proposes to provide $59.4 million to the Department of Agriculture, Fisheries and Forestry to meet commitments for which
funding was provided last financial year, but because of program delays, payments can not be made until the current year. Of this amount:

- $43.4 million is proposed to fund drought assistance grants to irrigators in the Murray Darling Basin. Claims submitted under this program were not finalised by the end of 2007-08, and a reappropriation of unspent funding is required to clear the backlog.

- $16 million is proposed for the Tasmanian Community Forest Agreement to enable the Department to meet commitments that were entered into in 2007-08.

An additional $93.3 million is proposed for the Department of Innovation, Industry, Science and Research to meet the increased cost of the LPG Vehicle Scheme arising from additional customers who are expected to access the scheme in 2008-09. The LPG Vehicle Scheme is designed to encourage the uptake of LPG as an alternative transport fuel and to assist families facing high petrol prices.

The Government will provide $21.5 million in 2008-09 and $83 million over four years to Australia’s financial regulators to maintain the strength of Australia’s financial system during the global financial crises. This initiative will provide the Australian Prudential Regulation Authority with an additional $9 million in 2008-09 to meet the increased demands being placed on it to undertake a range of additional supervisory services. The Australian Securities and Investments Commission will receive an additional $10 million to undertake market monitoring and enforcement activities, while the Department of the Treasury will receive $2.5 million to ensure Australia’s regulatory environment continues to be world’s best practice and to pursue reform of the global financial architecture.

The Department of Education, Employment and Workplace Relations also receive $8.5 million to provide displaced workers with training and other assistance to get them into alternative employment. Assistance will be available to workers who have been made redundant from 1 November 2008. The Department of Education, Employment and Workplace Relations will also receive $24 million in conditional funding to support the ongoing operations of loss-making centres currently operated by ABC Learning. This funding aims to provide certainty in the provision of child care at affected ABC Learning Centres until at least 31 December 2008.

The Government proposes to reallocate $99.4 million for the Department of Resources, Energy and Tourism to establish a Global Carbon Capture and Storage Institute. The Institute will accelerate the take up of carbon capturing projects by facilitating demonstration projects and identifying and supporting necessary research on related topics, including regulatory settings and regulatory frameworks. Funding in 2008-09 will be provided by the redirection of amounts from the National Low Emission Coal Initiative, formerly known as the National Clean Coal Fund. This additional funding is also partially offset by savings in other programs.

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The Government commissioned Sir Peter Gershon to undertake a review of the Australian Government’s use of information and communications technology, hereafter referred to as ICT. The Government asked Sir Peter to consider in particular, the efficiency and effectiveness of current ICT usage; whether the Government is realising the greatest return from its investments in ICT;
and the scope to increase agency ICT capability in order to alleviate pressures caused by ICT skill shortages.

The Government has agreed to the Review’s recommendations and the Department of Finance and Deregulation will receive $13.5 million in 2008-09 to implement them.

In addition, the Government proposes to provide the Department of Finance and Deregulation with a total $10.2 million, including $6.1 million in capital funding, to establish a national intergovernmental telepresence system between the Commonwealth and the States and Territories. The proposal will provide high quality, secure telepresence video facilities connecting the Commonwealth and State and Territory Governments. The system will be used in inter-jurisdictional meetings, including Council of Australian Governments and Ministerial Council meetings.

The Department of Finance and Deregulation will receive:

- an additional appropriation of $18.8 million to account for the impact of foreign exchange fluctuations on its ability to make payments to both International Peacekeeping organisations and other international organisations on behalf of the Australian Government; and
- an additional $28 million to ensure that work can commence on the construction and fit-out of the Australian Pavilion at the Shanghai 2010 World Expo. Of this amount, $16 million will be brought forward from 2010.

An amount of $39.7 million is sought for the Department of Infrastructure, Transport, Regional Development and Local Government. Of this amount

- $8 million is proposed to endow a major university to establish a new centre of excellence for local government, to showcase innovation and best practice across local government and to encourage the wider adoption of innovative practices and solutions; and
- an additional $25.1 million, which represents the reappropriation of unspent program funds from 2007-08, required to fulfill program commitments, including under the Regional Partnership and Better Region programs.

A total of $11.8 million will be provided to the Attorney-General’s Department to reimburse the department for costs incurred through the provision of services to the Indian Ocean and Jervis Bay Territories, such as utilities, infrastructure and health services.

The appropriations that I have outlined so far are proposed to meet additional funding requirements that have arisen since the last Budget. There is a further category of requirement for additional appropriation, referred to as a ‘reclassification of appropriation’, that are also proposed in Appropriation Bill (No.3).

These amounts need to be re-appropriated to align the purpose of the proposed spending with the correct appropriation type. The additional appropriations are fully offset by savings against the original appropriations and thus do not lead to additional expenditure.

I now outline a number of material reclassifications proposed in Bill 3:

- The Department of Defence will be provided with $278 million in Departmental Outputs appropriation to more correctly align its appropriations with its work program. This additional amount will be fully offset by reductions in its non-operating appropriations.
- The Department of Families, Housing, Community Services and Indigenous Affairs will be provided with $70 million for the Australian Remote Indigenous Accommodation program. This amount represents a reclassification of appropriation from the States, Territories and local government item to allow the Department to make payments directly to Non-Government Organisations.
- The Bureau of Meteorology will be provided with $20 million for the Modernisation and Extension of Hydrologic Monitoring Systems program. This amount has been reclassified from payments to the States, Territories and local government item to an administered expenses appropriation in Bill 3 so that both public and private sector entities may participate in a merit based, competitive tender process for grants to assist modernisa-
tion and extension of their water resource monitoring systems.

- An additional $23.7 million is included in Appropriation Bill 3 for the Department of Education, Employment and Workplace Relations as a result of the Government’s decision to reclassify program payments relating to the National Skills and Workplace Development Agreement from special appropriations to an annual administered expenses appropriation. The reclassification will enable the Department to continue to make payments for the National Training System.

- The Department of Broadband, Communications and the Digital Economy will be provided with $10 million of Departmental Outputs appropriation to meet the projected additional costs associated with the National Broadband Network project. This funding, which is for costs associated with the conduct and assessment of the Request for Proposal process, will be made available by reclassifying administered expense appropriations provided for the Connect Australia programs.

The remaining amounts that appear in Appropriation Bill (No. 3) relate to estimates variations, minor reclassifications and other minor measures.

I would like to turn now to changes we propose for the Advance to the Finance Minister, known as the AFM. Section 14 of Appropriation Act (No. 1) 2008-09 enables the Finance Minister to provide additional appropriation when satisfied that there is an urgent need for expenditure, and the existing appropriation is inadequate.

Based on current indications, we expect demand for issues from the Advance to be greater than the $295 million provided in Appropriation Act 1 and the $380 million provided in Appropriation Act 2. It is important that the Government can maintain its ability to issue amounts from the Advance in the event that there is an urgent need for expenditure. Accordingly, clause 13 of Appropriation Bill 3 provides that, irrespective of the amounts issued from the Advance, at the commencement of Appropriation Act No. 3, the amount available to be issued will be restored to the original limit of $295 million. A similar clause has been added to Appropriation Bill 4 which will restore the limit to $380 million.

In addition, a new clause is included in Bills 3 and 4 providing that where amounts included in those Bills have also been subject to an issue from the Advance, for example, where an amount is determined after the AEs Bills are finalised, then the appropriation in the bill will be reduced by the amount of the Advance. This change will prevent appropriations for the same expenditure from both the Advance and the bill.

In the last Budget, the drafting of the legislation text contained in the appropriation Acts was simplified to streamline certain provisions and remove redundant references. Those changes have also been made for the Additional Estimates Bills. These proposed improvements are canvassed in the Explanatory Memoranda. I commend the bill to the Senate.

**APPROPRIATION BILL (No. 4) 2008-2009**

Appropriation Bill (No. 4) provides additional funding to agencies for:

- expenses in relation to grants to the States under section 96 of the Constitution and for payments to the Territories, and local government authorities; and

- non-operating purposes such as equity injections and loans.

The total additional appropriation being sought in Appropriation Bill (No. 4) 2008-2009 is $1.04 billion.

The principal factor contributing to the additional requirement since the 2008-2009 Budget is a proposed increase of $791.2 million in payments to the States, Territories and local government authorities, the more significant of which I now outline.

The Government proposes an additional appropriation of $300 million for the Department of Infrastructure, Transport, Regional Development and Local Government for the Regional and Local Community Infrastructure Program.

A similar clause has been added to Appropriation Bill 4 which will restore the limit to $380 million.

In addition, a new clause is included in Bills 3 and 4 providing that where amounts included in those Bills have also been subject to an issue from the Advance, for example, where an amount is determined after the AEs Bills are finalised, then the appropriation in the bill will be reduced by the amount of the Advance. This change will prevent appropriations for the same expenditure from both the Advance and the bill.

In the last Budget, the drafting of the legislation text contained in the appropriation Acts was simplified to streamline certain provisions and remove redundant references. Those changes have also been made for the Additional Estimates Bills. These proposed improvements are canvassed in the Explanatory Memoranda.

I commend the bill to the Senate.

**CHAMBER**
vested in larger-scale local projects such as new sports stadiums, entertainment precincts and cultural centres that require a larger Commonwealth contribution of $2 million or more. Funding under this element will be allocated on a nationally competitive basis, with projects assessed by the Department of Infrastructure, Transport, Regional Development and Local Government.

$227.1 million is proposed for the Department of Agriculture, Fisheries and Forestry for drought assistance under the Exceptional Circumstances Interest Rate Subsidy program, of which:

- $213.5 million will be provided for assistance for primary producers in regions that have been declared eligible for Exceptional Circumstances assistance; and
- $13.6 million will be provided for continued support for small businesses with up to 100 employees that are dependent on business from farmers in regions declared eligible for Exceptional Circumstances assistance.

An additional $17.5 million is proposed for the Department of Education, Employment and Workplace Relations to improve access to child care and early childhood services for indigenous Australians. This funding will contribute to the establishment and operation of 15 new children and family centres in urban areas and will expand the Government’s contribution to the establishment and operation of 20 centres in rural and remote communities that have indigenous populations.

$17.5 million is proposed for the Department of Families, Housing Community Services and Indigenous Affairs to further clarify roles and responsibilities in the disability sphere between the Commonwealth, States and Territories by transferring relevant Disability Assistance Package funds. Of the total amount, $12.6 million is transferred from the Additional Respite Services for Older Carers to the States and Territories, while $4.9 million is transferred from Targeted Support funding, which will enable clients who are no longer suited to business services employment to transfer to State and Territory run day service programs.

An amount of $334.9 million is provided for the Department of the Environment, Water, Heritage and the Arts for the Water for the Future package. $301.6 million of this amount will be made available by reclassifying administered expense appropriations provided for this program in Appropriation Act (No. 1), and $33.4 million is brought into 2008-09 from 2007-08 and 2009-10 for the Living Murray Initiative. Of the overall amount:

- $152.4 million will be provided as an administered asset item to fund the purchase of water entitlements. This reclassification is based on advice from the Australian National Audit Office that water entitlements are intangible assets and should be funded by a non-operating appropriation; and
- $182.5 million will be provided as a payment to the States, Territories and local government item to permit direct program payments to the States.

Turning to other appropriations in the bill, the Government will provide the Special Broadcasting Service Corporation with a loan of $15 million, to be repaid over five years, to advance sports broadcasting rights payments and infrastructure works.

Finally, a reallocation of appropriation is proposed between agencies implementing the COAG-endorsed Standard Business Reporting program. The Department of the Treasury will receive capital funding of $11.8 million, matched by reductions in the Standard Business Reporting funding of other agencies, to reflect the actual implementation costs and workload share between agencies following an internal review of the program.

The remaining amounts that appear in Appropriation Bill (No. 4) relate to estimates variations, minor reclassifications and other minor measures. Similar changes proposed for the Advance to the Finance Minister in Bill 3 are proposed for Appropriation Bill 4. As outlined in the second reading speech for Bill 3, the changes will:

- restore the limit of the Advance in Appropriation Act 2 to $380 million, upon commencement of Appropriation Act 4; and
- prevent appropriations for the same expenditure from both the Advance and the bill.

I commend the bill to the Senate.
I am pleased to introduce the Customs Amendment (Enhanced Border Controls and Other Measures) Bill 2008.

Customs plays a vital role in preventing the illegal movement of people and harmful goods across Australia’s border. The border extends to Australia’s Exclusive Economic Zone where Customs has a key role in addressing threats to the maritime environment through its contribution to the Border Protection Command.

In performing its role, Customs works closely with a number of agencies and industry and is our trusted agent for border protection.

The measures contained in this bill, which have been developed in consultation with other Commonwealth agencies and industry, are designed to ensure that Customs can continue to effectively perform its law enforcement and regulatory roles and functions.

The bill will amend the Customs Act 1901 to:

- clarify the current powers to patrol areas and moor Customs vessels;
- provide that the current power to board ships without nationality can be exercised in any area outside of the territorial sea of another country;
- clarify that the current power to board vessels in the safety zones surrounding Australia’s offshore facilities relates to offences committed within those zones;
- clarify that the current power to use reasonable force as a means to enable the boarding of a pursued ship encompasses the use of devices designed to stop or impede a ship;
- require infringement notices issued by Customs to state the legal effect of the notice;
- modernise the language relating to the requirement for a ship or aircraft to only be brought to a proclaimed port or airport.

To strengthen Customs ability to effectively operate in the offshore maritime and sea port environments, the bill will:

- align the requirements of Customs boarding powers with other Commonwealth legislation and the United Nations Convention on the Law of the Sea;
- place a requirement on the Master of a vessel that’s to be boarded at sea to facilitate the boarding;
- introduce a new requirement for port and port facility operators to facilitate the boarding of a vessel that is located in port;
- modernise Customs arrest and warrant powers to ensure consistency with the Crimes Act 1914;
- create a new offence for intentionally obstructing or interfering with the operation of Commonwealth equipment located at Customs Places; and
- remove the requirement for copies of warrants to be marked with the seal of the relevant Court.

To recognise practical constraints in providing reports to Customs, the bill also provides more flexibility for reporting arrivals of vessels, pleasure craft and cargo.

In line with community expectations, the bill will:

- strengthen Customs ability to request an aircraft to land to include circumstances where it is suspected that the aircraft is carrying goods that are related to a terrorist act or are likely to prejudice Australia’s defence or security;
- protect the Australian community from goods which if imported, would be prohibited imports. This will be achieved in two ways. First, Customs officers will be able to seize, without warrant, goods that are located onboard a ship or aircraft and are not listed in part of the cargo report, not claimed as baggage belonging to the crew or passengers or otherwise accounted for. This may include items such as certain types of pornography or weapons located by Customs officers during a ship search but not claimed by the crew. Second, all items onboard a ship or aircraft that has arrived in Australia that are either stores or personal effects of the crew, and would be considered a prohibited import if
imported into Australia, will now be required to either be locked onboard the ship or aircraft or taken into custody by Customs until the ship or aircraft departs Australia.

- create a new offence of failing to keep goods which are subject to the control of Customs safely or failing to account for such goods if required to do so.

In conclusion, this bill allows Customs to perform its roles more effectively and efficiently to protect the community at the same time as continuing to support legitimate trade and travel.

LAW AND JUSTICE LEGISLATION AMENDMENT (IDENTITY CRIMES AND OTHER MEASURES) BILL 2008

I am pleased to introduce the Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Bill. The bill implements the identity crime offences recommended in the Model Criminal Law Officers’ Committee Final Report on Identity Crime. The report was released by the Standing Committee of Attorneys-General in March 2008.

The bill inserts three new identity crime offences into new Part 9.5 of the Criminal Code Act 1995. With the exception of South Australia and Queensland, it is not currently an offence in Australia to assume or steal another person’s identity, except in limited circumstances.

Existing offences in the Criminal Code, such as theft, forgery, fraud and credit card skimming, do not adequately cover the varied and evolving types of identity crime such as phishing and malicious software.

The offences can be implemented by the Commonwealth within the Commonwealth’s constitutional powers by linking them with an intention to commit a Commonwealth indictable offence, and by confining the ‘victims’ provision to victims of Commonwealth identity offences.

The proposed offences are framed in general and technology neutral language to ensure that, as new forms of identity crime emerge, the offences will remain applicable.

The offences include:

- dealing in identification information with the intention of committing, or facilitating the commission of a Commonwealth indictable offence, punishable by up to 5 years imprisonment;
- possession of identification information with the intention of committing, or facilitating the commission of, conduct that constitutes the dealing offence, punishable by up to 3 years imprisonment; and
- Possession of equipment to create identification documentation with the intention of committing, or facilitating the commission of, conduct that constitutes the dealing offence, punishable by up to 3 years imprisonment.

The identity crime provisions also contain measures to assist victims of identity crime. Identity crime can cause damage to a person’s credit rating, create a criminal record in the person’s name and result in tremendous expenditure of time and effort restoring records of transactions or credit history.

A person’s identity can be falsely used for citizenship, Centrelink payments and medical services and to gain professional qualifications.

It’s been reported that individual victims spend an average of two or more years attempting to restore their credit ratings.

That’s why the amendments will also allow a person who has been the victim of identity crime to approach a magistrate for a certificate to show they have had their identity information misused. The certificate may assist victims of identity crime in negotiating with financial institutions to re-establish their credit ratings and other organisations such as Australia Post to clear up residual problems with identity theft.

Some departures from the MCLOC model have been necessary because of Constitutional limits on the Commonwealth’s power. However, the spirit and intention of the MCLOC offences are maintained in this bill.

I look forward to my State and Territory counterparts, with the exception of Queensland and South Australia who already have such offences, implementing identity crime laws so that we have uniform national coverage.
The bill also contains amendments to the Australian Federal Police Act 1979 to streamline the processes for alcohol and other drug testing under the Act, and expand the range of conduct for which the Commissioner may make awards.

The amendments to the Director of Public Prosecutions Act 1983 will put beyond doubt that the Director of Public Prosecutions can delegate both functions and powers under the Act. This position was previously unclear on the face of the legislation.

Second, the amendments ensure that the Director can delegate functions and powers relevant to the conduct of joint trials with his or her State and Territory counterparts.

While the DPP Act allows the Director to authorise a person to sign indictments on his or her behalf, this authorisation is very limited in its scope. For example, the authorisation does not extend to summary offences, committal proceedings or appeals.

Finally, the amendments provide immunity from civil proceedings to individuals (such as the Director, or a member of the staff of the Office) and to the Australian Government Solicitor, carrying out (or supporting) functions, duties or powers under the Act.

The immunity will only apply if the acts or omissions were done in good faith and in the performance or exercise of the person’s functions, powers or duties under, or in relation to, the Act.

As well as providing certainty to the CDPP in carrying out its functions and duties under the DPP Act, the immunity provision will give legislative protection to State and Territory prosecutors who conduct Commonwealth matters (for example, under joint trial arrangements).

This amendment will bring the DPP Act into line with most State and Territory Offices of Public Prosecution, as well as section 222 of the Law Enforcement Integrity Commissioner Act 2006, and section 59B of the Australian Crime Commission Act 2002.

The next significant amendments concern the Anti-Money Laundering and Counter-Terrorism Financing Act. This Act establishes a robust regime for detecting and deterring money laundering and terrorism financing.

Schedule 4 to the bill contains several amendments which will:

- establish a more consistent approach to the restrictions placed on the disclosure of sensitive Austrac information, and
- strengthen safeguards to protect against the disclosure of sensitive Austrac information.

Austrac, as Australia’s financial intelligence unit, processes and analyses information obtained under suspicious matter or suspicious transaction reporting provisions and passes on intelligence information to investigative and law enforcement agencies to assist their operational activities.

As information held by Austrac relating to suspicious matters and suspect transactions is sensitive, the Act prescribes who can access this information and imposes a number of stringent restrictions as to what they can do with the information once accessed. A person who breaches these requirements commits an offence.

The amendments ensure these requirements are now stipulated under both the AML/CTF Act and the Financial Transaction Reporting Act.

The bill also increases the penalties for the offences of perverting the course of justice and conspiracy to pervert the course of justice from 5 years to 10 years imprisonment.

This reflects the Government’s view that defendants who seek to obstruct or pervert the course of justice should be subject to strong criminal sanction. The amendment will also bring these penalties into closer alignment with the penalties for similar offences in other jurisdictions.

In addition, each administration of justice offence contained in Part III of the Crimes Act 1914 has been updated to bring it in line with settled principles about framing Commonwealth criminal offences.

First, the offences have been reframed to bring them into line with Chapter 2 of the Criminal Code, which requires the physical elements of an offence to be separated. This promotes consistency between the drafting of Commonwealth offences.

Second, the amendments apply absolute liability to the jurisdictional elements of each administra-
tion of justice offence. A jurisdictional element of an offence is an element that links the offence to the legislative power of the Commonwealth.

The amendments overcome uncertainty about the operation of the existing offences. For example, because absolute liability does not apply to the jurisdictional element of the section 46 offence of aiding a prisoner to escape, a defendant may be able to avoid conviction because he or she did not know that the prisoner they assisted was in custody for an offence against Commonwealth or Territory law.

Finally, the bill amends the definition of ‘enforcement body’ in subsection 6(1) of the Privacy Act 1988 to include the Office of Police Integrity (OPI) in Victoria.

This provides OPI with the same status that similar law enforcement bodies have under the Privacy Act, such as the Police Integrity Commission of New South Wales and the Crime and Misconduct Commission of Queensland.

The bill also contains several minor amendments to:

• correct a drafting error in the Criminal Code Act 1995, and
• repeal a provision in the Judiciary Act 1903 which is no longer necessary.

In summary, this bill contains important measures to rectify deficiencies in current legislation relating to identity crime offences. The bill also contains measures designed to improve the administration of justice and the effective operation of the AFP and CDPP.

I commend the bill to the Senate.

TAX LAWS AMENDMENT (2008 MEASURES No. 6) BILL 2009

This bill amends various taxation laws to implement a range of improvements to Australia’s tax laws.

Schedule 1 modifies the capital gains tax provisions in the Income Tax Assessment Act 1997 for corporate restructures. Companies will be prevented from obtaining a market value cost base for shares and certain other interests acquired in another entity following a scrip for scrip CGT rollover under an arrangement that is taken to be a restructure.

An arrangement will be taken to be a restructure if, broadly, the market value of the shares and certain other interests issued by the acquiring entity under the arrangement in exchange for similar interests in the original entity is more than 80 per cent of the market value of all the shares and other interests issued by the acquiring entity.

If an arrangement is taken to be a restructure, then the cost base of the shares and other interests that the acquiring entity acquires in the original entity will reflect the tax costs of the underlying net assets of the original entity (rather than its market value).

This is an important integrity measure which the former Government announced its intention to deal with in October 2007. However, the former Government’s proposal was poorly targeted and effectively stopped scrip for scrip arrangements causing disruptions in the market.

The Government’s measure has been refined through extensive consultation and will effectively target the mischief.

The amendments, which apply to arrangements entered into after 7.30 pm on 13 May 2008, will prevent companies from gaining significant unintended tax benefits by restructuring.

Schedule 2 amends the Taxation Administration Act 1953 to address a number of issues with the assistance in collection provisions. Specifically, these provisions enable the Commissioner to take action to collect or to conserve tax debts owed in another country where the debtor is resident in Australia or has assets in Australia.

These amendments provide for a new mechanism by which a debtor’s liability is reduced in certain circumstances, expands the type of payments that the Commissioner can make to a foreign country with which Australia has an international agreement and clarifies the role of the Foreign Claims Register, which records all the foreign tax debts that the Commissioner collects on behalf of foreign countries. Together these amendments will enable the assistance in collection provisions to more effectively be administered.

Schedule 3 amends the Superannuation Guarantee (Administration) Act 1992 with regards to the late
payment offset. The offset allows an employer who makes a late superannuation guarantee contribution for an employee, to use that contribution to offset against part of their superannuation guarantee charge liability. There is currently no specified time limit in which the employer is required to make the contribution.

These amendments specify that an employer will be able to use the offset if they make the contribution before they are assessed with the superannuation guarantee charge liability. This will encourage employers to make their contributions in a more timely manner whilst still having the benefit of using the offset to reduce their superannuation guarantee charge liability.

Schedule 3 also amends the calculation of the general interest charge on an unpaid superannuation guarantee liability where the offset is used. The calculation of the general interest charge will be amended so that it accrues on the remaining amount of the unpaid liability after the offset has been applied. This reduces the amount of the general interest charge and acknowledges the fact that the employer has made a contribution for their employee.

These amendments commence from the date this bill receives Royal Assent.

Schedule 4 implements various minor amendments to the law and also some general improvements of a minor nature. These amendments reflect the Government’s commitment to the care and maintenance of the tax system.

Schedule 5 introduces taxation measures to alleviate the financial hardship being felt in communities affected by the 2009 Victorian bushfires and north Queensland floods.

Part 1 exempts the income recovery subsidy from income tax, and ensures the subsidy is not included in separate net income for the purposes of calculating an entitlement to certain tax offsets. The income recovery subsidy will provide financial assistance to employees, small business owners and farmers who can demonstrate they have experienced a loss of income as a direct result of the 2009 Victorian bushfires or North Queensland floods.

Part 2 makes amendments to allow the Treasurer to declare an event as a disaster for the purposes of establishing Australian disaster relief funds. The declaration of a disaster by the Treasurer will allow Australian disaster relief funds to receive tax deductible donations, and provide money for the relief of people in Australia in distress as a result of the disaster. Public benevolent institutions, which must normally operate for direct relief efforts, will also be able to establish Australian disaster relief funds for longer term recovery and community reconstruction efforts.

Part 2 also lists by name the 2009 Victorian Bushfire Appeal Trust Account as a deductible gift recipient in the Income Tax Assessment Act 1997. This will ensure the fund can use tax deductible donations for relief, recovery and community reconstruction efforts in communities affected by the 2009 Victorian bushfires.

Full details of the measures in this bill are contained in the explanatory memorandum.

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URANIUM ROYALTY (NORTHERN TERRITORY) BILL 2008

Australia has over one-third of the world’s medium cost reserves of uranium which have the potential to make a major contribution to reducing global greenhouse gas emissions. As the world is moving to a low carbon future, the uranium industry in Australia is forecast to grow rapidly and could add an additional $14-17 billion to Australia’s GDP over the period to 2030.

The Australian Government’s policy is to allow the development of uranium mines, subject to world’s best practice environmental, health and safety practices. Exports of uranium are only allowed under very stringent conditions and only to countries which are members of the Nuclear Non-proliferation Treaty.

The Uranium Industry Framework is one way the Australian Government is working closely with State and Territory Governments, Indigenous and other stakeholders and the uranium industry to ensure the sustainable development of the uranium industry in Australia. Indeed, the Australian Government has committed $10.6 million over four years from 2008/09 to meeting this objective.

One of the impediments identified under the Uranium Industry Framework was the uncertainty surrounding fiscal arrangements applying to ura-
nium developments in the Northern Territory. The Commonwealth retained ownership of uranium and other prescribed substances such as thorium, as defined in the Atomic Energy Act 1953, when it granted self-government to the Northern Territory in 1978.

However, royalty arrangements for the current and previous uranium projects were made by the Australian Government on a project by project basis. This has led to different royalty rates being applied to different projects and a lack of certainty for companies looking to develop new deposits when calculating their costs.

The Uranium Royalty (Northern Territory) Bill 2008 will, for the first time, apply a uniform royalty regime to all new projects in the Northern Territory containing uranium and other designated substances. I note that work is currently underway to develop several uranium deposits in the NT.

The bill will do this by essentially mirroring the existing profits-based mineral royalty regime under the Northern Territory’s Mineral Royalty Act 1982 and applying it as a Commonwealth law.

This means that for the first time there will be a consistent regime between uranium and other minerals in the Northern Territory. This is particularly important in the case of polymetallic mines which contain both uranium and other minerals and could potentially have come under two different regimes.

The royalty regime will apply equally to projects on Aboriginal land, as defined by the Aboriginal Land Rights (Northern Territory) Act 1976, and non-Aboriginal land in the Northern Territory. Importantly, it will protect the existing rights on Aboriginal land such that royalty payments made by the mine operator will be passed to the Northern Territory and an equivalent amount will be paid into the Aboriginals Benefit Account which assists Aboriginal people in the Northern Territory.

The mining industry is an important part of the Northern Territory economy and is one of the few opportunities for employment of Indigenous Territorians, particularly those living in remote areas. The performance of mining companies in the area of Aboriginal employment and training is improving and this is something the Government is working hard to address.

There is one exception to the new royalty regime and that is the Ranger mine. This is because it is the only currently operating uranium mine in the Northern Territory and the royalty determination for that mine has been in place since it began operating in the 1980s.

A uniform royalty regime for designated substances will provide considerable certainty for industry at a time when expansion is expected to occur in response to the world’s demand for low emission energy sources. In particular, this regime will provide administrative benefits to proposed poly-metallic projects containing designated substances as the royalty regime for all products produced at such mines will be consistent. This means where a mine is producing both copper and uranium it will come under one regime instead of two.

Importantly, the Northern Territory is the only Australian state or territory which has a profit based regime for mineral royalties. The Commonwealth’s position is that profit based royalty regimes are superior in that they are the most economically efficient form of tax. Profit taxes ensure that all publicly owned minerals are recovered where economical and minimises the possibility of project shut-ins during periods of low prices. This is one of the reasons we are seeking to apply a profit based regime to the Commonwealth owned mineral.

To provide further consistency with the existing royalty regime for other minerals, the Northern Territory Treasury will administer the royalty regime on the Commonwealth’s behalf. The bill provides the authority for the Northern Territory Treasury to collect, retain and make payments of Commonwealth money for the purposes of administering the royalty regime.

In addition, the Northern Territory’s judicial system and procedures will be used if prosecution is required. As such, the bill also provides for other Northern Territory laws related to the administration of the royalty regime to be applied as Commonwealth laws.

Administrative Arrangements will underpin the operation of the royalty regime and will outline a
number of important processes including, but not limited to, how often the Northern Territory Treasury will report to the Commonwealth on the amount of royalties collected on the Commonwealth’s behalf; dispute resolution processes for disputes between the Commonwealth and Northern Territory on administrative matters and apportionment principles for poly-metallic mines. I will be negotiating these Arrangements with the Northern Territory Treasurer prior to this bill coming into effect. To ensure transparency of the regime, the Administrative Arrangements will be published in the Gazette.

As the bill will automatically remain consistent with the Mineral Royalty Act 1982 (NT), the bill provides for the Governor General to make Regulations as necessary. This is included to maintain and protect the operation of the Commonwealth law from any unintended consequences arising from any amendment or repeal of the Mineral Royalty Act 1982 (NT).

The proposal was developed in consultation with representatives from relevant Commonwealth and Northern Territory Government agencies; the two largest Aboriginal land councils in the Northern Territory – the Northern Land Council and the Central Land Council; and the uranium industry under the auspices of the Uranium Industry Framework. The passage of the bill will be a major milestone arising from the large amount of work undertaken over the last two years.

Debate (on motion by Senator Ludwig) adjourned.

Ordered that Appropriation Bill (No. 3) 2008-2009 and Appropriation Bill (No. 4) 2008-2009 be listed on the Notice Paper as one order of the day and the remaining bills be listed as separate orders of the day.

FREEDOM OF INFORMATION
(REMOVAL OF CONCLUSIVE CERTIFICATES AND OTHER MEASURES) BILL 2008
Report of Finance and Public Administration Committee
Senator POLLEY (Tasmania) (3.45 pm)—I present the report of the Standing Committee on Finance and Public Administration on the Freedom of Information (Removal of Conclusive Certificates and Other Measures) Bill 2008 together with the Hansard record of proceedings, and submissions received by the committee.

Ordered that the report be printed.

STANDING ORDERS
Procedure Committee Report
Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (3.46 pm)—I move:

That—
(a) the Senate notes the committee's comments on restructuring question time and legislative and general purpose standing committees; and
(b) the amendments to standing orders proposed in the attachment be adopted.

Question agreed to.

Accordingly the standing orders were amended as follows—

72 Questions without notice
Amended to read as follows:
(1) At the time provided questions may be put to ministers relating to public affairs.
(2) A question may be put to the President in relation to matters for which the President has responsibility.
(3) (a) The asking of each question shall not exceed one minute and the answering of each question shall not exceed 4 minutes.
(b) The asking of each supplementary question shall not exceed one minute and the answering of each supplementary question shall not exceed one minute.
(4) (a) After question time motions may be moved without notice to take note of answers given that day to questions.
(b) A senator may speak for not more than 5 minutes on such a motion.

(c) The time for debate on all motions relating to answers to questions without notice on any day shall not exceed 30 minutes.

25 Legislative and general purpose
At the end of subparagraph (7)(d), add:

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

54 Adjournment without motion
At the end of paragraph (5), add:

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

57 Routine of business
Paragraph (3) is amended as to read as follows:

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

BUSINESS
Withdrawal

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (3.46 pm)—by leave—I move:

That order of the day no. 14 relating to the first report of 2008 of the Procedure Committee be discharged from the Notice Paper.

Question agreed to.

COMMITTEES
Education, Employment and Workplace Relations Committee
Report

Senator O’BRIEN (Tasmania) (3.47 pm)—At the request of the Chair of the Standing Committee on Education, Employment and Workplace Relations, I present the report of the committee on the provisions of the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Economics Committee
Report

Senator O’BRIEN (Tasmania) (3.47 pm)—At the request of the Chair of the Standing Committee on Economics, I present the report of the committee on the provisions of the Tax Laws Amendment (2009 Measures No. 1) Bill 2009 and documents presented to the committee.

Ordered that the report be printed.

AUDITOR-GENERAL AMENDMENT BILL 2008 [2009]
CORPORATIONS AMENDMENT (No. 1) BILL 2008 [2009]
MIGRATION LEGISLATION AMENDMENT BILL (No. 2) 2008 [2009]

Returned from the House of Representatives

Messages received from the House of Representatives returning the bills without amendment.
ASSOCIATION (NATION BUILDING AND JOBS) BILL (No. 1) 2008-2009

ASSOCIATION (NATION BUILDING AND JOBS) BILL (No. 2) 2008-2009

COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2009

HOUSEHOLD STIMULUS PACKAGE BILL (No. 2) 2009

TAX BONUS FOR WORKING AUSTRALIANS BILL (No. 2) 2009

TAX BONUS FOR WORKING AUSTRALIANS (CONSEQUENTIAL AMENDMENTS) BILL (No. 2) 2009

SOCIAL SECURITY LEGISLATION AMENDMENT (EMPLOYMENT SERVICES REFORM) BILL 2009

AUDITOR-GENERAL AMENDMENT BILL 2008 [2009]

CORPORATIONS AMENDMENT (No. 1) BILL 2008 [2009]

MIGRATION LEGISLATION AMENDMENT BILL (No. 1) 2009

Assent

Messages from the Governor-General reported informing the Senate of assent to the bills.

WHALING

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.48 pm)—by leave—The message from the ambassador of Japan regarding whaling makes very disputable claims about the behaviour of the Steve Irwin, the ship of the Sea Shepherd Conservation Society in Antarctic waters. In fact, my information is quite the reverse. It is of a series of quite dangerous manoeuvres which, if in fact are true, constitute breaches of the international law of the sea with regard to the behaviour of the Japanese whaling vessels. The matters are in dispute, but I cannot and will not accept these bald and unsubstantiated claims by the ambassador of Japan. Ultimately it comes to this: it is the Japanese government, which is endorsing the bloody and unforgivable slaughter of the whales in Antarctic waters, including waters which are claimed by Australia, that is in the dock here. It is a matter of international condemnation and revulsion by the majority of Australians that the Japanese are slaughtering the very whales that we love to see off our coasts and that we want to see in our Antarctic waters. The Greens reject the claims by the Japanese ambassador and seek that the ambassador looks instead at the behaviour of these destructive and violent whaling ships which have no place in the Southern Ocean—indeed in any ocean in the world.

FAIR WORK BILL 2008

Second Reading

Debate resumed.

Senator POLLEY (Tasmania) (3.50 pm)—In continuing my remarks on the Fair Work Bill 2008, I will outline the 10 basic standards that will be included to protect Australian workers. First is the right to work a maximum ordinary week of 38 hours for full-time employees, with appropriate remuneration for overtime. Second is the right to observe all prescribed public holidays and to refuse on reasonable grounds a request to work on these days. Third is the right to access up to 24 months of unpaid parental leave upon the birth or adoption of a child, thus allowing families the critical time needed to care for our nation’s children without having to sacri-
fice job security in the process. Fifth is the right to access leave in times of need by uncapping the paid carers leave limit of 10 days, by extending compassionate leave to casual employees, by simplifying and consolidating the rules for leave-taking and by enabling some workers to be paid out for some personal leave whilst always retaining a reasonable balance for future needs.

Sixth is the right to access four weeks a year annual leave for each full-time employee, with the capacity to cash in any part of this leave as long as four weeks leave remains in balance. Seventh is the right to be of service to our community by taking unpaid leave to participate in eligible volunteer work. Eighth is the right to accrue long service leave under nationally consistent guidelines. Ninth is the right to receive written notice and reasonable redundancy provisions upon termination of employment for employees outside of small business. And, finally, 10th is the right to receive from your employer information about your entitlements under the Fair Work Bill through an information sheet that will be a requirement for all new employees.

These standards lay the foundation for security for both employees and employers alike and allow our nation to move forward with certainty—no longer the fear, no longer the imbalance, no longer the powerlessness. These standards ensure that Australian workers can build lives, purchase homes, raise families and enjoy leisure time without the spectre of Work Choices to leave them feeling vulnerable. Vulnerability can only ever feed instability and instability will only ever cause harm to productivity and growth.

The security reintroduced in the Fair Work Bill is further enhanced in an additional safety net: modern awards that build on and complement the National Employment Standards by enshrining an additional 10 areas of employment. The modernisation of the award system will cover wages and classifications, penalty and overtime rates, work arrangements, leave related matters, superannuation, allowances and dispute resolution. The modern awards will ensure that those earning under $100,000 per annum, indexed annually, are protected, with certainty and clarity around the conditions of their employment, with those earning over $100,000 per annum being free to negotiate outside the awards whilst retaining important protections. These awards will be kept relevant and fair through four-yearly reviews. This ensures no award is allowed to become outdated, stagnant or irrelevant to its industry, locking employees into a set of conditions that no longer reflect the reality of their employment.

Another major area where the Fair Work Bill shows a striking movement away from the dark days of Work Choices is through the recognition of the importance of freedom of association. The former Howard Liberal government would have had us believe that the union movement was the death of economic growth and prosperity, that unions brainwashed and controlled everyday Australians and worked with the sole purpose of undermining an employer’s viability. Far from this fairytale, the reality is that the right to appoint another person to represent you in agreement negotiations, whether it be a union or even just a colleague, is the surest way of representing the needs of employees whilst balancing them with the needs of employers and is by far the best way of gaining a mutually agreeable, workable and sensible enterprise agreement.

Under the Fair Work Bill, employees will always retain the right to be represented in bargaining discussions. They will always retain the right to have a member of the union meet with them in their workplace during non-work hours, which in turn enables em-
ployers to run their businesses without undue interference. Employees will retain the right to take protected industrial action, whilst employers can operate in an environment of certainty knowing that inappropriate industrial action will not be permitted. And, most importantly, employees never need fear re-crimation for their decision to either associate with or not associate with a union. This brings the choice back to the individual, where the choice should always have been.

Let us bring our industrial relations system back to a footing of open, productive and genuine bargaining in enterprise agreements. Let us remove the power and the fear and restore the players to the level playing field, to the unbiased rules and the impartial umpiring. With the Fair Work Bill comes such a playing field for bargaining. Gone is any distinction between union and non-union agreements. So long as a clear majority of employees agree to the proposed enterprise agreement, no judgments should be made about how they have chosen to be represented. The only judgment will be whether an agreement maintains all the necessary, fundamental conditions of employment and has been reached in good faith.

Good faith, a simple, common-sense approach to discussions between two parties, has often been sorely missed in our workplaces in recent times. But not for much longer. The Fair Work Bill sets out the requirement to bargain in good faith. This includes requirements on both sides, such as holding meetings at reasonable times so that people are able to attend and contribute; disclosing relevant information; giving genuine consideration to the proposals of each side; providing valid reasons for refusal; and conducting oneself with fairness. One would hope that such requirements would be the natural habits and inclinations of people when involved in any negotiations. However, such is the case that where one party has much to gain and the other has much to lose, good faith must be ensured through legislation.

I would particularly like to note, in my support for the Fair Work Bill, that the new system will reverse one of the most contentious parts of the old Work Choices: the capacity for employers with fewer than 100 staff to terminate employment on the grounds of ‘operational reasons’ without proper redress. This highly unpopular move sought to destabilise workplaces all over the nation and saw scores of employees either dismissed or sacked and then offered their old jobs back under new, normally less generous conditions. Under the Fair Work Bill, such controversial power is removed and replaced instead with sensible qualifying periods. An employee in a workplace with fewer than 15 staff can make a claim for unfair dismissal after serving 12 months. For employers with more than 15 staff the qualifying period will be six months. These changes reflect the common-sense approach that after six to 12 months an employer will no doubt know if the employee is suitable and if their business will have the capacity to retain its current staff. Its staff, likewise, are rewarded for their loyalty by being offered a sense of job security.

In addition to the inclusion of qualifying periods, the process for making a claim for unfair dismissal will also be streamlined and simplified, allowing claims to be dealt with in a more informal conference style setting whilst still retaining all the elements of natural justice. This measure, as well as many others in the National Employment Standards and modern awards, is particularly important to securing the role of women in the Australian workplace. The right to access flexible work arrangements, parental leave and more accessible carers leave allows women to build and care for their families without having to compromise their job se-
curity and career aspirations. Very importantly, unscrupulous employers would no longer be able to use ‘operational reasons’ as the basis upon which to remove from the workplace women who are starting a family or who have family commitments. Although, fortunately, this is a situation that does not arise frequently, I have to say from personal experience that it still happens in Australian workplaces today. It is still a reality, but it can now be effectively eliminated under the new measures proposed in this bill.

And now for the umpire—the one who ensures that all sides play by the rules and that integrity is upheld for the sake of all players. Under the Fair Work Bill seven government agencies will be amalgamated into one, simplifying the process of maintaining fair agreements in properly functioning workplaces. Fair Work Australia will be a one-stop-shop for Australian workers, handling minimum wage settings, variation of awards, oversight of bargaining and industrial action, approval of agreements and dispute resolution.

In contrast to Work Choices, Fair Work Australia will be able to exercise its powers in relation to dispute resolution at the request of one party, rather than requiring both parties to agree. It will act as a mediator, conciliator and arbitrator where authorised by the act. Its members will be appointed by merit and extensive bipartisan consultation will be conducted prior to appointment. In addition a fair work division of the Federal Court will act as the judicial arm of Fair Work Australia and will handle all disputes that cannot be settled by the Fair Work Australia process. It will be simple and straightforward. Costs for accessing this service will be affordable, keeping it within reach of all Australian workers, and it will operate in a more informal, common-sense manner so that natural justice is achieved for all.

A Fair Work ombudsman will be engaged as a related but wholly independent statutory agency. Its focus will be on education, investigation and enforcement, ensuring that not only do workplaces understand the new system but they are able to comply easily and fully with its requirements. Such sensibility in the handling of industrial relations through simplified, streamlined, low-cost and integrated approaches to maintaining cohesive workplace relations will set this legislation apart from its predecessor and restore the Australian industrial relations systems to a position of fairness, honesty and integrity but with improved checks and balances.

I extend my wholehearted support for the Fair Work Bill as the change so warmly needed in the Australian workplace. Gone is the overused and under-scrutinised notion of operational reasons and the possibility of losing one’s job without warning. Gone is the trading away of basic employment conditions for next to nothing. Gone is the focus on individual workplace agreements and the power imbalance that can exist when bargaining individually rather than collectively. Gone are the restrictive, inflexible and regimented powers of the old industrial umpire. ‘Gone and good riddance,’ I say, and so should the Australian workers. Now will be the time for securing basic employment conditions for Australian workers through standards and modern awards. Now will be the opportunity for a truly fair and balanced system where one side gets no more or less than it deserves. Now we will see the embracing of a truly national system with a simplified and balanced approach to monitoring and dispute resolution.

I acknowledge that there are still concerns by some members of the union movement and sections of the business community that the legislation either does not go far enough or, indeed, goes too far. However, I truly believe that the Fair Work Bill 2008 is a vast
improvement on the old regime. No system can exist for long in a situation of imbalance. The pendulum will always move naturally back towards the middle and this bill offers that movement. I commend the bill to the Senate.

Senator HUMPHRIES (Australian Capital Territory) (4.03 pm)—I want to begin by referring to a campaign that was run during the last federal election. I refer not to the campaign against Work Choices—I am sure that particular campaign will be referred to many times in the course of the debate this week on the Fair Work Bill 2008—but rather to another campaign that was run about the then government’s majority in the Senate.

There was a campaign that was run very hard on the theme that the Howard government had, somehow, hijacked the Senate and, with its majority in the Senate, was abusing parliamentary processes. Members of this place will no doubt recall the campaign that GetUp! ran about saving our Senate, and that was also a very important theme in the campaigns of some of the minor parties and of the Australian Labor Party. At the core of that campaign was the theme that it was an abuse of the Senate for there to be inquiries conducted over a very short period of time without adequate opportunity for the Senate to play its role as the body that might amend, or mitigate or suggest changes to important government legislation.

Why do I mention that in the context of the Fair Work Bill? The answer, Mr Acting Deputy President, is that, in a sense, the government’s ambition for this bill is in conflict with its rhetoric at that time about the need for the Senate to do its job properly. Because, at this point in time, a campaign is being run in the Australian community which is seeking to suggest that this Senate does not have any right or ability to modify or amend the Fair Work legislation which this government has tabled. That campaign has been spearheaded by the Australian Council of Trade Unions. I am sure we have all seen the ads running on television which, in effect, suggest that the Senate must quickly and without demur pass, more or less unamended, the legislation which the government has tabled and which a Senate committee has recently examined.

Members of this place, including you, Mr Acting Deputy President, and me took part in an inquiry of a Senate committee into the Fair Work legislation. That was a very extensive inquiry. It was undertaken over, more or less, the whole of the summer period. It involved some 150-plus submissions and heard from witnesses in most capitals around the nation. It was conspicuous that, in the course of that inquiry, every witness who came before the inquiry suggested that the legislation needed to be changed in some way—every union that appeared before us, every employer organisation that came before us, every academic that came before us and every organisation affected in some way by the operation of the proposed law. Every one of them suggested that changes should be made.

Understandably, people made those submissions in the expectation that the Australian Senate would have the ability to put to the government, and to argue and debate on the floor of this chamber, the validity, strength and appropriateness of those amendments. To be told now by the ACTU that it is our duty to pass this legislation as quickly as possible, and to be told by the Minister for Employment and Workplace Relations that we have an obligation to pass this legislation allowing only technical amendments moved by the government, with great respect, flies in the face of the arguments that the now Labor government ran not much more than one year ago in the lead-up to the 2007 election. It is the duty of the
Senate to consider ways in which this legislation might be improved.

In pursuit of that obligation—that right—the federal opposition has announced that it wants to consider amendments in six particular areas. I think most Australians would accept that these areas need further examination and scrutiny. I might say, even the government now accepts that at least some of these areas need to be considered a second time—for example, the provisions dealing with greenfield agreements. When a business is to be established in a new location where there are no existing agreements in place to govern the industrial conditions under which people work, there are, appropriately, rules in this legislation about how to consult with the various potential stakeholders about what the industrial instruments governing that workplace might be. As it stands, the proposed legislation states that, where a business is to be established in a greenfield location, every union which might have coverage of workers in that type of enterprise should be advised about the establishment of that enterprise and given the opportunity to, as it were, bid for the right to be party to agreements negotiated with respect to that workplace. As those who have been involved in such arrangements might be well aware—for example, with the establishment of a new mine, a new manufacturing business or a business which involves a range of different types of workers—a large number of types of workers, and therefore a large number of unions, might potentially be involved in such an enterprise. For that employer to have to identify each of the unions that might potentially be involved in that business, alert each of them to the fact that a business is about to be set up and invite them, in effect, to come to the table to negotiate an industrial agreement to govern the workers at that yet to be established workplace is a major exercise which has the potential to slow down considerably and even hamper the establishment of that new business.

This was an issue to which many witnesses drew attention in the course of our inquiry. It is an issue which now apparently even the Labor government believes has some problems associated with it. I am aware that in the last 24 hours the minister, Ms Gillard, has announced that there will be some changes to these provisions of the legislation. We are not aware of what they will be, but they apparently take account of the fact that a number of comments have been made by business which reflect a great deal of concern about the way in which these provisions will work.

Other provisions understandably give rise to great concern. According to the bill, the law will provide that unions will have access to workplaces even if they are not a party to any agreement affecting employees on that site at that particular time. It was suggested very forcefully by witnesses to the inquiry that this will bring about the potential for demarcation disputes between unions to spill over into particular workplaces and for there to be visits by unions on the basis of attempts to garner members on those sites rather than to investigate any legitimate industrial problem that might occur there.

An extension of that is the further right of union officials in visiting a workplace to examine the records not just of their own members but also of people who are not members of a particular union on the basis that this might in some way be connected with the alleged commissioning of an offence under the workplace legislation. Again, employer representatives have been vocal in suggesting to the inquiry that there is a problem with this. They argue that for a record to be examined without the permission of the employee concerned, because the union claims it has a right to examine that without
any order of an industrial body such as Fair Work Australia, represents a fairly serious invasion of the privacy of those individuals whose records are examined. Individual records will potentially contain their medical histories, any issues to do with their behaviour in the workplace and other things that are relevant to that person’s employment. All of that is potentially opened up by such access to records by union officials.

It was put to the Senate committee that these things need to be examined again. The opposition, for one, is determined to pursue those issues. It is insulting and demeaning to the role of the Senate to be told that we are not at liberty to take those issues up and to examine them. Somehow this is defying the will of the Australian people. This is not to say that amendments in those areas in some way violate the mandate which the Australian government sought and obtained at the last election to carry out changes to the industrial relations legislation of Australia.

With respect to right of entry into workplaces and with respect to access to records in those workplaces, it is worth remembering that at the Fair Work Australia Summit in April last year Minister Gillard said very clearly:

… the current rules in relation to right of entry will remain. With the right to enter another’s workplace comes the responsibility to ensure that it is done only in accordance with the law.

The now minister went on to say:

We will make sure the current right of entry provisions stay. We will keep the right of entry provisions.

Again, on another occasion:

We promise to retain the current right of entry framework and this promise too will be kept.

Sorry—it is not being kept! The minister has not kept her commitment in that area. The minister wants to change significantly the right of entry rules that govern workplaces in this country and it is the right—in fact it is the duty—of the Senate to consider whether those changes are appropriate and whether the government, for one thing, should be held to its promises made before the last election. To suggest that we have no such right is absolutely unacceptable.

I want to make it clear that the tenor of the matters which the opposition has flagged as being concerned about in this legislation, the things it wishes to consider and perhaps amend, are, for the most part, matters which represent a departure from the government’s own legislative blueprint for industrial relations reform, and they were laid out before the last election in this document called ‘Forward with Fairness’. Forward with Fairness made it quite clear that there would be no changes to right of entry by unions into workplaces, yet we have before us a proposal to do just that, to change those laws and to make the power of a union official much more significant than in the present law.

There are proposals to include compulsory arbitration where enterprise bargaining fails. People might say, ‘What’s wrong with compulsory arbitration?’ What is wrong is that it is directly contrary to a promise made by the Labor government that there would be no changes in this area, a promise they made when in opposition. Given that they have relied so heavily on their so-called mandate to legislate in this area, it is important to note that they have departed from that mandate in that respect. There is the potential in this legislation to force a party into arbitration—I am talking here about an employer. Where the employer does not want there to be a change in the arrangements, where the employer is complying legally with all of the instruments affecting that particular workplace—any awards or existing agreements—they can be forced into a complex and potentially expensive process of arbitration because other people, unions, representing at
least some of the workers in that workplace, demand that that be opened up. I do not believe that that is in the interests of stability and certainty in the workplace. I do not believe it is consistent with the promises made by the Labor Party before it went to the last election.

Let me touch on the question of what the Senate might do in conjunction with these sorts of issues—where there is a clear or apparent departure from the things promised by the Labor Party before the last election. It is an interesting issue because members of this place are very conscious that, when parties go to an election, they make certain promises and, if elected, there is an expectation that they will have not just the will to carry out their policies but also something of a right to go to the parliament saying: ‘Here are our policies. We want to make these changes.’ That principle has been somewhat muddied in recent years. One might argue that, for example, the Howard government elected in 1996 had a mandate to sell Telstra, to repeal the unfair dismissal laws, to make a number of changes, none of which was accepted as a mandate—

Senator Boyce—I think it depends on who has the mandate.

Senator HUMPHRIES—It does depend, Senator Boyce, on who is actually implementing the mandate. I see Senator Cameron in the chamber, so it is worth asking the question: what did the unions have to say about the question of a mandate? Do not forget, as I mentioned at the beginning of my remarks, that every union which came in front of the committee during its inquiry said: ‘We want changes to be made to this legislation. We don’t think it is adequate in its present form. It should be changed in this way, that way or the other way.’ So coalition members of the inquiry put to those unions what they thought about the idea of a mandate permitting a government to come forward and demand that this legislation be passed unamended, even if the legislation did not conform with the terms of the promises made before the election. It is significant that Mr Joe de Bruyn from the Shop, Distributive and Allied Employees Association had this to say on that question:

The parliament is master of its own situation. It is entitled to pass whatever legislation it believes is appropriate, and it is not limited to what the government promised prior to the election. If there are ways of improving the legislation, then the parliament should do so.

Even Mr Jeff Lawrence, the Secretary of the ACTU, said on the question of a mandate:

Well, I think it is really a question of the major thrust of the legislation.

What he was saying was that the thrust of the legislation needs to be honoured by the parliament but the detail is a matter over which some argument can occur.

We are faced today with the question of what detail in this legislation we should
change. There are two overriding and compelling issues which need to be taken into account when considering such change. Firstly, there are a number of significant departures by this Labor government from what it said it would enact when it went to the electorate in 2007. As a parliament we are entitled, in the language of a party no longer with us, to keep the bastards honest if we feel that the government is departing from what it promised to the Australian people. Secondly, the environment in which we find ours today is one which is far more insecure than it was even 12 months ago, with respect to the creation and preservation of jobs.

As a parliament, we have a duty to ensure that we consider ways in which to enhance the capacity of businesses in Australia to make decisions to continue to employ people and to hire new staff, and that they will do so with a certain confidence and ability to deal appropriately with the needs of their businesses in making those decisions. We want to ensure that businesses have the confidence to continue to offer that kind of employment in their businesses. If we do not consider legislation in that context then we are not meeting the expectations of the Australian people that we will put employment and the creation and maintenance of jobs at the forefront of our minds.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.23 pm)—Senator Rachel Siewert has already made it clear that the Greens support legislation to extract at least some of the gangrenous teeth of the so-called Work Choices legislation, which removed choices for workers. That legislation, which is now in power, was passed during the nefarious years of the Howard government when it had control of both houses of parliament. It is a tribute to the common sense of the people of Australia that they voted to return the duty of watchdog for the people to the Senate. Had the Howard government not got control of the Senate, as it did between 2004 and 2007, this legislation would not have passed into law in Australia and, indeed, there would have been a much better chance that Prime Minister Howard would not have been so unceremoniously kicked out of the seat of prime ministership and out of his own seat of Bennelong. That is now a matter of history, and we are dealing with the reality of the so-called Work Choices legislation and the harm it has done to the rights of workers in this country.

The Greens are taking the strongest stand in this place for working families and workers in Australia. We do so because we are a party that is devoted to equal rights and a fair go in a country where, under the Howard government, previous governments and also this government, the gap between rich and poor has become far too great. I will come to some of the particular matters that we want to address in trying to close that gap and make this country a fairer place. JP Morgan, the great robber baron of the United States, said some 100 years ago that the right balance was a boss getting about 20 times the average wage of workers in the enterprise from which he because it always was a ‘he’ in those days was making a fortune. We are out of kilter with that now. The latest figures from the United States indicate that some CEOs are getting 400 times the income of hardworking workers in such industries as manufacturing. It is a credit to the lowness of human avarice and greed that that has happened. It is also an appalling indictment of democracy that it has been so bought by the captains of industry, the wealthy and their lobbyists that we have not had governments with the gumption to stand up for the hard fought for principles of a fair world in which poverty, excessive consumptive and over-
the-top greed are attacked where they manifest themselves.

In fact, the planet would be in far safer hands if we had governments who were able to stand up to the power of the super wealthy, which is arguably the greatest bulwark against a fairer world which is able to deal with such onrushing issues as catastrophic climate change, the destruction of ecosystems, the loss of species and the blighting of the hopes of future generations to be able to live on this planet in a way that is comfortable and secure and has the prospect of happiness. That is a bigger debate that we are no doubt going to have later this year when it comes to the need for urgent, serious and sensible legislation to make Australia a leader in tackling the cataclysm of climate change which is bearing down upon us.

The Greens have evaluated the Fair Work Bill 2008 on its merit, and I pay tribute to Senator Siewert and the enormous amount of work she has done, particularly for people who have been unfairly treated under the Howard government legislation. Through amendments, we are going to aim to make the bill a fairer piece of legislation. We think the Rudd Labor government has drifted from its commitment to ensuring that not only the worst but also the discreditable parts of WorkChoices are taken away. We see a failure on a wide front to take this opportunity to bring proper fairness into the workplace for workers right across this country. One of the things you would do if you were going to redress this imbalance is make sure that there was a strong umpire to defend the interests of both employers and employees. The Greens want the legislation strengthened so that it is better able to see the arbitration of workplace disputes. In the bill, Fair Work Australia, which is an authority set up to oversee provisions of this bill, has only limited powers in relation to the bargaining of disputes and no general powers to finally determine other workplace disputes outside a very limited aegis, leaving workers and employers no option if they are being wronged but to go to the courts.

That brings me to the second point, which is about collective bargaining freedom. The Greens believe that both employers and employees should be able to bargain over any matters—including, for example, the environmental health and wellbeing of the place in which they work. We are in the extraordinary situation here where it cannot be left to workers and their employers to get together to build an agreement on matters that are outside the confines of this legislation. Certainly there is no-one to arbitrate if they do. Under this bill the parties are restricted in what they can bargain about. It is quite extraordinary that the opposition, which would stand for unrestricted freedom of commerce in ideas and agreements, want to see that restriction made even tighter.

The Greens would want to see this legislation include, across the board, the right to take industrial action as a fundamental and internationally recognised right. Australian history demonstrates powerful examples of workers exercising that right to progress important human rights issues—for example, against apartheid in faraway South Africa or, to bring it right home, the green bans which have protected so much of the wellbeing of societies from Sydney to Hobart and Perth. I remember well the ‘ships of shame’ action by the maritime unions here in Australia to try and help people who were being robbed of their wages, housed in filthy, unsanitary conditions and who in some cases were being starved aboard ships coming into ports. They are now unable to take industrial action because it would breach both Work Choices and, effectively, this legislation.

You have to ask: would the unions, who have flagged action against Pacific Brands to
ensure that taxpayer funded machinery is not shipped offshore, be dealt with and charged under this legislation if they were to take such action? If other unions in a similar situation were to take such action I think they would be found to be acting against the law because this legislation does not fundamentally recognise the right to strike. I do not think you will hear too many other people even use that term in this place, but it is a basic and fundamental right written into international labour laws, and it should be recognised as a right in a wider set of circumstances than the very constricted set that this Labor government is allowing for workers in this country.

There should be better rights for workers to request and negotiate their individual flexibility arrangements. The Greens want to see further protections for those arrangements so that they cannot be used to exploit workers as Australian Workplace Agreements were used under the Howard laws. For example, we want to ensure that the bill guarantees protections for carers and for people with sick children or people with children with special needs so that they can negotiate work arrangements that meet their specific needs, secure in the knowledge that this will not put their jobs at risk. Is that too much to ask? Why is that not in this legislation? Why should a mother or a father who is contributing to this country but who has a special needs child not be able to insist that they get 20 minutes to drop that child in a caring place of a morning if the employer decides they are not going to allow for that? Where is the reasonable dispute mechanism—the circuit breaker—for people in those circumstances? Surely this Labor government in this great country of ours should be ensuring that people who have such needs have those needs reasonably met and that there is a reasonable umpire to arbitrate in circumstances such as that.

There should be transparency of the individual flexibility arrangements—these agreements that are to be made under this legislation. Employers are required to lodge such arrangements with Fair Work Australia—that is, the overseeing commission—where they will be made publicly available if the Greens have their amendment adopted. This would increase transparency and accountability without infringing on the privacy of the individuals involved, but at least there would be some check to ensure that there had not been exploitation of workers under these agreements. At the moment there is no check in this legislation and there should be.

I spoke earlier about the disparity between the rich and the poor. We are in a country where still, in the last 12 months, some CEOs took $14 million or $16 million home in their pay packets from their corporations. That is money that inevitably comes from average Australians through their purchase of goods and services. And yet, despite repeated statements by our Prime Minister and several other ministers about the obscenity of some of these payments, zero action has been taken—no action whatever! President Obama in the United States has put a half a million dollar cap on the takeaway pay of CEOs in companies which are being supported by the taxpayers through the bailouts that are now being required of governments for corporations which are in trouble because of the current economic downturn. But there is no such move from our Prime Minister, who is, notwithstanding, a Labor Prime Minister.

We will be moving an amendment to this legislation which allows Fair Work Australia, the arbitrator, to look at CEO packages when corporations move to sack hundreds of workers and to see that those packages are not excessive. This is just a fair go. Why should there be CEOs on millions of dollars
per annum who are determining, over a period of months or even weeks, that they are going to sack hundreds of their fellow Australians and put them on zero income— with all the hardship that is entailed in that— despite all the commitments of the CEOs, without there being any overview of that behaviour?

We have corporations who want government action to bail them out of their current financial troubles and we have seen legislation in this place to put billions of dollars of taxpayers’ money at the disposal of these same corporations. Why has this government not acted to say the quid pro quo here is that the excessive greed, self-investment and plunder of the public wealth stops? I have moved a number of motions in this place to clip the wings of these corporate robber barons of this decade, and on every occasion the government and the opposition have got together and voted those down. It is totally unfair, it is irresponsible and I would have thought there would be better behaviour and a much stronger defence of the interests of workers, and indeed the purchasers of goods and services, from a Labor Prime Minister and a Labor cabinet in Australia in these particular fiscal circumstances.

Senator Hanson-Young has been strongly advocating the need for paid parental leave, and yet I heard Sharan Burrow from the ACTU leading the retreat on just that matter last week. This is quite extraordinary. We are one of only two countries in the OECD that do not have paid parental leave. The Greens are advocating 26 weeks when a baby arrives to allow the parents to spend the good time, the essential time, the bonding time with that child which is so necessary for that child to be able to maximise their fulfilment, their opportunity and their own wellbeing down the line. But no—we now hear that it is going to be too expensive in these economically dire times. Let me put the figure to you.

The Greens amendment—and it will come in the form of a second reading amendment, an appeal to the government, because it has to under constitutional arrangements—would cost less than $1 billion a year, and that is to bring in full parental leave. We are talking about 26 weeks parental leave for less than $1 billion a year.

The tax cuts for the wealthy in this country, for those earning incomes over $75,000, which come into play now under this budget, supported by both sides, are costing taxpayers $3.5 billion a year. So what we have is the big parties in this place saying, ‘We grant the already wealthy $3½ billion, effectively, of taxable income, at the same time as we can’t find $1 billion to meet this critical need for parental leave in this great country of a fair go.’ I cannot understand that. But, yet again, when we moved to block those excessive tax cuts, the Greens found themselves on one side of the parliament with the big parties on the other. I appeal to the opposition to look at this move by the Greens for parental leave and to support it, because otherwise we are going to find the government sliding right back from it. At a time when they can find $42 billion for a stimulus package, they are unable to find $1 billion for parental leave just for Australia to catch up with the rest of the world.

We have approached the government to look at funding community employment law services. There are thousands of people in the workplace who are dealt with unfairly each year, and under this legislation the only road for action to redress that unfairness is through the courts. This is not enhancing legislation to look after a fair go in the workplace. It falls way short. My Western Australian colleagues tell me 4,000 people approached legal services in Western Australia alone last year to seek redress for grievances. We believe they are in an unfair situation, as are many employers, but where people do
not have the wherewithal, be they employees or employers, they should at least have access to fair legal advice and employment law advice. We will be moving to have the government provide an assurance of funding for those critical legal services.

Finally, there is the matter of the International Labour Organisation. Australia is not only a signatory but a founding and driving force for international labour laws. You all know that. Australia has a long and proud history of ensuring the rights of workers right around the world, including the classic right to strike when there is an injustice being done. We believe this legislation ought to be submitted by the government, and if not the government the ACTU, to the International Labour Organisation for advice as to whether it complies with our international obligations. It is a very simple test. There is no movement by the government or, so far as I know, from the ACTU. There are unions who want to see that test complied with and we will be proposing that it is. (Time expired)

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Senator Brown, you did foreshadow an amendment. Did you intend to move that now?

Senator Bob Brown—No. We will move that further on in the proceedings.

Senator CAMERON (New South Wales) (4.43 pm)—I am extremely pleased to support the Fair Work Bill 2008. This is a historic debate. This legislation is the culmination of political, union and community opposition to the Howard government's Work Choices legislation. I am very pleased that I was part of the union campaign against the legislation. I stood at rallies with workers who said, 'We cannot accept this legislation,' I stood at rallies with workers who had walked off the job despite threats from their employer to take legal action under the Work Choices legislation against those workers. Those workers stood up for their rights and they stood up against what they believed was a very bad law. The Australian community said clearly and unequivocally that workers are entitled to respect, to dignity and to rights at work. The Australian Council of Trade Unions and the Australian Labor Party campaign resonated with the community. There is no argument that it was not a major factor in the defeat of the coalition government at the last election. When in opposition, this government campaigned to develop industrial legislation that struck the right balance between an employee's and an employer's needs. Significant consultation took place with affected parties and that has resulted in legislation which does balance flexibility with fairness.

Work Choices was the embodiment of the coalition's political miscalculations. It is interesting to note that in the coalition's minority committee report on this legislation they claim that the government's legislation 'is the latest iteration in a succession of evolutionary changes to the Australian workplace environment'. Well, there was nothing evolutionary about Work Choices. Work Choices was a radical, revolutionary approach to ripping away the conditions of workers in this country. Work Choices was revolutionary and it was radical, and it was designed to disempower ordinary Australians workers in workplaces around the country. It really was about adopting the lowest common denominator and going down the low road on workers' wages and conditions. It relied on improving productivity and competitiveness by reducing workers' wages, conditions and rights. This was a flawed approach, an approach rejected by the Australian public. Work Choices was the epitome of the coalition's hubris and mean-spirited approach to working people. It was radical and flawed,
and it was not the proper way to try and get economic progress in this country.

I have often asked myself why this came about. Why did we move from a situation where it was generally agreed that workers should have rights in the workplace? There is no doubt in my mind that it came about because of a neoliberal approach to industrial relations. The neoliberal approach was to take any protection by government out of the community. Workers should be left on their own to negotiate with their employer, with no union rights, with no safety net rights and with no legislative rights to protect them and give them a fair go in the workplace. Workers were left to deal one on one with their employer.

Before, Work Choices individual contracts were available but no-one moved to them. No-one moved to individual contracts because it was the general view that they were an unfair form of contract for an individual worker with limited access to the capability of negotiating, with a well-resourced employer, a fair and equitable contract. Under Work Choices workers were then left with no access to external support and advice in the face of well-resourced employers. Why should the employer maintain the complete prerogative to determine when a worker works, how a worker works, what access the worker should have to a union and what rights the worker should have on the job? It does not happen in any other advanced country in the world. But Work Choices headed down that path to give all the rights to the employer and to deny the employee any rights to collective bargaining or rights to reasonable conditions on the job.

This approach is a neoliberal approach. It is an approach that was popularised by the HR Nicholls Society, whose members believe that workers should come to work fearful: they should fear coming to work and they should fear the proposition that they would lose their job. That was the HR Nicholls Society’s approach. We all know that senior coalition government ministers went to the HR Nicholls Society and made regular speeches to the society, doffed their cap to this organisation and behaved, in my view, in a sickening and sycophantic manner, promising even more radical industrial legislation. Work Choices was not enough for the HR Nicholls Society, and the coalition were prepared to give them more. Make no bones about it: if Peter Costello comes back as the Leader of the Opposition—

Senator Ronaldson interjecting—

Senator Sherry—He’s the campaign manager!

Senator CAMERON—If his campaign manager over there gets his way and Peter Costello comes back, workers in Australia should be well aware that Peter Costello was one of the first to tread the path to the HR Nicholls Society, that he was one of the first to say that you improve productivity by taking workers’ rights away and that he will be there again as a spear carrier for Work Choices in this country.

Since I have been in this place, three areas of coalition arrogance, hubris and incompetence have stood out for me. The first is their complete miscalculation on Work Choices and their view that Work Choices should come back. The second is the global economic crisis and their attempt to blame every problem in the Australian economy on a Labor government facing a global economic meltdown. The third area is their disbelief that we really do have a major problem with the environment and global warming. These three areas all come together to demonstrate how out of touch the coalition is with the real issues that are required to move this country forward. And what could be more stupid than, in a period of economic boom, to not
give workers extra rights, to not give workers a fair go by introducing Work Choices? How could we ever trust a coalition government again? When Australia is enjoying, off the back of the mining boom, massive growth and wealth, what is the neoliberal approach of the coalition? Take away the rights of workers, deny them access to unions, deny them access to collective bargaining, deny them access to respect and dignity on the workshop floor. What would happen if Peter Costello ever became Prime Minister? The Peter Costello fan club want that Work Choices legislation back in place.

If during the boom periods workers are denied their share of prosperity and dignity within this country, then what are they really arguing for in a period when the mining boom has faltered and we are facing a global economic crisis? Some of the employers made no bones about it during the committee hearings. The employers were saying that we are in an economic downturn, that we are facing this great economic crisis, so you should not have values, you should not have principles and you should not have rights for workers. In a period of economic downturn, workers should have no access to decent rights at work. That was the argument we heard from some of the employers. The productivity arguments were not there in terms of where they were coming from. They were still trying to run the lie that was perpetrated by the coalition when in government—that is, if you give workers access to decent rights, if you give them access to unfair dismissal rights, then the economy will come to a grinding halt. Some of that was argued again by the employers, but there is not a serious academic of industrial relations or a serious economist in the country who can prove that point—not one. In fact, all of the analysis that was done proved clearly, in my view, that to provide workers with decent rights at work would improve productivity, would improve dignity on the job, would improve cooperation. Yet what did we get? We had the coalition adopting an approach that set the worker individually against a well-resourced employer.

In the boom times, take away your rights; in the bad times, even more rights have to be taken away. This is just not sustainable. Workers are entitled to have decent rights at work. Workers are entitled to have some understanding that they can go to work and not be treated unfairly, not be dismissed at the whim of the employer, to be only dismissed if there is a fair and reasonable reason to dismiss those workers. They are not entitled to have their dignity stripped away by legislation such as Work Choices. The lowest paid and the most vulnerable workers need rights, support and dignity. They do not need their rights taken away; they do not need Work Choices.

The government believe that we should never forget that if the coalition ever get their hands on the levers of power again then Work Choices is sitting there in the background ready to go. You only have to listen to them in their media interviews: they really want Work Choices. And they really want to suck up to those elements of business that want to individualise the arrangements. And they are still there. You only have to look at the transcript of the Minerals Council to the committee, when they said that they should have the right to determine what unions are on the job and that workers should have the right to negotiate individually. That is the sort of approach from big business that is still there, and the coalition are running down and doffing their cap to big business, doffing their cap to the HR Nicholls Society, ripping away the rights of workers. There is a major test for the coalition: if this is not right, then you will stand up and you will support this legislation that provides workers with a fair go.
That is what this bill does. This bill is the absolute opposite of the Work Choices legislation. This bill confirms the right of working people to collectively bargain with their employer, something that was not there under the coalition. It means that employers will be expected to bargain in good faith with their employees. This is not a revolutionary concept; it is a concept that has been alive in the United States, of all places, for 100 years.

This bill confirms the right of working people to secure a comprehensive set of National Employment Standards in law. It is a real safety net—not a Mickey Mouse safety net that the Liberals would have you believe they put in place—that provides some dignity and security for working people. It confirms the right of working people to expect that, if they lose their job because of some petty and malicious reason, then they will have recourse to some support from government. That is appropriate. It confirms the rights of working people to expect that where there are disputes they will not be at the mercy of the law of the jungle.

I was involved in a dispute, before I came here, with a company called Morris McMahon. Workers were on $12 an hour. They wanted to negotiate a collective agreement. Morris McMahon said, ‘No collective agreement; we want individual contracts,’ and those individual contracts would not have given those workers any dignity on the job. They had to go on strike for 12 weeks to get a resolution to that dispute. There was no support for them from the then Howard government. There was no understanding of the issues that were important to them and their families. The government just washed their hands of them and said that they had to continue the dispute. This government wants a fairer, more equitable and more humane approach to industrial relations than that.

Business has argued during the committee hearings that if the economic circumstances change then you should change the legislation. I reject that proposition because you cannot have values, fairness and equity changing every time the economic circumstances change. The government’s legislation is designed to sustain workers in the good times and the bad times. It is about fairness for the employer and fairness for the workers.

Arguments are being put up that unions’ right of entry would be abused. Part of the argument we hear about why there is going to be a massive reduction in productivity is that unions are going to have right of entry. But unions have had right of entry in this country ever since I have been here and long before then, and that right was there to allow unions to ensure compliance so that workers got a fair go in the workplace. In this legislation there is the proposition that unions will have access to the workplace, but with those rights come responsibilities and severe sanctions against any union official who abuses those rights. So with the rights come responsibilities.

Some employers have argued that the bargaining rights go too far and that they should have the right to choose which union sits down and bargains on behalf of their employees. I have never heard so much nonsense as that in my life. The opposition have always argued—I think, with tongue in cheek—that it is about freedom of association; but their freedom of association is the freedom not to join a union. They have no counterbalance and argument for freedom to join a union. That was quite clear when big business came to that committee and argued the proposition that they should have the right to determine which union sits down at the bargaining table. Talk about employer prerogative! I have never heard the likes of that in my life, and that is not what happens in any other country in the world.
This government has a mandate, a clear and unequivocal mandate, for this legislation. We went to the Australian public based on a broad understanding of what should happen to provide fairness and dignity at work. The argument that you should dot every ‘i’ and cross every ‘t’ before you win government is a nonsense. You cannot expect the election manifesto to extend to legislative detail. There was no mandate for Work Choices. (Time expired)

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (5.03 pm)—It is interesting to come in here today to speak on the Fair Work Bill 2008 and for the first thing I hear to be Senator Cameron talking about neoliberals. The first question I want to ask is: on the day the Labor Party decided to deregulate the single wheat desk, what were they on that day—neoliberals or hypocrites?

Senator Cameron interjecting—

Senator JOYCE—That is the question. The fact seems to have escaped the Labor Party that it was they who came charging in to deregulate the single desk. It was the Labor Party that decided that the market had to reign supreme. It was the Labor Party that dragged small farmers kicking and screaming to the lowest common denominator, to be held hostage by those who have complete and utter market power over them. But this is a point that the Labor Party seem to have conveniently forgotten and Mr Rudd seems to have conveniently left out in his little totem in the Monthly.

Senator Cameron interjecting—

Senator JOYCE—So you seem to change and morph as events require. But every time you talk about neoliberals or deregulation I will just say to you: what was your position on the day that you, the Labor Party, rushed in—and it was one of the first things you did—to deregulate the single desk? What was your position towards those farmers on that day? How do you balance the paradoxical positions you held on that issue?

Senator Cameron interjecting—

Senator JOYCE—You know you are vulnerable on that and you are complete and utter hypocrites to come in here and belt on about neoliberals when on that day you led the charge. You led the charge to put those farmers down. This is the position that you people have—

Senator Cameron interjecting—

Senator JOYCE—You can interject all you like, Senator Cameron. You can run with the fox and you can hunt with the hounds, but in the end people know exactly what you are: you are fraudulent.

This is the position that the Labor Party is now trying to espouse before the Australian people: oh, the hurt of it all! And all this rubbish about the HR Nicholls Society—it sounds like they must be in every workplace. I have never met them. I would not know them if they stood up in my cornflakes. Who on earth are the HR Nicholls Society?

Senator Cameron interjecting—

Senator JOYCE—Who are they?

Senator Cameron interjecting—

The ACTING DEPUTY PRESIDENT (Senator Parry)—Order! Senator Cameron, I have tolerated a little bit of interjection. If you would let Senator Joyce be heard in silence, thank you.

Senator JOYCE—Thank you, Mr Acting Deputy President. I know why they interject; they are on extremely shaky ground. This whole dissertation about the HR Nicholls Society—the HR Nicholls Society being under the bed and sneaking around corridors—is a load of rubbish.

Let us get down to what this legislation is about. The Greens said right from the word go that they are going to vote for this. For the
Greens to come in here and talk about what is wrong with the legislation is completely and utterly pointless because they have no bargaining position. The Greens are going to vote for the legislation. The Greens will not hold the line. When push comes to shove the Greens are going to do what they always do—fall into line with the Labor Party. It has been a bit peculiar lately because they have gone out and announced their support before they even got into the chamber. At least in the past we had to wait a little while.

The crossbenchers will also agree with the legislation. It is the case that the Greens said yes at the start and the crossbenchers will say yes at the end. They will all say yes and whatever legislation the Labor Party proposes will go through. That is the reality of it. We are going through the process here. We will be certainly holding the line on the issues, but the reality is that this Labor Party policy will go through with the support of the crossbenchers and the Greens. All their romantic dissertations about amendments are pointless because they would not have the ticker to hold the line if it came to voting against the bill. Because the Labor Party know that, they will show glib empathy, nod and smile, and whimsically look around. You know that at the end of the day they will say: ‘We’ve got them packed away. They’re going to support us, so don’t worry about it.’

There are a couple of things in here that I really do think are obnoxious in the year of our Lord 2009. The first one is the so-called right of entry of union officials to people’s private property. There is this crazy idea that, if the filing cabinet for my employees is in my living room, some union official can wander through my living room because he has apparently a superior right to a policeman. He does not need a subpoena to get access to these records; he can just make up his own mind. Surely we have left those days behind. Surely a person’s private property should be respected with dignity. You cannot have a union official come wandering into your place. How did he get that right? If he wants to be a policeman, let him be a policeman. Do not give a union official superior rights to officers of the Crown. They say: ‘We’ll hold them to account. We’ll be out there checking that they don’t look at what they’re not supposed to look at.’ How are you going to check what information they read and what information they collect? How are you going to monitor that? You are not.

I think this is completely obnoxious. The Australian people should know that the Labor Party are dovetailing into this legislation all these nasty little pieces and then running out with the word ‘mandate’—‘We’ve got a mandate to let someone wander through your living room or kitchen or come into your private dwelling; we’ve got a mandate for this person’s rights to be superior to other people’s; we’ve a mandate.’ We see once more the gun-to-the-head approach. They have dovetailed and embedded in this legislation lots of nasty little bits of work. It is the job of this chamber to knock out those nasty little bits of work. If we do not knock out those nasty little bits of work then we hand the union movement back what they really want, and that is access to a cash flow. This is all about making sure that cash keeps flowing to the Australian Labor Party.

The mysterious shop stewards are supposed to look after the workers. They are not really looking after the workers; they are looking after the Australian Labor Party and making sure that they have complete access to the $½ billion in union fees that are paid throughout this nation each year. We know about this because in every election the Labor Party are cashed up to their eyeballs. They are cashed up to their eyeballs not because they have sold a product in the marketplace that people have wanted to buy but
because they have demanded the market-place buy something or else they will send in their buffoons to stand over the top of them. We are going back to this position. We are going back to a cash flow by demand as designed by the Labor Party. The Labor Party believe they have a mandate, but I do not think the Australian people believe the mandate went that far. The decision to repeal a piece of legislation is your right—and, as I said, it will go through—but you do not have carte blanche to associate any issue with this legislation.

The Labor Party believe that small business should be exempt from unfair dismissal laws. They say so. The National Party and the Liberal Party believe that small business should be exempt from unfair dismissal laws. Let us get that clear upfront. Let us not have a philosophical debate about whether you believe there are certain sections in the community that should be exempt from unfair dismissal laws. There obviously are. All agree that it should be small business. The argument has come to be—and I think this needs to be further fleshed out—what a small business is. The Labor Party’s position in this legislation is that a small business is one with a headcount of 15 workers. If you have 15 or fewer people at your work site, you are a small business. If you have more than 15, you are not a small business. The Australian Bureau of Statistics believes that it is 20 or fewer. So automatically within the government we have two different definitions of what a small business is. I am led to believe by a very reputable source—Kevin Andrews—that the ILO says a small business has 50 employees. So now we are starting to get a difference in the definition of what a small business is.

We have a problem with 15 because a person who has been put out of work will not get employed if he turns up to a workplace in the middle of a recession and is employee No. 16. That is what will happen. This will discriminate against people who are put out of work, unfortunately because of a recession, getting employed again. In the middle of a recession there is only one thing we have to try to do and that is to get people back into jobs. If we get people back into jobs, we are doing our job. That means we have to remove the impediments that keep people out of work. Naturally enough, small businesses, who are the biggest employers in this nation, will shy away from employing that 16th person if they take on board with the employment of that person a whole range of other liabilities that they did not have—that is, they are now covered by the requirements of the unfair dismissal laws.

So we have to seriously look at moving this number in a direction that deals with the fact that 15 will mean that every workplace in our nation that has fewer than 15 employees will be one that is unlikely to take on that extra employee. We have to find out what the potential employee cost of that is. People know we are in a recession. They know it is going to be tough. They understand that the rules of the game have changed somewhat. We have to make sure that, in bringing this bill before the Senate, we do not create impediments that are going to exacerbate the financial crisis that is inevitably turning up—and it is called a recession.

The Labor Party in their infinite wisdom have also brought forward other pieces of legislation which will definitely make the current recession worse. One of those is the emissions trading scheme. This is something that will definitely put people out of work. In the campaign in Queensland there has been overwhelming sentiment from people not wanting to lose their jobs over a gesture. The gesture is that you are going to change the environment. But you are not actually going to change the environment; all you are going to change is the cash flow into certain work-
ing families so they cannot make their house payments. Ultimately their house gets repossessed and someone comes along and changes the locks on the house. People, especially in the Australian Workers Union, do not like the idea of losing their job for a political gesture that has no real effect on climate.

The reason I bring the ETS up in the debate on this legislation is because the previous speaker, Senator Cameron, brought in the ETS. In refuting his point, he of all people should be leading the charge to make sure we knock the ETS out. If we do not knock the ETS out we are going to knock his workers out of a job. I find it peculiar in the extreme that it is the Labor Party that has been completely fraudulent in their representation today of their protection of workers’ rights. Yet in the same breath they are putting forward an emissions trading scheme—a tax on endeavour, enterprise, the mining industry, the agricultural industry, the aviation industry and the tourism industry—that will put workers out of work. We will take that to the election—every day we will remind your working families about your legislation that specifically took them out of work.

It will be interesting to see whether the AWU has the ticker to stand up to the Labor Party for their people. At this point in time they have not. They have morphed towards another inquiry, then run away from it. This is another case of the juxtaposition—the parody—of Labor positions. They rail against neoliberalism yet they deregulate the single desk and put small farmers at the behest of the big players in the marketplace, and the small farmers are getting done over. It was the Labor Party that did this, yet they step away from that parody, they step away from that paradoxical and deceitful position that they have. It is the Labor Party that says, ‘We are out protecting workers; we are looking after workers with this Fair Work Bill,’ and at the same time puts forward an emissions trading scheme to drive workers, especially in the mining towns of Mackay and Gladstone, out of work—specifically out of work by reason not of the global financial crisis, not because of global warming, but because of Labor Party policy. That is what will drive them out of their jobs.

This piece of legislation as it goes forward will have amendments galore. I can see them coming at 100 miles an hour. It is going to be interesting to see how the Labor Party work—whether they are going to be conciliatory with the crossbenches and with the Greens in how they deal with certain aspects such as the right of entry, whether they are going to be conciliatory in making sure that the level of ‘small business’ is moved to a more appropriate number so that we have exemptions for small business and not just for the smalls of small businesses; or whether they are just going to play the game and play off the Greens and crossbenches knowing that at the end of the day the Greens and the crossbenches are going to vote for them anyhow. Let us see what amendments the crossbenches and the Greens actually get. Let us see which ones they agree to. That will be an interesting test. I will be honest: I can see this legislation going through regardless of what the National Party and the Liberal Party say, so locking in a position is really irrelevant.

The National Party will definitely be fighting to make sure that there is a better reflection of what small business should be; the number 15 is too low. We have to move that number up. We definitely believe that and we will be fighting for that. The National Party definitely believe that the right of entry by union officials into my private property, across my carpet to open my filing cabinet to go rummaging through your private details so that they can fill in their database is wrong. I strongly believe that. I think it is
completely odious that this position has been brought forward. Let us see if the Labor Party are really conciliatory in making sure that does not happen. I wager that they will not be. I wager that they are going to stick to that. They want to build up their database on the private details of Australian citizens. They want to rummage through and they want to make sure they can stand over those people who dare to not join a union. They will stand over those people who cannot warrant why someone should be taking $400, $500 or $600 a year out of their bank account, away from their family, for a service they never get. It is amazing. It is always one of the complaints we get: the shop stewards—the service you never get—only turn up when he or she want their money.

That is where the Labor Party are off to with this legislation. If you look to the subtext, it is about them realigning themselves with their cash flow. Their biggest fear under the previous government was not for the workers; it was for the cash flow, for the flow of money from compulsory union membership back to the Labor Party. It has been a very successful stream of money. I hope that the coalition take a stand on some of those issues to make sure that we reaffirm our position that there is nothing wrong with unions—unions do a very good and purposeful job in our society—but we should not be compelled to join one.

We should not be compelled to allow someone within a union access to our private details. There should not be the belief that you can be somehow moralised over and stood over to legislate the right for someone to obtain certain details which, if I knew a union official was going to get them, I would never give to my employer. I would never, ever give them to my employer. I have no problem with someone turning up with a subpoena if they are an officer of the court but not if they are a union official. Call me old-fashioned, but I think that is how most other Australians would see it as well. If unions want the information, they can send you a letter in the mail and you can send it back to them. But do not come demanding the right of entry and demanding access to records that are none of your business. This is one of the most odious parts of this legislation.

The definition of a small business should include those that have more than just 15 employees. That is just a head count. Surely you could make it 15 full-time equivalents. I think it should go beyond that. It should go to something that reflects where everything else is currently. The ABS definition is 20 and the International Labour Organisation definition is 50. I think that a small business properly relies on numbers somewhere in between those two. I know what the government will say: ‘This is what you had before.’ Times have changed. We are heading to a recession. The last thing we want to do is give people, via this legislation, the motivation not to employ Australians. Our job in this parliament is to keep people at work, in a job.

Senator XENOPHON (South Australia) (5.24 pm)—I indicate my support for the second reading of the Fair Work Bill 2008, but I reserve my position in relation to the third reading stage. I believe that Australians want their workplace relations system to be both fair and functional. They want to know that they will not lose their job due to unreasonable grounds or unexpected whims. They want to know that the wage they earn has parity with others doing the same job. They do not want our most vulnerable, especially our young people, to be exploited in the workforce. However, Australians also want a system that is functional. They want to know
that business is not being frustrated by red tape or unnecessary industrial disputes. They want to know that their livelihoods are not being lost because of the actions of those who make a living out of workplace disputes. They want to know that if someone has the energy and initiative to start a new business they will get a return for their efforts. In a time of global economic turmoil, they do not want the economy hampered by ideology.

That was the situation that we faced with Work Choices. I believe the Howard government’s policy was driven by ideology and that it went too far. I believe that it unsettled the balance of fairness and functionality. I believe that it put Australians at risk in a time of economic uncertainty. I know that the majority of the Australian public agrees with this proposition. So I welcome the move by the Rudd government to address the imbalance caused by Work Choices. Further, I acknowledge the mandate that it was given by the Australian people at the last federal election to scrap Work Choices. Work Choices is dead and I will not be mourning its loss.

But permission to knock down an unsafe house is not permission to build an equally unsafe one just painted a different colour. This was my concern when the Fair Work Bill was first introduced in the House of Representatives. At its introduction the minister promised the creation of a new workplace relations system for Australians that embodied the Australian genius for fairness and enterprise. She explained that a key purpose of this bill is to provide a comprehensive safety net of minimum National Employment Standards. She said the bill builds on top of these standards a new system of modern awards which will cover issues such as minimum wages, flexibility arrangements, leave provisions, dispute resolution and representation.

The minister also detailed other aspects of the bill, including the introduction of Fair Work Australia, a body to replace a number of other workplace relations bodies, such as the Australian Industrial Relations Commission. She also announced the creation of a Fair Work Ombudsman to replace the employment ombudsman. Aligned with these changes are also expanded powers for the Federal Court and the Federal Magistrates Court. Further measures announced by the minister include conditions for enterprise bargaining, unfair dismissal, redundancy and the transmission of business.

At 575 pages and 800 clauses, it is an extensive and complex bill, but I think it is much more clearly written and much less complex than its predecessor. Yet, despite its relative clarity, what has typified much of the debate surrounding this bill since its introduction has been not so much the scrutiny of substance but rather the echoes of ideology. This at times heated IR debate has been fuelled by major political parties, unions and business groups. I have found it amazing to observe the different parties reading the same text in the bill and coming up with such diverse and divergent interpretations of that text. As was put to my office recently, it is as though most of the commentators on this bill are reading it through differently coloured glasses. For some this may be due to real fears for the future. For others this may be due to bad experiences in the past. But for still others it is just ideological blinkers at work.

When this bill was introduced in its original form in the House of Representatives, I too felt that there was more than a hint of old style ideology about it. I have been concerned that the bill could allow uninhibited access by union representatives to work sites and to non-union-member personal records. I have been concerned that potentially the bill could allow unions to extend their powers
beyond those which we saw in the Hawke-
Keating workplace relations system. I have
also been concerned at the possibility for an
expansion of forced arbitration, which would
undermine the important emphasis on flexi-

bility and negotiation between employers
and employees. I have been concerned about
the transmission of business provisions that
seem to provide a disincentive to purchase a
business because the new owner would be
hamstrung by previous industrial instru-
ments. Finally, I have been concerned about
the impact on small business and jobs. If the
costs associated with protecting workers’
employment conditions are such that the
boss goes out of business, who is the winner
then?

I am a strong believer in the Senate as a
house of review and the important role of
Senate committees in that review. The com-
mittee process concerning this bill has borne
out my faith in that process. The Senate
Standing Committee on Education, Em-
ployment and Workplace Relations explored
a number of my concerns, as well as the con-
cerns of many others, in thorough detail. It
was made clear that union right of entry was
not unlimited in the evidence that was heard.
Rather, unions were taking on their previous
role as investigators of industrial breaches
and that strict conditions guided right of en-
try to consider documents relating to a
breach. However, there remain issues of pri-
vacy, which I will refer to shortly. It was also
made clear that the powers of the unions
were not being expanded beyond those prior
to Work Choices, although there is some de-
bate about that. Rather, the place of unions as
a participant in discussions was being rein-

stated now that they are no longer parties to
an award. This is part of the new emphasis
on negotiation between employer and em-
ployee.

The position of government senators in
the committee report is that provisions in the
bill would not open the gate for widespread
pattern bargaining and forced arbitration. On
the basis of the government senators’ report,
the one area where it could be argued that
there has been an expansion, namely the
lower paid bargaining stream, has the protec-
tion from industrial action and can only be
accessed once. Finally it was argued by the
government that its wide consultation and
work with advisory groups resulted in
changes that had the endorsement of small-
business bodies. It is fair to say that there has
been a significant degree of consultation
with respect to this bill. While I will still be
taking up each of these points in the commit-
tee stage, I was reassured that the govern-
ment was heading in a welcome direction
with this bill.

The committee process also noted incon-
sistencies, highlighted drafting errors and
pointed out potential practical problems and,
in some cases, unintended consequences. As
a result, a series of recommendations were
made and I am pleased to say that the gov-
ernment has moved to respond to a number
of the recommendations. That is what the
Senate process is meant to be about. It is
about scrutinising legislation and, where
possible, improving legislation. In contrast,
if the Senate is a rubber stamp, I think you
get a lot of adverse consequences. In relation
to the Howard government’s Work Choices
legislation, if it had been the case of a Senate
with the balance of power held by the cross-
benches then we would have got a different
outcome; it would have been much more
moderate and much fairer. I think it is impor-
tant at this time of economic challenge that
we get the balance right.

Over the last 24 hours, I have been en-
couraged by the discussions I have had with
the government in relation to this and they
have acted on a number of issues. Late yes-
derday, I and the other crossbenchers met
with Minister Gillard to discuss the findings
of the committee inquiry and the passage of this bill. Concerns were raised and the minister listened. There will be further discussions. In response, the minister has provided a detailed series of amendments that take on board a number of the significant concerns put to her by crossbench senators and detailed by the Senate committee inquiry.

It is pleasing to see in relation to the issue of greenfield sites that the government has listened to the concerns of the Australian Industry Group, and that is a good thing. I have been expressing my concerns for some time about protecting the privacy of non union members in relation to right of entry. I note also that the Office of the Privacy Commissioner raised similar concerns in their submission to the Senate inquiry. In the minister’s letter I am pleased to see that she intends to address the concerns raised about privacy.

In discussions with the minister’s office my office raised the possibility of including information about privacy in the Fair Work Information Statement, which all new employees are expected to receive. I am pleased that the minister has adopted this idea and also indicated that additional information will be provided about workplace flexibility and enterprise bargaining. I believe this will be of great benefit to all employees but particularly to our young people when first entering the workforce. With this in mind, I put to the minister that it might also be useful to provide information about unfair dismissal, appropriate union representation, the role of the ombudsman and appeal rights in this document. These are things that will provide a degree of clarity and certainty, and that is a good thing.

In line with my interest in family-friendly flexibility and provisions, I am pleased to see that the minister is considering the capacity, when an enterprise agreement allows it, for an employer’s refusal of a request for flexible arrangements to be resolved by Fair Work Australia. I have also expressed concerns about union demarcation over greenfield agreements. I am pleased, as I have indicated previously, that the government has moved on that, and I think that is a significant improvement.

I have expressed concern over the possibility of new transfer of business provisions being a disincentive for prospective buyers. Again I am pleased to see the provision for prospective buyers to check with Fair Work Australia prior to entering into purchase negotiations as well as the requirement for Fair Work Australia to consider the efficiency of the new business in the transfer of industrial instruments. The government is to be commended on its willingness to take up these concerns, which I and others have been raising for some time.

However, I do have remaining concerns and questions about this bill and wish to highlight them simply. I have put these matters to the minister in person and now my invitation to the government is for them to respond to these concerns in good faith. If you like to use the terminology in the bill, ‘to have some good faith bargaining’—

Senator Hurley—What about forced arbitration?

Senator XENOPHON—We do not have deadlocked conferences here, Senator Hurley, unlike the place you were at previously, the South Australian parliament. I think there has been a lot of good faith in terms of discussing issues with the government and I am looking forward to further discussions in relation to these concerns.

In relation to union right of entry to explore breaches, I am still concerned about privacy for non-union-member records. While I understand the need on occasions to compare union and non-union-member re-
cords to check things such as wage parity, I remain concerned about a third party having access to the records of the approximately 80 per cent of the workforce who are not union members. The minister made it clear to me that employers will still be able to contest an alleged breach and stop entry until FWA makes a ruling. While this is an important safeguard, I signal that I will be looking very closely at the government’s amendments in relation to privacy protection. Also, I am concerned with the need for 24-hours notice to be given to employers before entering workplaces to explore outworker breaches. This is something perhaps from the other side of the fence, if you like. This much notice can result in backyard sweatshop operators packing up their operations so that, when the investigators arrive, there is nothing to see and unfair work practices can continue in another location.

In relation to unfair dismissal provisions, I am concerned that the 15-person threshold for small businesses to qualify for the small business unfair dismissal regime is too low. I am worried that a corner shop, snack bar or cafe with two or three full-time employees and a large turnover of casuals could too easily be burdened with these provisions, which could be a disincentive to employing people. I understand the practical problems—though they are not insurmountable—with suggestions such as having 15 full-time equivalent employees where an employer would have to calculate their staffing equivalent on the day of dismissal, but I signal that I am open to considering better ways to handle this issue.

Also in relation to unfair dismissals, I have concerns about the number of days in which a person can make a claim. I note that it is proposed to change it to seven days from the current 21 days. I think that, as was mentioned in the committee report, there is a real risk that a change to seven days may encourage people to make a claim before they have had a chance to consider whether they ought to claim or not or to get appropriate advice. The committee suggested 14 days; I suggest that even 21 days is more than reasonable and that we should not change the status quo.

Further, I wish to raise what appears to be an inconsistency where employees of particular organisations can appear before Fair Work Australia without the need to seek permission, but legal practitioners and agents are required to seek permission. I think that is unfair. Despite what Shakespeare said about lawyers, I think that lawyers do have a very valuable role in giving people the right to representation. As a lawyer, I think it is important that that right be acknowledged and that people not be disadvantaged if they want to exercise their right to representation for whatever reason.

Finally, I would like to explore better protections for work-life and family-life balance. Although I know these things were not ALP policy commitments, the inclusion of flexible working arrangements for parents of school-age children and children with disabilities and the capacity for some recourse if employers refuse flexible parenting arrangements out of hand are also areas of interest to me. I note from the committee report and from the *Hansard* that coalition senators raised this as an issue. It is certainly a live issue that is of concern, I believe, to both sides of the house, particularly where working parents have children with disabilities.

I am quietly confident that these concerns can be further dealt with and further advanced towards resolution. I have been impressed with the way that the Deputy Prime Minister and her office have handled negotiations with my office over this bill. Our dealings have been open, frank, cordial and practical. I want to also acknowledge the coalition. Michael Keenan and his office
similarly have been very helpful. My discus-
sions with him on the coalition’s concerns
and the legislation generally have been open,
frank, cordial and practical.

My office has spent something like 10
hours in briefings with the minister and her
staff painstakingly working through our con-
cerns. They may well find me and my office
a pain, but they have done so with good
grace to enable me and my staff to under-
stand the complexities and intricacies of this
legislation. It is because of that level of detail
that I am able to stand here and offer such a
short list of matters for further consideration.
My many other concerns and questions have
been considered outside of this chamber and
I have been reassured in many respects by
the information provided. And, again, I ex-
press my gratitude to the coalition spokes-
person, Michael Keenan, and his office for
the work that they have done and their assist-
ance in giving me a better understanding of
this legislation and our areas of difference. I
believe that all of these negotiations have
been modelled on the spirit of the good-faith
bargaining that is detailed in this bill and
should be the norm, I think, in dealing with
complex legislation.

In summary, I believe that ‘work choices’
need to be genuine choices for workers and
‘fair work’ needs to be fair to employers as
well. I reiterate my ongoing interest in rela-
tion to privacy for employees, protection for
small businesses and provisions for work-life
balance. I will be looking forward to the
committee stage to seek reassurance on these
areas. Consequently, I indicate my support
for the second reading of this bill, but I re-
serve my position in relation to the third
reading.

Senator FIELDING (Victoria—Leader
of the Family First Party) (5.41 pm)—
Yesterday, the people of Victoria and Tasma-
nia had a public holiday to celebrate Labour
Day. For many people this meant a day off
from work to spend time relaxing with their
families and kids, but this day represents
much more than that. It represents the vic-
tory by the labour movement over 150 years
ago for an eight-hour working day. As the
slogan went: ‘Eight hours for work, eight
hours for recreation and eight hours for rest’.
Unfortunately today an eight-hour working
day is just a fantasy for many Australians. It
is something we daydream about, especially
during the ninth hour, the 10th hour and the
11th hour of a working day. A recent study
showed that Australians work the longest
hours in the developed world with an aver-
age of 1,855 hours spent at work each year.
That is 200 hours more than employees in
other developed countries. What is more,
over two million Australians work more than
50 hours per week.

One of the main reasons given for this rise
in working hours has been job insecurity.
The Howard government’s Work Choices
laws did nothing to help job security and
undermined the basic working conditions of
hardworking Australian families. Work
Choices gave workers only one choice: work
harder or work somewhere else. Family First
were the first political party to expose the
holes in the Work Choices legislation, be-
cause we understood the effect this law
would have on ordinary Australian families.
Family First voted against Work Choices.
Family First also introduced legislation to
give back to workers their public holidays,
meal breaks, penalty rates and overtime and
to protect the redundancy rights that the
Howard government had taken away. We
voted against Work Choices because it got
the balance wrong and workers could be eas-
ily ripped off.

The Rudd government has now introduced
the Fair Work Bill 2008. The Fair Work Bill
is one of the most important pieces of legis-
lation to come before this place because it
affects every single working Australian. Family First is committed to ensuring that this time we get the balance right. What is the balance? Family First believes it must be a balance between protecting the rights of workers so that they do not get trampled and making sure that businesses, especially small businesses, can operate competitively and without constraints so the economy can continue to grow, particularly in these difficult economic times.

Family First is concerned that the new Fair Work Bill swings the pendulum too far in favour of big unions, that the balance we are seeking from this bill is missing. We are concerned that some of the demands placed on businesses are in certain cases too harsh and need to be reviewed. In particular, we are concerned about the effects that some of these changes will have on small businesses, most of which are family based. We cannot be blind to the current economic environment. We cannot ignore the difficulties many small businesses are facing at the moment in trying to make ends meet and to stay afloat. We need a set of industrial laws which do not make things even harder for small businesses than they already are. We need laws which are fair for all. Most importantly, we need to make sure that we do not throw the baby out with the bathwater.

The Fair Work Bill needs to differentiate between the small business owners struggling every day just to keep their businesses afloat and large businesses who can ruthlessly sack thousands of workers when the going gets tough. Those are the same big businesses who treat their fat-cat executives with special privileges and give multimillion-dollar bonuses while sending their workers to the unemployment queue. That is why we believe small businesses should be exempt from the right-of-entry provisions. The right-of-entry provisions as they stand seek to turn unions into workplace policemen. Sharan Burrow, it seems, is the new IR top cop.

The Rudd government now wants unions to be transformed into a police force, responsible for going around to businesses, even small businesses, checking to see if there have been any breaches in the workplace. The police are a statutory body. They are responsible for all citizens and they are impartial. The unions, while important, are anything but impartial. The unions, while concerned for all workers, are responsible only to their members. Family First cannot support granting powers of entry to the unions which will turn them into a law enforcement agency to effectively become the IR police. If the government wants to set up a new police squad with powers of inspection, it should establish a statutory body so that it is done fairly and within defined borders. The Rudd government is proposing to allow unions to barge into the workplace and inspect employee records—even those records of workers who do not belong to the union. These powers are extraordinary. I would be surprised if the ordinary worker supported a plan that gives a union access to their private information—information which is about them, not about the union. We need controls on these powers.
Giving too much power to any one side is always a bad thing. It does not matter whether this power rests with big business or with unions, too much power results in one group having more at the expense of another. It moves away from what we are trying to achieve with this bill—that critical concern of balance and fairness. We do not believe unions should have the right to inspect non-members’ records. That is why we have privacy laws—to stop people looking at our confidential information where we do not consent. Unions must not sit above the law.

If there is a genuine need for unions to access nonmembers’ records, this must be determined and done by a third party. Unions cannot be judge, jury and executioner.

Family First also believe we need to tighten the regulation in relation to the granting of entry permits. Permits should not be issued more than once for any single suspected breach. There has to be a clear end to the process. In addition, Family First will be pushing that unions should hold a reasonable belief that there has been a possible contravention of the act before they are entitled to enter the workplace. This belief must exist not only at the time they are granted the permit but right up until they are about to enter the workplace. Furthermore, should a union representative knowingly or recklessly proceed with entry after having sufficient information on hand disproving the allegation, businesses should have the right to take action. This will prevent permits being transformed into objects of abuse. Family First believes union representatives must give at least three days notice before seeking to enter the workplace. Family First understand that businesses have their own requirements and cannot be expected to drop everything at a whim. We believe three days is a reasonable compromise.

Family First also has concerns over the unfair dismissal provisions. Sadly, the government has the balance wrong with unfair dismissal. Family First believe unfair dismissal laws are important and are an essential part of the industrial relations framework, but we need to make sure that these laws do not stop small businesses hiring new workers and helping to grow the economy. The government has already acknowledged that small businesses need exemptions from unfair dismissal laws by having something in this legislation for businesses with up to 15 employees. This number is too low and leaves many small businesses unprotected. This number must be increased to 20 and calculated as 20 full-time equivalents. A small clothing shop which has only three workers in the store at any one time but has 20 casual workers on its books must not be classified as a large business.

Family First will also be seeking amendments to the provision regarding facilitated bargaining for the low paid. Small businesses must be exempt from this provision. It is ludicrous to push small businesses into a corner where they are forced into workplace agreements that they simply cannot afford. Exempting small businesses from this law is simply common sense. Moreover, we want the government to clarify who exactly is a low-paid employee. We need to understand the scope of this provision before we vote on it. The government has purposely left this term undefined.

Finally, Family First have concerns about the transfer of business definition outlined in the bill. We welcome the government’s acknowledgement that there are issues with this provision, and we understand that changes will be made in reviewing the provision. We look forward to seeing that. A more balanced set of workplace laws would be better for everyone. It would mean that businesses could continue to grow, and that would mean more jobs for Australians. We will continue to work with the Rudd gov-
ernment to get some changes made to the bill. We are hopeful the government will listen to our concerns and those of all Australians. We are willing to work hard to make sure that we get it right, because this issue is too important to let political squabbling get in the way of the lives of ordinary Australians and small businesses. This bill must be about moving forwards, not backwards. Let us make sure that this time we get the balance right with workplace laws.

Senator HURLEY (South Australia) (5.54 pm)—In 1907 the President of the Commonwealth Court of Conciliation and Arbitration, Sir Justice Higgins, set the first minimum weekly wage. The Harvester judgment ensured a worker received enough remuneration to provide decent food, shelter, water and ‘frugal comforts’ for his family. The Harvester judgment said that ‘every Australian was entitled to every single one of these standards, every day of their lives and that if we as a nation did not endorse this, we could not claim to be a civilised society’. Simply put: it was about a fair day’s pay for a fair day’s work.

This concept of fairness is integral to the history of industrial relations in Australia, just as the concept of a fair go is a fundamental value of our Australian cultural identity. On 27 March 2006, the previous government abandoned this basic tenet of Australian culture, with its imposition of Work Choices on the Australian people. The stripping away of a new employee’s right to collectively bargain, the removal of unfair dismissal provisions and the removal of the no disadvantage test—only to be reintroduced as a last-minute, bungled ‘fairness test’—decimated the rights and remuneration opportunities of Australian workers and their families. Work Choices, contrary to the coalition’s $121 million advertising campaign, did nothing to simplify our workplace relations system. With more than 1,400 pages of legislation and regulation, it created a complex, legal minefield for employers and employees alike. As a Federation Press paper noted in December 2006:

… the principal thrust of the Work Choices reforms has been to individualise employment relations and, as a corollary, to marginalise both trade unions and industrial tribunals.

In this sole regard, the legislation fulfilled its ideological purpose to individualise employment relations, remove rights at work and marginalise trade unions, albeit to the detriment of hundreds of thousands of Australian families and small businesses, because many felt overwhelmed by the complexity and uncertainty of the process.

In November 2007, the Australian Labor Party took our alternative policy for a new era of workplace relations, Forward with Fairness, to the Australian people. The rest, as they say, is history. Our mandate for the Fair Work Bill 2008 is, frankly, overwhelming. With the introduction of the Fair Work Bill, the government is introducing a simpler, contemporary system, with laws that balance the needs of employees, their unions and their employers. This bill marks a return of the fair go for all Australians in the industrial relations sphere. The bill itself is shorter, simpler and less ambiguous than the Work Choices legislation, at approximately half the size of the existing Workplace Relations Act. It is easier to read and apply and, rather than reinventing the wheel, makes practical use of over 100 years of jurisprudence by maintaining understood concepts. For example, when examining the allowable content of an enterprise agreement, the concept of ‘matters pertaining to the employment relationship’ is maintained, as it is well tested and brings with it established legal principles.

The bill establishes a new one-stop shop for industrial relations in the Fair Work Australia organisation. Independent of unions,
businesses and government, Fair Work Australia will be a contemporary and accessible agency, with a focus on providing fast, effective assistance to employers and employees. The Australian Industrial Relations Commission and the Australian Industrial Registry have served Australia well since their establishment in 1904 as the Commonwealth Court of Conciliation and Arbitration. Work Choices merely added to the bureaucracy by creating the Australian Fair Pay Commission, the Australian Fair Pay Commission Secretariat and the Workplace Authority. Combining the roles of all predecessors, Fair Work Australia will vary awards, make minimum wage orders through annual reviews, approve agreements, determine unfair dismissal claims, make orders on good faith bargaining and industrial action and conciliate to resolve disputes at the workplace.

On 16 June 2008, the Rudd government released 10 National Employment Standards as a minimum safety net for all Australian workers. In addition, the Australian Industrial Relations Commission is working on the creation of modern industry or occupation based awards. Modern awards will build on the National Employment Standards and may include an additional 10 minimum conditions of employment tailored to the industry or occupation. This will work to ensure that industries can maintain unique entitlements and flexibilities that have been negotiated over many years and will recognise that not all sectors have the same minimum award requirements. Under this bill all employees will have clear, comprehensible, comprehensive and enforceable minimum protections that cannot be stripped away.

The Australian government firmly believes in the principle of freedom of association—the right of every Australian to choose whether or not to belong to a union. The Fair Work Bill will streamline freedom of association and a number of other workplace rights into one part of the act. Under these general protections of workplace rights it will be unlawful for a person to take adverse action against a person because they have exercised a protected workplace right. Adverse actions include dismissal, discrimination, refusal to employ or the prejudicial altering of the position of a person.

Workplace rights remain an entitlement under an award agreement or industrial law. The Fair Work Bill provides clear, tough rules on industrial action. Employees may only take protected industrial action to support or advance claims during enterprise bargaining negotiations. Actions must be authorised by a mandatory secret ballot and bargaining representatives will be required to provide the employer with three working days notice of their intention to engage in protected industrial action. Fair Work Australia can order the termination of the action in circumstances of serious economic harm or the endangerment of the safety, health or welfare of the community. This section of the bill largely maintains the existing provisions for protected industrial action.

The right of entry provisions of this bill, which have been much discussed today, balance the right of the employees to be represented by their unions with the rights of employers to get on with running their businesses. In its Forward with Fairness policy the government committed to maintain the existing right of entry rules, and it has done so. Unions have a longstanding role in helping to ensure compliance with industrial law, and unions will be able to access and copy employment records relevant to a suspected breach of law being investigated. This was the position that existed prior to Work Choices and for many years prior to that. Strong protections are in place against misuse of information obtained by a union, with fines of up to $33,000 for a union which is proved to have misused information ob-
tained. So the claims about setting up a new police force are wildly out of line with the actual provisions of this bill.

Enterprise bargaining reforms were introduced by the Keating government in 1993. A key component of the success of enterprise bargaining was the requirement for parties to bargain in good faith. Good faith bargaining relates to the process and conduct of enterprise bargaining negotiations rather than to the content. It requires all parties to communicate openly and to focus their negotiations on key issues, with an aim to forming an agreement. There was no requirement under Work Choices for parties to bargain in good faith. Even where a majority of workers wished to negotiate a collective agreement the employer could refuse to bargain and did.

I would like to remind colleagues of a very public dispute that occurred in my home state when a group of 16 electrical technicians were locked out of their workplace for one month because they wanted an enterprise agreement. Under the Work Choices legislation the company sought and succeeded in terminating its existing enterprise agreement once it had expired. Three of the company's longest serving technicians, who had sacrificed wage increases for better redundancy provisions in their previous agreement, were now entitled to minimum redundancy provisions. As a result of being made redundant following the termination of the agreement, one of these technicians lost $86,000 in redundancy pay. He had 30 years of service with the company. The remaining technicians were then offered AWAs with a wage increase of one per cent per annum and an additional 2.5 per cent linked to what appeared to be impossible productivity targets. When they refused and undertook four hours of protected industrial action they were locked out of the workplace for one month. Under Work Choices the employer maintained the right to unilaterally deny the majority of technicians the right to choose an enterprise agreement and collectively bargain.

The Fair Work Bill provides for Fair Work Australia to determine whether there is majority support for negotiating an enterprise agreement and if so will require an employer to bargain collectively with the relevant employees. Collective bargaining is viewed as a fundamental human right under international law by the United Nations and the International Labour Organisation. Conventions 87 and 98 were ratified by the Australian government in 1973 and were then rendered meaningless by the Howard government's introduction of Australian workplace agreements. The Fair Work Bill seeks to restore these internationally recognised rights for all Australians.

The other part of enterprise agreements and bargaining relates to employees in low-paid sectors. They often lack the skills and bargaining power to negotiate agreements. Similarly, individual employers in low paid sectors often lack the time or resources to negotiate the agreement. It is onerous for small business people to negotiate such agreements. Under the proposed legislation Fair Work Australia will be able to facilitate multiple-employer bargaining for low-paid employees to assist workers in areas like child care, aged care, community services, security and cleaning. Individual employers will be able to seek exemption from the process if they feel they should be excluded, and decisions by Fair Work Australia will be subject to appeal. I think it is worth emphasising that the impact of Work Choices was felt most acutely by the most vulnerable workers in the Australian labour market, including women, young workers and the low paid. In the first two years of Work Choices, 62 per cent of minimum wage workers suffered a decrease in their real wages.
I would like to remind the chamber of the case of 17-year-old Billy Schultze, a console operator, who along with more than 60 other workers and as part of a BHP takeover of service stations was required to reapply for his position and sign an AWA that cut his pay by $2 per hour as a condition of his employment. New definitions in the bill for ‘transfer of business’ result in broader protection for employees’ terms, conditions and entitlements in the event of a takeover, offering better protection for workers like Billy.

Work Choices—and this again has been much discussed this afternoon—removed all unfair dismissal rights for employees in businesses with up to 100 workers and, for other employees, the employer had only to demonstrate operational reasons to remove any challenge or right of redress. This resulted in clear hardship and real job insecurity for Australian workers, and their families, who could then be dismissed at any time for any reason. In its report on the impact of Work Choices on South Australian workplaces, the Industrial Relations Court of South Australia observed:

…there is a pervasive sense of job insecurity as a result of Work Choices, particularly in lesser skilled and lower wage areas of employment. A substantial cause of this insecurity is the exclusion of many employees from any access to an unfair dismissal remedy.

This bill restores the right to due process in the event of harsh, unjust or unreasonable dismissal for the more than four million Australians excluded under Work Choices. However, protections for small business have been put in place and they will be assisted by the Fair Dismissal Code, which, if followed by the small business owner, will ensure that dismissal is not unfair. The clear, easy steps and guidelines will allow clear and easy administration for small businesses. A lot of the fear about unfair dismissal clauses amongst small businesses relates to the administration of quite complex legislation and uncertainty about how to proceed rather than to unfair dismissal itself.

To summarise, early in 2007 the Prime Minister committed to consign Work Choices to the ‘dustbin of history’. We are here today to honour that commitment. The Fair Work Bill strikes the right balance for contemporary Australian society and returns the pendulum of industrial relations back to the centre, where it belongs. As we face an unprecedented global economic recession, an industrial relations system that provides certainty of legislative framework for Australian business and security of pay and conditions for Australian workers is an absolute must. It is worth noting that annual productivity growth averaged only 1.2 per cent while Work Choices was in operation compared to the annual average of 2.3 per cent over the previous two decades. This adds to the weight of international evidence linking collective agreement making to improved productivity.

In 2007 Harvard economics chairman Richard Freeman criticised the Work Choices legislation as unfair, destructive of productivity gains and unlikely to reduce unemployment. As reported in the Age on 12 September, Freeman believed:

…reducing the rights of workers would force down wage rates, increasing the dependence on welfare benefits, which would then also be cut. Then you get a genuinely divided society …

Freeman argued that creating jobs in a modern economy was not done by lowering wages of vulnerable people. He said:

…you need to improve the quality of skills, ability of firms, and workers who are key assets, to work together to make better products.

This bill finally consigns the philosophy of Work Choices to the dustbin of history by acknowledging that the way forward is not to rob Australian workers and their families of their pay, rights and conditions. It marks the
beginning of a new Australian workplace relations system for employers and employees, providing certainty and stability during these difficult economic times as well as a strong foundation for flexibility and productivity for a prosperous future. The Australian people gave this government an overwhelming mandate at the last election to rip up the Work Choices legislation and replace it with legislation that restores the balance to Australia’s industrial relations landscape. This legislation honours our election commitments and restores in our workplace relations system the values inherent in the Harvester judgment. It sees the return of a fair go for all Australians at work. I strongly support this bill.

Senator KROGER (Victoria) (6.12 pm)—I rise to speak on the Fair Work Bill 2008. In the past few weeks we have witnessed the uncertainty and concerns of many workers who face very real and challenging times. With Australia experiencing pressure from the global economic cooling, many enterprises have been forced to lay off staff. The case of Pacific Brands is but one example. They have sacked 1,850 people, many of them in my own state of Victoria, and regrettably they will not be the last company to do so. For instance, Australia’s largest property developer, Lend Lease, has also announced that it will have to axe 2,000 jobs—20 per cent of them in Australia—whilst ironically businesses such as employment agencies will directly benefit from a surge in demand for job placements.

The Rudd Labor government has demonstrated that it does not have a grip on steering a steady course through these uncertain times. It has no idea how to create new jobs or even how to secure existing jobs. In the December stimulus package Mr Rudd promised to create 75,000 new jobs. Today, there is neither any sign nor any talk of those jobs. With the rising unemployment figures the Rudd Labor government is clearly on the back foot defending its December stimulus package. All talk of new jobs has been quickly dispensed with and we certainly do not hear any defence of the $10.4 billion that was spent. Oh, how easy it is to spend money but how difficult it is to create wealth and stabilise employment. The first spending spree failed to prevent Australia posting its first quarter of negative economic growth in eight years. Our economy is contracting. As we now know the gross domestic product fell by 0.5 per cent in the December quarter, which is evidence that the stimulus package failed. The reality is that company profits are dropping, the economy is shrinking and there is the great fear that Australia will not be able to avoid the global economic erosion, as so many of us had hoped.

Today we are debating a proposal by the Rudd Labor government which, sadly, could make matters even worse. The coalition shares the widespread concern expressed by many employers about the impact of the reforms on business certainty and on jobs. We must be very careful, in our consideration of the Fair Work Bill 2008, to ensure that it does not threaten the livelihoods of many Australians by lengthening the unemployment queues. Some of the proposals are deeply troubling—flawed ideas such as simplified union entry rights, augmented unions’ access to staff records and new unfair dismissal rules. The economic outlook is bleak enough—a situation described by the Minister for Innovation, Industry, Science and Research, Senator Carr, when he said so confidently that ‘no-one’s job is safe’. Treasury forecasts have indicated that economy-wide jobs growth will be zero or negative for the next two years, and unemployment is expected to go up by 300,000 over 18 months. Some economists are convinced Australia’s unemployment level could even reach nine per cent within the next 12 to 18 months.
That is two per cent higher than the Treasury estimate. Businesses are deeply worried about these forecasts and the direct impact that declining demand will have on their commodities. They are concerned about the likely effects of the industrial relations reforms—and, may I say, with good reason.

This is a concern that seems to only resonate with the coalition. Coalition senators are worried that the new provisions will give unions far too much power and, as a consequence, could cost much-needed jobs. This bill has been drafted with the union movement uppermost in the mind of the government, a union movement that only represents 15 per cent of the Australian workforce. It is not the Labor government that has fought tooth and nail for the rights of all Australian workers. Coalition governments have, not just for 15 per cent of workers but for all workers. The Rudd Labor government spends much time rewriting history but, as we all know, substance and outcomes are the product of action, not words and spin.

There is no doubt that those opposite are ideologically blind when it comes to this bill. We have not forgotten that it was the unions who funded a $65.5 million campaign before the last election, the most expensive political campaign by any individual group or party in Australia’s history. We have not forgotten that it is the unions who continue to buy their influence in this place and who mandated a levy on each and every union member, before the last federal election, to fight the 2007 election. It is the unions who fight and jostle each other to determine which faction will be represented in which seat. In my patron seat of Deakin, the unlucky constituents have to live without proper representation in the shape of their local member, a former electrical trades unionist. Mr Mike Symon has little in common with the small business owners that reside in Deakin, has little appreciation of the daily challenges that families, parents and carers face and does not understand what it takes to run a business or what the core values are. They just want government to get out of their way and give them a level playing field so that they can create profits and sustain and grow employment. Today we must rise above Labor’s ideological blindness and act in the best interests of all Australian people—and this means including employers. We must strike the right balance between employees’ and employers’ rights. We cannot risk further job losses in these uncertain times.

The Senate Standing Committee on Education, Employment and Workplace Relations held extensive hearings into the Fair Work Bill 2008. The committee considered 154 submissions and held seven days of public hearings throughout Australia. During these hearings, there was not one witness who stepped forward and said: ‘Leave the proposed bill as it is. We have no problems with it.’ In fact, the opposite was true. Unions, enterprises, industry, employer associations were all united in bringing forward suggestions as to how the bill could be improved.

What started with the election policy named Forward with Fairness is in many aspects very different to what we actually consider in this legislation today. Experts believe that the bill, in effect, attempts to turn the clock back. The Fair Work Bill goes back to well before Howard’s 1996 reforms and even to before Keating’s 1993 reforms in reshaping industrial relations. With this one bill, Labor eliminates major industrial relations reforms of the last 25 years with one flourish. It is hard to imagine how antiquated, decades-old IR laws are supposed to strengthen productivity and employment in these challenging times. Labor has dismissed the needs of employers once again. Just read the inquiry committee’s report and you will get the full picture, the full story. The list of
employers’ concerns is long, including concerns about unions’ entry rights, demarcation disputes, access to employee records and greenfield agreements, to mention a few.

One particular concern is the controversial right of entry. The right of a union to enter a workplace where it has members has not been questioned and nor will it ever be. But the right of one or more unions to demand access to any workplace where they do not have members is of great concern. Democratic principles are something that we in the Liberal Party of Australia hold close to our hearts, and it is only right that the employees themselves should have the opportunity to determine if they wish to meet with union officials. Any legislation that takes away the right of employees to self-determine what is in their best interests should be considered with great scepticism. Deputy Prime Minister Julia Gillard professed to support this principle during the 2007 election campaign, assuring all that ‘right of entry will not be changed’. Forward with Fairness contained an express commitment to retain existing right of entry provisions. Now, with the bill lying in front of us, we know this reassurance was only a hollow promise and not worth the paper it was written on.

In reality, both the scope of union right of entry and rights on entry have been expanded in the current draft of the bill. Employers and industry associations have expressed their concerns about this proposal. One witnesses at the Senate hearing, Mr Warren Stooke, Principal of Stooke Consulting Group, in giving evidence said:

Succinctly, the bill proposes that the right of entry be changed to the extent that an official or permit holder of a union will have the right to enter a site, whether or not there is an award or an agreement or even a member with which that union has a relationship. To that extent, that official would have a right of entry under the proposed bill to go in on what I would call a fishing expedition. All I can say is that that would probably come to no good and would be very destabilising to the existing relationship. So unless a union specifically has a historical relationship and demonstrable membership within that employer’s premises, then it would be inappropriate for a union to be given right of access as a fait accompli.

Many more share Mr Stooke’s position, among them the Australian Chamber of Commerce and Industry, the Australian Hotels Association and companies like resources giant BHP Billiton. The new proposed rules could lead to demarcation disputes between competing unions—or, as they themselves call them, ‘union turf wars’. The NSW Business Chamber chief Kevin McDonald expressed his concerns at the hearings. He stated that the provisions could bring back those bad old days and, as a consequence, seriously harm businesses while rarely bringing any direct benefits to employees either. And it is benefits to employees that we should be on about here.

Of equal if not greater concern is the right this bill gives unions to inspect the records of all workers, regardless of whether or not they are union members. What right has any person to look at the private employee records of another without the express permission of that individual? It is something that we just would not consider in any small business or organisation. Why should a union be allowed to have access to non-union members’ employment records when those individuals have not chosen to be a part of that very organisation? How can an employer assure an individual of confidentiality and privacy? That is a right that every employee has to ask of their employer. There is no spin that can support this potential breach of privacy and the coalition holds grave reservations about the implications of this. Undeniably, this clause is designed to provide unfettered union power at the workplace. Unions will be
able to enter the workplace and demand to inspect employees’ records if they suspect a breach of the law.

During the inquiry, the Australian Mines and Metals Association explained how easy it was to justify such drastic action. Workplace Policy Director Christopher Platt said:

Our concern in relation to the Fair Work Bill is, firstly, that the protections in relation to union access to employee information have been removed. It is not just a question of unions being able to access non-member records. Unions will be able to access any record of any employee in the business, and all they have to do is put together an argument to say that is valid in respect of an alleged breach of the act or an industrial instrument. There is no fetter on that access; there is no person in Fair Work Australia checking that the access is reasonable.

At the moment, unions can under certain conditions access records belonging to their members. Why does this need to be expanded? Coalition senators did not hear any evidence during the inquiry for why this proposition should be changed. The appropriate checks and balances are absent in this instance.

Another area of particular concern to small business operators is the suggestion of change to the unfair dismissal laws. Whilst noting the general intention to reintroduce unfair dismissal rights, I question many provisions in the bill. Employers view unfair dismissal laws as a roadblock to hiring new employees and to possible investment in the expansion of their businesses. With the bill proposing a change to the definition of a small business to a headcount of 15 people, many businesses will consider retracting their operations or will maintain the status quo. In the current unstable economic climate, there will be many businesses with genuine operational reasons that will need to consider ways in which they can improve their businesses in order to look after their staff. In the words of Ms Leah Brown, Senior Workplace Adviser at Australian Business Industrial and NSW Business Chamber, who was a witness at the hearing:

With respect to unfair dismissal, ABI has serious concerns that the Fair Work Bill’s unfair dismissal provisions will be of significant detriment to small business employment. Small and medium enterprises in particular will be averse to engaging employees in an environment where they consider the hurdles to be overcome in the event of a separation expose the business to excessive administrative costs and financial risks.

In closing, the Fair Work Bill 2008 is everything but what it purports to be in name. It needs to strengthen not weaken our industrial relations system, to ensure that all Australians have the best chance in life. This bill should be one that is fair to all not just to the 15 per cent of the working population that are union members.

Sitting suspended from 6.29 pm to 7.00 pm

Senator HANSON-YOUNG (South Australia) (7.00 pm)—I rise this evening to speak briefly to the Fair Work Bill 2008 before the Senate. The Australian Greens want Australia to be brought up to speed with the rest of the world and to introduce a government funded, 26-week paid parental leave scheme to make the work and family arrangements that suit workers best. In encouraging and lobbying the government to do so, we believe that in the current economic climate the government has an opportune time to make a difference to mums and dads in the workforce. While senators around the chamber today stand here debating newly proposed industrial relations frameworks, one glaring omission in the Fair Work Bill is the issue surrounding work-life balance, including both workplace flexibility and paid parental leave simply to support working families.
Support for working families is a platform that the Rudd government went to the 2007 election with and, while it is all very well for ‘working families’ to be used as a mantra day in, day out, few will be convinced it means anything unless the government commits to a paid parental leave scheme as a budget priority to prove that support for Australian families is at the top of the policy agenda. The fact that in 2009 Australia is still one of only two OECD countries without a national parental leave scheme is an indictment of both the government and the opposition. Now more than ever it is time to support working families, as we experience more challenging economic times. The needs of parents and their newborns should not be overlooked simply because of the global economic crisis. Rather, ensuring parents have money in their pockets will no doubt help to stimulate the economy. Let us face it—we all know babies are expensive.

Legislating for a paid parental leave scheme offers wide-ranging benefits to business and also provides long-term productivity benefits to the Australian economy. A paid parental leave scheme must be a workplace entitlement. It is not a welfare benefit. The Greens have long been calling for a government funded paid parental leave scheme to be introduced, and it is time for the government to play catch-up and ensure that this is not going to continue to be a glaring omission in the upcoming May budget. On behalf of the Greens, I will be moving a second reading amendment urging the government to bring forward amendments in this industrial relations legislation to provide for paid parental leave by this year’s budget. We know that legislating for 26 weeks paid parental leave would cost less than $1 billion per annum, yet we keep hearing, ‘It’s all about the cost.’ We have just seen a $42 billion stimulus package passed without a look-in for Australian mums and dads with newborn babies. When it comes to parental leave, the government simply are not on the right page.

Despite the Productivity Commission’s final report into parental leave, handed down to the government late last month, we are yet to hear any movement on whether the government plans to respond, release the report and introduce legislation in support of Australian mums and dads. On Saturday just gone, the YWCA released their survey results of the views of federal politicians on paid parental leave—just in time for International Women’s Day, which was celebrated across the world last Sunday. The fact that just 32 federal politicians responded to the survey suggests that there must be some embarrassment within the Labor and the coalition ranks about their positions on the delayed introduction of some sort of government funded paid parental leave scheme.

Despite having one of the highest rates of female education in the world, Australia fails when it comes to supporting families on the birth or adoption of a child. From Finland to the Slovak Republic and even to the United Kingdom and New Zealand, paid parental leave is provided for and is an essential part of workplace entitlements. There have been continuous calls for implementation of a government funded scheme here in Australia that is in line with the ILO convention of 18 weeks, yet working mums and dads have been left out in the cold. Australia remains only one of two OECD countries without a comprehensive paid parental leave scheme. Would it not be wonderful for Australia to do something before Barack Obama does? Would it not be shameful if Australia were left being the only country without a paid parental leave scheme? Come on, Mr Rudd—let’s see you beat Barack Obama at his own game.
I briefly touch on the issues surrounding pay equity for women in the workforce. The gender pay gap is essentially the result of undervaluing women’s work. The work of women has historically been considered to be of less value than the work in industries and occupations dominated by men. A robust award system, strong minimum wages and collective bargaining are all essential elements to combating the gender pay gap. In the late nineties and early 2000s, most of the states in Australia undertook comprehensive reviews into the gender pay gap. They all found that the award system was crucial for changing how women’s work was valued. Most states introduced pay equity principles that allowed their industrial relations commissions to review wages and awards to ensure they reflected the proper value of the work being performed, regardless of whether it was by men or women. A couple of successful cases were run in New South Wales and Queensland before the awful Work Choices legislation hit families, mothers and their kids hard and took away—particularly from women—this avenue of addressing pay equity.

While we are pleased to see the Fair Work Bill contains more improved equal remuneration provisions than Work Choices, we will be keeping a close eye on how they are used and will not hesitate to recommend changes if those provisions prove ineffectual. As I foreshadowed earlier, I will be moving a second reading amendment to this legislation to ensure that Australia moves on legislating for paid parental leave for working mums and dads. Australia should not be one of only two countries in the OECD without such support for working families. Paid parental leave must be seen as a workplace entitlement. It is appropriate that this amendment be done through this legislation. The Fair Work Bill needs to be fair for all workers, mothers, dads and their kids. I move:

At the end of the motion, add:

but the Senate calls on the Government to bring forward amendments to its industrial relations legislation to provide for paid parental leave in this year’s budget.

Senator PRATT (Western Australia) (7.07 pm)—The defeat of the Howard government in 2007 was an unequivocal statement that Australians rejected the ideological policy of Work Choices and its attack on the Australian fair go. I think it is time for Australia to once again have laws to protect rights at work, including the rights to fair treatment, to a safe workplace, to protection from unfair dismissal and to collectively bargain. The Forward with Fairness policy, which is being implemented in the Fair Work Bill 2008, has the support of the Australian people. We are implementing it with a very clear mandate. But, more than that, research by Essential Research for the ACTU demonstrated that eight in 10 Australians want this government’s new and fairer industrial relations laws. I would like to congratulate the government on the unprecedented level of consultation that it has put in place for this bill—consultation with big business, small business, unions and every other sector of the economy. At a time when we face the reality of growing job losses, there is a greater need than ever for these reforms.

The opposition while in government made some pretty incredible claims, arguing that Work Choices was driving jobs and growth in the economy. It is now painfully evident that what was driving jobs growth was not Work Choices but rather the resources boom. Not surprisingly, very few members of the opposition are singing from that song sheet now. Now they are arguing that the repeal of Work Choices is threatening jobs. Well, just as Work Choices did not create jobs—the resources boom did—fair work laws such as those contained in this bill are not threatening jobs; rather, the global economic crisis is
threatening jobs. The Rudd government, on the other hand, have recognised that there are a variety of factors that affect jobs growth. We know that we are not immune from the global financial crisis and, unlike those opposite, we can safely say that as a government we are taking every step possible to support growth in the Australian economy and protect jobs.

Workers need to know that their entitlements are secure in these insecure economic times. Work Choices stripped away redundancy provisions, provisions which workers need in the context of this global financial crisis. The Rudd government, the Rudd Labor government, is committed to protecting Australians who are vulnerable—something the Liberals do not want to do. They have opposed the stimulus package designed to prevent the loss of thousands of jobs. They have opposed payments to pensioners in the stimulus package. The Rudd Labor government, as our commitment to managing the global financial crisis and our commitment to this Fair Work Bill show, are committed to protecting the interests of everyday Australians.

This country needs to take practical measures to protect the community. Sadly, the opposition has time and time again failed to protect vulnerable Australians. The Rudd government understand that it is our job to look after people. At its core, this bill is about values—basic protections for working people. What will happen if workers such as those from Pacific Brands are not protected by our industrial relations system? We do not want to see workers such as these abandoned without things like redundancy provisions.

The Australian people voted to reject Work Choices. They voted for fairness and for balance, and that is what the legislation before us delivers. It delivers on what Labor promised at the election: it abolishes new and phases out existing AWAs; it provides for minimum employment standards; it gives low-paid workers access to enterprise bargaining and the benefits that brings; it supports the most vulnerable workers, those that have been left behind, in sectors like cleaning, community work and security; it provides for unfair dismissal rights; it institutes balanced and fair right of entry provisions; it provides for the inspection of records in a manner that protects privacy while enabling unions to ensure proper payment of workers’ entitlements; and it defends collective bargaining, the right to take protected industrial action and the right to organise. In respect of collective bargaining, I think it is important to note that productivity based bargaining and flexibility are at the centre of this new system. In fact, there are studies that show collective agreement making can and does enhance productivity. That is because the bargaining process gives employers and employees an opportunity to look together at the way they work, how they do things, and find new ways of improving efficiency and productivity, including by making workplaces more flexible.

Those opposite should recognise the mandate Labor have to deliver on our fair work policies. It is time that those opposite gave up on their Work Choices ideology in practice, not just in their rhetoric. The Leader of the Opposition said Work Choices was dead. However, I note that the opposition is struggling to make up its mind. Peter Costello says, ‘Bring back Work Choices.’ It is time for the opposition to get its act together and give Australians what they asked for, what they voted for: a fair and balanced industrial relations system.

Do not frustrate this bill from becoming law. Be it on your electoral heads. Wear the consequences of that, if you want, but it is not what the Australian people want. Labor knows that what employers and employees
want is an end to this uncertainty. They want to know what the workplace relations laws of this country will be as we move through these difficult times. It is time to give employers and employees certainty, stability, productivity and flexibility—all things provided for within this bill. Labor is delivering a system that develops productivity, flexibility and a truly national workplace relations system. It is a system in which employers are clear about their rights and obligations. It is a system where workers can have confidence that their pay and conditions are secure. It is a system where employees and employers, and those that represent them, can get on with the job of making agreements that protect the fair go and protect jobs in these difficult economic times. I commend the bill to the Senate.

Senator BARNETT (Tasmania) (7.16 pm)—I stand to speak to the Labor government’s Fair Work Bill 2008 to highlight a range of concerns and criticisms that I have. I ask a number of questions about this bill. Why would this government be the only government in the Western world in a time of a global financial crisis to re-regulate the industrial relations system? Why would it be the only government in the Western world that I am aware of to make it harder and more costly to operate a small business? Regulation is increasing rather than decreasing and costs of doing business are increasing rather than decreasing. Why would it be the only government in the world to proceed along this track at this time? These are difficult times—we all know that—so why is it going down this path?

The key question is this: how many jobs will be created as a result of the enactment of this bill? How many jobs? I put it to the Senate and the Labor government that it will create not one job. In fact the bill as it is currently is designed to hurt small business and it is designed to increase unemployment. In a fascinating twist late last night and again today we have seen the Labor government, through Julia Gillard, confirm that they will be moving amendments to their own bill. They have had over 15 months to prepare this bill and yet they admit even today—when we are debating this bill—that the bill is flawed, that the bill has holes in it, that the bill needs improving. The government have admitted that even as late as today. We know the bill as it is currently designed will hurt small business, we know it is anti-jobs and we know that it is going to increase union power in its current form.

Labor says that the bill will not cost jobs, but I commend our leader, Malcolm Turnbull, for reminding all of us today that Labor said that the December giant cash splash of some nearly $10 billion just prior to Christmas would create 75,000 new jobs. It would create 75,000 new jobs! What happened? Nothing—not one new job. Mr Turnbull reminded the public of that today. There is no evidence that the Labor government have put into the public arena, into the Senate, into this parliament to say that this legislation will create new jobs. In fact, all the evidence is to the contrary. It seems to me that there could not be a worse time to introduce the legislation as it is currently designed. It will hurt small business and will be a disincentive to job creation.

We have a global economic downturn. I note that this point was made by the Australian Chamber of Commerce and Industry just a few hours ago. They are concerned about the inappropriate timing—not to mention the bill itself—of the introduction of such legislation. What government in the world today is re-regulating its employment laws? Please advise, Labor senators and members of the Labor government. It is a very strange move indeed. The bill will increase costs to small business, it will impose excessive red tape and in its current form it will most certainly
increase trade union power. We know that for sure.

The government has made much of this mandate theory. I remind those on the other side and those in the public arena that 44 times in this parliament the Howard government tried remove the unfair dismissal laws. It tried 44 times. Indeed, it tried after the 1996 election and after the elections of 1998, 2001 and 2004. Again, again and again the Howard government got that mandate and yet it was abused poorly and profusely by the Labor opposition. What we do know in terms of mandate is that Work Choices is dead. That is accepted. There is no problem whatsoever; that is accepted. Let us move on and look at the legislation for what it is in terms of how many jobs it will create. What we know is that the government promised before the election and indeed after the election that the right of entry laws would remain exactly as they were. I will come to that a little bit later, with some quotes from Julia Gillard in that regard. They also promised that compulsory arbitration would not be introduced. Of course, that is exactly what is happening. It is a wolf in sheep’s clothing. That is what is happening.

I am going to address each of those concerns shortly, but first I want to highlight the importance of small business. In the context of Australia today, small business is the backbone of our economy. Small business is the lifeblood, particularly of our rural and regional communities. They need support, particularly at a time like this when there is an economic downturn. We have over two million businesses in Australia. Ninety-six per cent of those are small businesses. That is approximately 1.9 million small businesses, employing some 3.8 million people—3.8 million families are benefiting as a result of the efforts of small business all around this country. In Tasmania, my home state, based on the latest statistics, we have 37,641 businesses in total and 96 per cent of those are small businesses—that is, 36,126. Tasmania is a small-business state. Around 50 per cent of the private sector workforce is in small business. They are the lifeblood of the community, because we are very much spread out. Not all of our population is in our capital city, as it is for our mainland counterparts and major centres. There are not just Launceston, Devonport and Burnie but all of the country towns and regional communities, and small business helps them survive. They move that money around; it goes around and around to support the jobs of people and families in those communities.

What we do know is that last year in its first budget the Labor government took an axe to support for small business. They took a $1 billion axe, in fact—$1 billion of small-business assistance funds was axed from the budget last year. We know that $700 million was axed from the Commercial Ready program. We know that $10.5 million was axed from the Building Entrepreneurship program. And the Small Business Field Officer program was axed by the Rudd Labor government. At the first opportunity they axed support for small business. That is what they did. And of course that is continuing: we are seeing the slow death now of many of the Australian technical colleges.

We know why all this is happening, and we know why the Fair Work Bill is structured the way it is: because the government are beholden to the union movement. They are beholden to the Labor Party cash cow that is the union movement. I am advised that some $750 million in union dues each year goes to the unions from their members. We know where a good amount of that money then proceeds: to the coffers of the Labor Party. We know that he who pays the piper calls the tune. That is exactly what is happening with respect to this legislation, the Fair Work Bill.
We also know that union membership is on the decline, accounting for less than 15 per cent of the private sector workforce now and going down. So the government want to prop that up, they want to support that, and they have designed the bill in such a way as to boost union membership. The government are pro-union and indeed anti small business. That is a great tragedy when the rural and regional parts of Tasmania and of Australia need that support. Why would this government be the only government in the world to be re-regulating the industrial relations system at this time? They are bringing in a bill that will not create one new job for Australia and will make it harder and more costly to operate a small business.

I want to commend to the Senate the recently tabled minority report on the Fair Work Bill 2008, specifically the chairman, Gary Humphries, and coalition Senators Mary Jo Fisher and Michaelia Cash, who did a great job in putting forward their views in that report. They have outlined some of their concerns, and I concur with their views. I want to touch on at least some of those and add a few points. The first concern relates to union access to non-union members. This highlights the very intrusive approach of the Labor government with respect to privacy matters. Why should unions have access to information about non-union members, whether it be health records or private information? Whatever is on the file at the employer’s office, at the small business office, is open for abuse under this legislation as it is currently written before us. I am sure that, after appropriate scrutiny by this Senate, wise counsel will prevail and the right to privacy will be maintained. In fact, I was at the Melbourne hearing of the Senate committee and raised a number of questions highlighting the views of the Privacy Commissioner, who expressed his views and his concerns in a submission to the Senate committee of inquiry. I thank the Privacy Commissioner for doing that. There were some very sound comments. I think and I hope that the government will accept some of those views—and, indeed, the foreshadowed amendments from this side—to ensure that privacy is protected and that employees’ personal records, whether they be medical records or whatever, are properly protected. Of course unions can have access to those records—if the employee provides the consent. Surely, that is just a fundamental golden rule that should be protected, preserved and supported.

With respect to right of entry: yes, there is no reason why unions should not have access to non-union employees where there is consent—but, if they do not, that is different. There should be an unequivocal promise not to change the right-of-entry laws. The view that was put by Julia Gillard before the election, and indeed after the election, was that there would be no change to the right-of-entry laws. The view that was put by Julia Gillard before the election, and indeed after the election, was that there would be no change to the right-of-entry laws. The quotes are noted in the Senate committee report, going back to April 2008, when the minister stated that ‘the current rules in relation to right of entry will remain’. Then she said at a press conference on 28 August 2007:

We will make sure that current right of entry provisions stay. We understand that entering on the premises of an employer needs to happen in an orderly way. We will keep the right of entry provisions.

That is pretty clear cut. Then it goes on. She said:

We promised to retain the current right of entry framework and this promise too will be kept.

That was in a speech to Master Builders Australia on 28 May 2008. So what could be clearer than that? Why don’t the government come in and apologise and say, ‘Look, we’ve broken our promise, we’ve breached our word, we’ve breached our commitment to the Australian people and we want to
change’? But they have simply brought on this legislation as it is currently written and they want to proceed to change the right-of-entry laws to allow unions access to not only important personal information but also any other information, particularly with respect to those right-of-entry matters. If those matters need to be decided, they should be decided democratically. Whether that is via a secret ballot or some other arrangement, I do not know; that is a matter for further discussion and deliberation. It probably should be for a certain period of time—whether six months, one year, two years or longer—once that agreement is made, so that they do not keep coming back and so that companies do not keep getting intrusive calls from union representatives saying, ‘We want another shot at this.’

Chris Platt from the AMMA made his views about this very well known, and they are set out on page 142 of the Senate committee inquiry report. He said:

Our concern in relation to the Fair Work Bill is, firstly, that the protections in relation to union access to employee information have been removed. It is not just a question of unions being able to access non-member records. Unions will be able to access any record of any employee in the business, and all they have to do is put together an argument to say that that is valid in respect of an alleged breach of the act or an industrial instrument. There is no fetter on that access …

Senator Jacinta Collins—That is just not true.

Senator BARNETT—That is what he said as a witness before the Senate committee. In other evidence given to the committee, it was said:

We are strongly opposed to unions having the capacity to inspect nonmembers’ records under the bill and propose that nonmembers’ consent be required as a condition of inspection.

That does make it clear. Senator Collins says it is just not true; let us see what amendments come forward to deal with those concerns.

Another issue is compulsory arbitration. Again, it was promised that it would not be introduced in this bill, and yet it is. As Mr Turnbull outlined today, ‘We propose that the ability to arbitrate, if negotiations fail, only be available where the parties genuinely consent to arbitration.’ That seems fair and something that I would strongly support. In terms of Julia Gillard’s commitment, she has said:

Under Labor’s policy there is no automatic arbitration of collective agreements. Our policy clearly states that no one will be forced to sign up to an agreement where they do not agree to the terms.

That was on 30 May 2007. She has also said:

Compulsory arbitration will not be a feature of good faith bargaining.

That was on 17 September 2008, so that is a recent quote. Goodness—why doesn’t she commit to that and why doesn’t Labor commit to that?

The issue of greenfield sites is a concern for all of us on this side and certainly for any business operation setting up. It is a disincentive to major project development and the generation of jobs. The bill currently requires the maker of a greenfield agreement to notify all unions who may have carriage of members at that site that they intend to make a new agreement. What red tape and regulation that is going to invoke. That will be a nightmare for small business and for major business projects about to get underway. That requirement to notify all unions should certainly be removed from the bill.

Finally, on the unfair dismissal issue, as I said earlier the Howard government had to try 44 times to remove the unfair dismissal laws that were introduced under Paul Keating before we succeeded. The Labor
government’s proposals for an exemption for small business are inappropriately worded. We know that small business see unfair dismissal laws as a disincentive to employment and creating jobs, but the government has brought them back. The definition of ‘small business’ is also an issue. It has gone from 100 down to 15 employees, and under Labor’s proposal that is a headcount—whether they are part time, full time or casual—not full-time equivalents. That is clearly an issue that needs to be sorted out.

Small businesses are the backbone of our community. They are the job generators and they need protection, support and encouragement to grow and prosper. Whether they are restaurants or caterers, hoteliers, independent retail grocers or retailers themselves—and I commend Tasmanian Independent Retailers, under the leadership of Grant Hinchcliffe, for what they are doing in Tasmania to create jobs, the major multimillion dollar development out near the airport with Statewide Independent Wholesalers; congratulations—florists, petrol station owners, butchers or bakers, whoever they are, they know that this legislation is a disincentive to creating jobs.

The bill will need further scrutiny. The committee stage will see a lot of argument, a lot of argy-bargy. I hope that the government sees sense and asks itself how many jobs this bill will create. I think the government will find that it does not create one job. The government should ask itself why it is the only government in the world that wants to re-regulate the industrial relations system at a time like this, when we have an economic downturn and we need to create jobs and support small business. These are the questions that need to be answered, and I hope they are during further debate on this bill, including the committee stage. I thank the Senate.

Senator LUDLAM (Western Australia) (7.35 pm)—It is with a certain apprehension that I rise tonight to speak on the Fair Work Bill 2008, given how central a role industrial relations played in the 2007 election campaign and the demise of the Howard government. It is not surprising that many Australians and many workers have eagerly awaited this bill. Given the ALP’s critique of Work Choices and its promise to rip it up, not to mention the party’s history, the bill is surprising because it does not actually rip up Work Choices at all. It also does not restore Australia’s industrial relations system to its rightful place.

Our institutions are not being strengthened, the language is being softened where clarity and precision are needed, and important principles are being watered down. For instance, it is not enough for us to take International Labour Organisation standards ‘into account’. Australia must comply with these standards and we should comply with them proudly. Those international standards were forged over decades with Australian participation and, at times, with Australian leadership. If we want to be a creative middle power and if we want to recover our reputation at the United Nations, which fell into tatters after the Howard years, complying with international obligations is not something we should just ‘take into account’; it is something that we should do.

The Greens have provided very detailed arguments and 11 recommendations in a minority report on this bill. We state that the bill overall is an improvement on Work Choices. Standing here tonight is something of a bittersweet experience for me. I immediately give credit to Senator Rachel Siewert and her staff, who provided a meticulous critique at the time Work Choices was passed into law late in 2005. I was working for Senator Siewert at that time. Members and senators may remember that on the night it
was passed the gallery was full, a huge storm was ripping into Canberra and the power failed in the chamber for a time. It was a fairly dramatic moment. It has stayed with me since then. It was a huge cause of the demise of the Howard government, and we should not forget that. The fact that we were able to state in our minority report that the bill is an improvement on Work Choices unfortunately does not say very much. Of course it is an improvement. It could barely have been any worse. The question is: is it enough of an improvement and can it be strengthened? I will briefly pick up on three issues of concern that are about the long-term consequences of the legislation that we are debating tonight.

Former Prime Minister Howard’s attack on workers, their representatives in the union movement and our industrial relations institutions was savage and it was ideological. Howard inappropriately used this parliament to demolish core workplace standards and to limit the award system. I say ‘inappropriately’ because parliament really should not necessarily be setting core labour standards. A properly resourced independent authority should be there to prevent these issues being subjected to the rise and fall of political parties. This Fair Work Bill seems to continue this very dangerous trend. I believe there are consequences when parliament sets core standards such as these. They can become politicised and they can fail to keep up with movement and thinking in the community. An example is that in 2004 the Industrial Relations Commission granted redundancy pay to employees of small businesses. This provision was removed by Work Choices and has not been restored under the Fair Work Bill.

A century before Work Choices was rammed through this place, in 1904, very soon after Federation, the parliament delegated responsibility to a specialised and expert independent authority—the Commonwealth Court of Conciliation and Arbitration. That was not subject to party political considerations or pressures of the day. Higgins called this the ‘new province for law and order’. Our deputy sheriff Howard thought he knew a bit more about law and order. He threw out the comprehensive awards that had a lot of detail built up over a long period of time about the nature of the industry and the occupation concerned, a lot of specific insights into exactly what various professions entailed and how careers were to be advanced through the classification structures. All of these details changed over time as industries were mechanised or computerised or materials and workplaces changed. The award system provided the flexibility to be updated as those changes took place.

Setting these labour standards in legislative stone takes away the flexibility and independence that our industrial relations system in Australia was justly famous for. Letting politicians determine the National Employment Standards and letting politicians limit the award system is not ripping up Work Choices and is not providing stability and certainty to the market. It is in fact subjecting these standards to the political cycle. That is what Work Choices did. Work Choices assaulted an appropriate separation between the political process and the industrial relations machinery in this country. The Fair Work Bill should restore the separation and remove the role of politicians in setting these National Employment Standards.

My second concern regards our system actually being effective and being able to settle disputes. In the Fair Work Bill we have last resort arbitration in the collective-bargaining provisions and also in the low-paid bargaining stream. So far so good. However, there remains no means of effectively resolving workplace disputes unrelated to bargaining. Disputes about the application of the Na-
tional Employment Standards, awards or agreement provisions are unable to be finally determined by an independent arbitrator unless there is consent by both parties. What the pre Work Choices system provided was equalisation and access to justice through a grievance procedure where impartial decisions could be made. That was much more than mediation because it was capable of determining, it was effective and the system could settle the case. Dispute settlement should be in every agreement—that is, mediation and conciliation and, if necessary, determination by the commission or some other entity. The Constitution does not talk about the mediation of disputes and it does not talk about conciliation only; it talks about arbitration. As one of the witnesses said in the inquiry process, ‘Arbitration is in our view the epitome of the Australian value that we all aspire to, and that is a fair go.’

The final issue I want to raise is in relation to employment rights. Part of the deal negotiated to pass the 1996 Workplace Relations Act was funding for community employment legal services. Most of this money has been subsequently withdrawn. Some services have been able to continue for a short time with funds from state governments. For example, the Employment Law Centre in my home state of WA is currently at risk of losing its state government funding and closing its doors. There is very little point in having enhanced employment rights if you do not know about them and cannot enforce them. The community law centres play a vital role in making all forms of justice, including employment justice, possible and accessible for many, regardless of income. We urge the government to adequately fund community employment law centres, as this legislation goes through.

As Senator Siewert made abundantly clear in her speech during the second reading debate, there is still time for the government to recall what it was like in here on that night in 2005 and to use this chance to firmly reset the balance back in favour of working people.

Senator JACINTA COLLINS (Victoria) (7.43 pm)—Listening to some of the contributions during this second reading debate on the Fair Work Bill 2008 tonight it is easy to lose a broader perspective or understanding of some of the history and background of Work Choices and what is proposed to replace it—this bill. Tonight we debate a bill that delivers one of Labor’s core promises from the last election—that is, to sweep away what remains of Work Choices and to replace it with a fair workplace relations system. This bill represents one of the most important reforms that this government will introduce. Many people have been waiting for this reform for a very long time.

To fully understand the importance of removing Work Choices we need to examine it in context. Work Choices represented the combination of a decade of efforts to introduce an ideologically inspired and extreme framework for regulating Australia’s workplaces. Between 1996 and 2003 I spoke in this place on over 30 bills introduced by the previous government relating to workplace relations. As the opposition spokesperson on workplace relations issues in the Senate over several years, I directly experienced the Howard government’s determination to introduce its ideological reforms. On some occasions we managed to defeat bills with very extreme measures in them. On other occasions we managed to incorporate amendments that took the edge off some of the more extreme elements. On some occasions bills passed with the support of minor parties. But then the Howard government managed to secure control of the Senate. It is in that context that Work Choices makes sense. The Howard government then had the capacity to introduce all of the provisions
that had been rejected or amended over the previous seven years, and they did so. But they did so with no mandate at all. They did not go to the election with any industrial relations policy. They had no mandate for their workplace relations reforms or indeed Work Choices at all. Most laughable, I think, is the suggestion from opposition members and senators now that they really did not understand the impact of what they were doing. They knew very well what they were doing; they had been trying to do it for many, many years. And when they secured the balance of power in the upper house they went the whole hog.

But let me return for a moment to the government’s mandate, which I think is very clear. At the 2007 election, Australian voters faced a choice—a choice between a Liberal-National government that planned to get even more extreme on industrial relations and Labor’s plan to go forward with fairness. They emphatically rejected Work Choices, and I do not think anybody today doubts that. The legislation reflects the Rudd government’s pre-election commitment that was set out very clearly in Forward with Fairness. And I was somewhat bemused during the Senate inquiry to hear witnesses such as Heather Ridout from the Australian Industry Group suggest that we should use Work Choices as the basis for moving forward now that we are facing a global financial crisis. They emphatically rejected Work Choices, and I do not think anybody today doubts that. The legislation reflects the Rudd government’s pre-election commitment that was set out very clearly in Forward with Fairness. And I was somewhat bemused during the Senate inquiry to hear witnesses such as Heather Ridout from the Australian Industry Group suggest that we should use Work Choices as the basis for moving forward now that we are facing a global financial crisis. The Australian Industry Group, as I recall, was one of the very organisations that said Labor needed to set out very clearly prior to the election what its plans were. We took them seriously at the time and we did so, and we did not expect to see the Australian Industry Group then say, ‘Oh, but we didn’t really mean that; now we want you to work from Work Choices as the basis for future reform.’

We need to contrast the mandate that Labor now has with the situation under the Liberals with Work Choices, which was introduced without mandate and without genuine consultation. Not surprisingly, Work Choices was never accepted by Australian workers despite an unprecedented advertising barrage to convince them that they were going to be better off. Eventually the Howard government decided, ‘Oops, the electoral impact of them now being worse off means maybe we do have to backtrack a little bit.’ But, alas for the previous government, it was a tad too late.

In deciding the new industrial relations system, the Rudd government, in contrast, has undertaken a very thorough consultation process with all key stakeholders before finalising the bill. With this bill we are no longer in an environment in which radical employers feel emboldened to push the envelope. And let me remind the Senate what the scenario was like under the previous government. We will not see attack dogs and men with balaclavas; we will not have a federal government either actively or secretly encouraging employers to test the law at every opportunity; and we will not see people being forced onto individual contracts. We will see equal remuneration included as a consideration rather than the narrower concept of equal pay which was introduced with the agreement of the Australian Democrats in 1996. With the celebrations around International Women’s Day, that is one issue that I am keen to celebrate today. We will now reintroduce to our law a broader concept of equal remuneration for workers as opposed to the much narrower one which has seen a widening of the gap between the wages of men and women. We will see disputes being settled by an independent umpire. I am very glad to see the old regime being swept away. The bill will have a significant impact on many vulnerable workers as it gets the balance right in the workplace and achieves both fairness and flexibility.
I want to spend a little time tonight dealing with some of the concerns that have been raised by the opposition. I listened just now to Senator Barnett talking about the opposition senators’ minority report. But, again in the broader context, I want to take the Senate back to some comments made by Senator Gary Humphries. Senator Barnett was referring to the opposition’s minority report and comments made there. But look, for instance, to today’s article in the Age by Michelle Grattan where she takes us back to comments made by Senator Gary Humphries, as deputy chair of the Senate inquiry into the bill, to the ABC not long ago. He said the bill was:

… cleverly articulated before an election and now presented in much the same form.

‘Much the same form’. You would not believe that if you were listening to opposition senators in the second reading debate. But, as even Senator Humphries concedes, this bill has been presented in ‘much the same form’ as was clearly articulated before the election.

He goes on to say:

I would be surprised if my colleagues felt as if there were an excuse or a basis to reject the main architecture of this bill.

Yet when you listen to the second reading debate you would think that opposition senators standing up here are maintaining a case to oppose the main architecture of this bill. But let us look at some of the aspects they have gone to—

Senator Williams—You are the ones amending it.

Senator JACINTA COLLINS—I am glad that my Western Australian opposition Senate colleague has mentioned that we are going to make further amendments because we did foreshadow that that was likely after consultation through a Senate inquiry. Indeed, we felt that consultation should be meaningful. And so when the Senate inquires into a new, significant, large piece of legislation and makes good recommendations, the government picks them up. I will take the senator to some of them.

Let me deal firstly with what I would call the opposition’s right of entry charade, because that is what it is—a charade. The opposition has claimed that the right of entry scheme in the bill goes further than the commitment made at the last election. Senator Barnett just now referred to the opposition’s minority report. Let me take the Senate to the government senators’ report on this, where we clearly set out what we put in the Forward with Fairness policy and we comment on that. We point to one of the details that opposition senators have been complaining about and make the following point:

The committee majority notes that they have ignored the details of the policy reproduced below—

and indeed we do so—

which makes clear there is a right to meet with the union in non-working hours …

In their desperation, the opposition have latched onto a broad heading in our policy of Forward with Fairness. Remember, this is a broad heading in a policy released well before the election, which sets out how we would maintain rules about right of entry. The existing right of entry rules needed to be refashioned, but essentially, yes, they have been maintained. The core opposition complaint is that we are not maintaining the nuances that the opposition put in during Work Choices to try and limit the historical capacity of unions to ensure compliance with our industrial relations laws. That is what they are really objecting to. I think Australian workers will understand that, without having the capacity to pursue breaches, the capacity of unions to ensure that the law is being complied with is quite limited.
The bill is consistent with the election commitments made by the government. Under Work Choices the right of entry by unions was connected with the union being a party to an award or a collective agreement. Under the bill the right of entry will be linked to the right of a union to represent the industrial interests of an employee. This change is necessary because of the different nature of awards under the Fair Work Bill. It does not represent an increase per se in the right of entry. In particular, because award modernisation brings many awards together under a single instrument, it makes more sense for the right of entry to be linked to industrial representation.

Let us be very clear about what we are talking about here. We are looking at a regime very similar to what applied historically for many, many years prior to Work Choices, where unions had a recognised responsibility to follow through in compliance with Australia’s industrial relations laws. I asked many employer organisations about this during the Senate inquiry. I asked whether the framework as it had applied prior to Work Choices had been problematic. Was there a history of issues? Were there problems that could be identified? Fundamentally, the answer was: ‘No, but it might happen.’ I am sorry, but we need to deal with the reality here and now. We are designing a new system, a fair system, and not one structured on the paranoia and fearmongering that was the basis of Work Choices. That is not to say that we have not listened at all in relation to the right-of-entry provisions. As the Deputy Prime Minister announced yesterday, we are picking up the recommendations of the Privacy Commissioner. We did listen during the Senate inquiry and other consultation. There are going to be further amendments to ensure that people’s privacy will be protected.

Let me move on to another area where members of the opposition have sought to make much hay in recent months. This relates to the potential for union demarcation disputes in greenfield agreements. The opposition has argued that the bill will hamper new greenfield agreements and hamper infrastructure work and other projects that we are in desperate need of as we confront the global financial crisis. Under Work Choices an employer could determine the terms and conditions for employees under a greenfield agreement without consulting a single employee or employee representative. Let us just understand where the lack of balance was. Let me repeat that: under Work Choices an employer could determine—by themselves, without challenge—the terms and conditions of employment under a greenfield agreement without consulting a single employee or employee representative. That will no longer be possible under the new regulatory system, and I am proud of that fact. The government, however, has listened to concerns raised in consultation and will amend the bill such that Fair Work Australia must be satisfied that the employee representatives or union representing the majority of workers should be notified and that that is in the public interest and that the agreement be approved. It will no longer be necessary, as was previously proposed, to notify all unions.

Let me expand on the point I made just a moment ago in relation to the global financial crisis. The opposition argues that the global financial crisis should be used as an excuse to delay these reforms, in particular because they will reduce job creation. The reverse is true. The global financial crisis gives us more reason than ever to put in place the right policy settings in our workplace relations. This is particularly true in the case of the government’s workplace reforms, which will enhance the effectiveness of the
government’s overall response to the economic slowdown.

First, the provision of greater workplace security for workers will enhance the impact of the stimulus package. A key determinant of the effectiveness of fiscal stimulus is the multiplier effect: the higher the marginal propensity to consume, the higher the short-run multiplier, the greater the proportion of the stimulus that will flow directly into the economy rather than being saved. All other things being equal, people will be more likely to spend an increase in income if they feel more secure in their employment. In contrast, the proportion that they save will tend to be higher, the greater the risk of an unexpected bout of unemployment. One of the key planks of the government’s workplace reforms is to provide workers with protection against arbitrary and unfair dismissal. This protection will boost the impact of the Nation Building and Jobs Plan by increasing the marginal propensity of employees to consume.

Second is the issue of job creation, and here too there is another story. The total level of net job creation in an economy is a combination of how many jobs are destroyed versus how many jobs are created. This is a concept that opposition senators do not seem to understand and, again, they are fearmongering. A higher level of job protection will tend to discourage needless downsizing. This is particularly important in a time of economic slowdown. Studies have found that companies that downsize are outperformed in the long run by companies with less workforce fluctuation. This suggests that removing unnecessary turnover could enhance productivity levels. Workforce turnover results in significant transaction costs including severance payments and then, later on, search costs. In addition, higher staff turnover can have productivity costs associated with the loss of firm-specific knowledge and experience and low worker morale. More effective regulation of arbitrary and unfair dismissals could enhance productivity levels thereby reducing the impact of the downturn. But these arguments seem to be lost on the opposition.

Some argue that greater workplace security and unfair dismissal laws in particular will reduce the level of job creation since firms will be less likely to employ workers if they are harder to dismiss. This may be true in some instances—and I stress ‘some’—although, given that hiring is largely driven by fundamental business demands, the effect of dismissal laws on hiring is overstated by many. This is an argument that has occurred many times and, since my time is limited, I will move on to dealing with what I think is a more fundamental issue for the opposition at the moment.

The opposition seem to be becoming experts at being sceptics. For a long time they have been, as we know, climate change sceptics. Recently, in opposing the government’s fiscal stimulus package and saying that we should ‘wait and see’ they showed themselves as being global financial crisis sceptics. Now we can see that they are also workplace fairness sceptics. By that I mean, when we face the issue of how we deal with managing our workplace relations, we can choose the low road or we can choose the high road. Those of us who are optimists about our future and our capacity to perform and manage in a global economy and who believe in the capacity of our workforce, our ability to develop skill and our desire to see a future for Australia, where we have a skilled workforce and a high standard of living, would choose the high road. Those of us who are optimists about our future and our capacity to perform and manage in a global economy and who believe in the capacity of our workforce, our ability to develop skill and our desire to see a future for Australia, where we have a skilled workforce and a high standard of living, would choose the high road. This opposition seem to think that we should take the low road, which demonstrates to me that they are workplace fairness sceptics. They want to take a low road. This is not good for Australia’s future.
Anyone listening to this debate should understand that, even though Work Choices stripped away redundancy entitlements, the opposition still cannot see the concerns of the Australian public. Even though they stripped away countless other entitlements that the electorate knew by the pain that caused, if not to themselves, then to their friends, family or those around them, the opposition still cannot see those concerns.

The ACTING DEPUTY PRESIDENT (Senator Carol Brown)—Order! Senator Collins, your time has expired.

Senator JACINTA COLLINS—I seek leave to incorporate the conclusion to my speech in Hansard.

Leave granted.

The speech read as follows—

Conclusion
Workplace reform is one of this government’s key objectives.

At the heart of this reform will be the design and implementation of a new workplace relations system that provides balance, simplicity and modernisation.

It is only through detailed consultation that we will achieve the best design of this system.

The Rudd Government’s proposed new workplace relations system is fair, flexible and productive.

I believe that workplace reform must satisfy three key criteria:

It should be fair.

It should be simple.

It should foster workplace productivity.

‘WorkChoices’ didn’t achieve any of these goals.

It failed the fairness test since it gave too much power to employers, creating an imbalance in the bargaining relationship.

It wasn’t simple, creating a more complex system than the one it replaced.

Finally, it also failed the productivity test. It made the fundamental error of returning us to a framework of conflict.

In modern, flexible, highly skilled workplaces, productivity growth is more likely to be achieved by the development of workplace specific skills, improving morale and encouraging initiative. Unnecessarily pitting workers and employers against each other is at odds with this.

The proposed new Fair Work Australia system is designed with these three goals in mind.

In the very broadest terms, the new Fair Work Australia industrial relations system will be a simple, balanced system that allows employers to get on with business and employees to get on with their jobs.

Senator FISHER (South Australia) (8:03 pm)—This legislation should be about jobs, jobs, jobs. And it is not, not, not. This legislation should be about keeping the Deputy Prime Minister’s promise that the government’s workplace relations reforms will not jeopardise employment. This legislation should be about keeping the Deputy Prime Minister’s promise that any wage increases under the government’s workplace relations reforms will be tied to productivity increases. This legislation is about the government’s broken promises on protecting and creating employment and this legislation is about the government’s broken promises on ensuring that wage increases are linked to increases in productivity, which of course in itself threatens the jobs of the very people that the government would have the Fair Work Bill 2008 masquerade as benefiting.

There is one promise that the government does keep with this bill. The promise was one made largely under the radar, not one made to the Australian people but one made by the government to its union masters, and it is that promise, tragically, that the government is intent on keeping with this legislation. There is a proper role for unions in the workplace and there is a proper role for em-
ployer organisations. Workers need access to a collective voice. Workers need to be able to choose their collective voice just as employers need access to a collective voice and need to be able to choose with freedom their collective voice. However, both those sorts of organisations, unions and employer organisations, deserve and should have the opportunity in the workplace to demonstrate their wares and to do so in a way that attracts members to them simply because they are doing the job they should be doing, not because they are given a legislative leg-up.

This bill gives a legislative leg-up to unions in the workplace. It gives a legislative leg-up to membership of unions in the workplace, and it gives a legislative leg-up to membership of unions in the workplace at the cost of the jobs of the very people that they will masquerade as protecting. It is a legislative leg-up at the cost of the rights of the very people that the union movement would masquerade as protecting.

Senator Ludlam talked about a recalibration of legislation in respect of protecting workers. This is a recalibration in respect of ensuring a cement path to membership of the union movement. It is not about giving workers freedom to choose to belong to a union; it is about directing the worker traffic so that they have little choice other than to fall into the arms of the union movement.

That is the promise that Labor delivers, unfortunately, with this bill, at the cost of Labor’s other promise that its workplace relations reforms would not threaten employment.

Clearly, if provisions in the bill relating to rights of entry, greenfield agreements, transmission of business and unfair dismissals are implemented in the workplace they will unfold in a job destructive manner. Business knows this and has said some things about it, particularly during the course of the Senate Standing Committee on Education, Employment and Workplace Relations inquiry, but business has not said enough about it because it has been muted. Business has been seduced, if you like, into silence by a very clever government which has invited business in under the pretence of consulting in advance on the terms of the legislation. But the price of access to that closed group was secrecy and having to sign an agreement that, ‘We shall not speak outside these four walls.’ In that process business has compromised what it might otherwise say about what this legislation really means for Australian workers and Australian workplaces.

And the government is at it again. On the last day of Senate estimates, 26 February, the Deputy Prime Minister wrote a letter, which was tabled during estimates, making it clear that there is a draft transitional bill. On that same day, the consultative Committee on Industrial Legislation, which involves unions and employer groups, amongst others, met to discuss the transitional bill. Until that time, the evidence provided to the Senate committee and the comments made by business groups outside the parliamentary process amounted to: ‘Where is the transitional stuff? Where is the stuff that will help our members work through this once and if the Fair Work Bill becomes law?’ We learnt during estimates that once again, yes, by being invited into the so-called ‘consultative tent’ business will be required to sign up to a confidentiality agreement—seduced into silence in spectacular fashion. Business knows that this legislation will cost jobs in ways that far outweigh what they have been able to put thus far to the Senate committee.

An illustration of the fact that the government itself knows that it cannot keep its promise that its reforms will not cost jobs lies in the award modernisation process, which was part and parcel of round 1 of the workplace relations reforms. The schedule to
the first round of workplace relations changes put through by this parliament had instructions to the Australian Industrial Relations Commission that talked about the dual role of the award modernisation process not resulting in a disadvantage to employees and not increasing costs to employers. Not only have various Senate committees had evidence from experts that both goals are not obtainable, the government knows that both promises are unable to be kept. Business, the retail sector and the pharmacy sector are all talking about the numbers of jobs that they are concerned will be lost in their sectors as a result of the award modernisation process and what that means for their industries.

More than that, there is evidence by the Deputy Prime Minister’s own hand that she knows she cannot keep her promise on the protection and creation of jobs. In a letter that she wrote to the chair of the Senate Standing Committee Education, Employment and Workplace Relations on 26 February, tendered during those proceedings, the Deputy Prime Minister outlined some key elements of the transitional and consequential legislation to operate with the Fair Work Bill once enacted. She includes in the key elements of that legislation:

… provisions to ensure that an employee’s take home pay is not reduced as a result of the employee’s transition onto a modern award by allowing for Fair Work Australia to make orders to deal with any such matter;  

The Deputy Prime Minister is referring therein to the award modernisation process. There is nothing in her letter that refers equally to ensuring that there is no increase in costs to the employer community through the award modernisation, yet she sees fit to highlight in the transitional bill the necessity to ensure that employees’ take-home pay is not reduced as a part of the award modernisation process. The point is that the government made dual promises through the award modernisation process to protect employees and to protect employers, and this transitional bill, as confirmed by the Deputy Prime Minister’s own hand, is proof of the fact that the Deputy Prime Minister knows those promises cannot be kept—in particular the promise in respect of employees’ take-home pay.

As to productivity, the Deputy Prime Minister about 12 months ago was the self-proclaimed minister for productivity. Unfortunately that is no more. Under questioning during Senate estimates, the Deputy Secretary of the Department of Employment, Education and Workplace Relations revealed that there were motherhood statements in the Fair Work Bill as to the necessity to ensure productivity increases—little more than lip service. Mr Kovacic explained that, hypothetically:

It is not only the principal object of the act that emphasises the productivity considerations; that part of the bill, in dealing with the bargaining framework, has an explicit reference to productivity considerations.

Under further questioning, Mr Kovacic said:

In essence, at the end of the day, it is a matter for the parties to reach agreement on an agreement.

So the best that the Fair Work Bill can do in terms of linking wage increases with productivity increases is an implied linking; there is no express linking. What had the government promised? On 24 January 2008, Sky News referred to the Deputy Prime Minister as stating:

… our industrial relations system is about productivity … wage increases have to be about productivity gains.

On 8 May 2008, the Deputy Prime Minister was interviewed by the World Today and she said:

We have designed a fair and balanced system which is all about bargaining … That is a system
that doesn’t feed into inflation because pay increases are productivity-based …

Show us the section in your bill, Deputy Prime Minister. On 24 January 2008, Samantha Maiden reported the following in the Australian and attributed it to the Deputy Prime Minister:

What we are saying to everyone; to employers, to trade unions, to everyone involved, is that wage increases have to be about productivity gains.

Yes, Deputy Prime Minister, you are saying it and you are saying it, but you are not legislating it. Show us where it is. On 7 May 2008, the editorial in the Australian reported:

Labor has … said it is wedded to productivity trade-offs for higher wage increases.

On 26 November 2008, an article in the Australian Financial Review written by Steven Scott said:

However, Acting Prime Minister Julia Gillard tried yesterday to reassure business about the economic impact of the reforms, saying the changes would ensure wage increases were tied to productivity improvements.

Where, Deputy Prime Minister? Where? It fails to deliver on that promise. In failing to deliver on the promise to not jeopardise jobs, in failing to deliver on the promise to link any wage increases to increases in productivity, yet in spectacularly succeeding to deliver on the government’s promise to pay back the union movement for its diligent job in seeing the Labor Party elected to government, this bill does a significant disservice to working Australians and will contribute to ensuring that more Australians are not working than otherwise would have been.

Senator MILNE (Tasmania) (8.18 pm)—I rise this evening to comment on the Fair Work Bill 2008 and to express the Greens’ support for getting rid of Work Choices. It was very clear at the 2007 election that the Australian community wanted an end to Work Choices because Work Choices reduced the wages and conditions of Australian employees and many more lost protections from being unfairly dismissed. The federal election was a very clear vote on Work Choices. I have to say that the people who were the face of Work Choices, former Prime Minister John Howard and former Treasurer, still the member for Higgins, Peter Costello, remain the faces of Work Choices. I have to say—

Senator Brandis—Costello is the face of the prosperity we have now forgotten!

Senator MILNE—I am delighted to hear Senator Brandis say that the member for Higgins, Mr Costello, was the face of the boom, because no government was more irresponsible in failing to establish an industry policy for this country that protected the jobs of workers in the long term. They celebrated hollowing out the manufacturing sector. Manufacturing left the country; jobs left the country. They distorted the tax system so that income tax was reduced for the rich and we became totally dependent on profit income from mining companies, from the quarry. We became absolutely—

Senator Brandis—Reduced for the rich and eliminated for the poor!

The ACTING DEPUTY PRESIDENT (Senator Carol Brown)—Senator Brandis! Senator Milne, I ask that you direct your comments through the chair.

Senator MILNE—Thank you for the reminder. I certainly will do so. I was pointing out that the distortion in the tax system which occurred under the member for Higgins, the former Treasurer, was such that he shifted the tax away from income and onto company profits dependent upon Australia remaining a quarry where we dig things up, cut them down and ship them overseas, and we hollow out the manufacturing sector; we do not invest in education and training, we do not invest in innovation, we do not invest
in research and development. We made the country totally vulnerable to a collapse in the mining boom and that is what has occurred.

Look around the country and see which jobs are going. It is not because workers are not productive; it is because the former government failed to recognise the sectors that were uncompetitive into the future. Here was the former Treasurer, the member for Higgins, Mr Costello, giving $62 million to Ford to build six-cylinder cars in Australia when it was very clear that nobody wanted to buy them and that $62 million was not tied to energy efficient design. It was not tied to vehicle fuel efficiency standards. The result is that workers have been put out of work because those companies are no longer competitive. Whilst they were no longer competitive, their bosses were skirting off with massive exit payments that were grossly unfair. So not only did they take the profits but also they undermined the capacity of workers to have work in the long term. By setting low standards and failing to see the trends of the future, they condemned their workforce to unemployment as countries like China set high vehicle fuel efficiency standards, establishing themselves a competitive advantage in the global marketplace, and now they continue to make cars, whereas Ford is going out the back door.

The car industry is a classic case of our complete failure to have an industry policy for this country. If we had recognised that the trend was to move to addressing long-term security in employment by shifting to a low-carbon economy, we would now have factories in Australia that were producing photovoltaic panels, for example. We would have factories in Australia producing wind turbines. We would have factories producing all manner of things in Australia, and we would have a workforce that had been helped to make the transition. There would have been investment in research and development, commercialisation and training. There would have been rollouts on a mass scale, and we would have those jobs in Australia today. My biggest criticism of the Howard government was the vulnerability that they left the Australian economy in while celebrating rivers of gold and manna from heaven as they gave out tax cuts hand over fist. They failed to invest in infrastructure, health and education. They failed to invest in economically productive infrastructure.

Senator Brandis interjecting—

The ACTING DEPUTY PRESIDENT (Senator Carol Brown)—Senator Brandis, I have asked you to stop interjecting.

Senator MILNE—Where was the investment in the future anywhere in the country? The other thing that I am most critical about, especially in terms of Work Choices, is that it was totally based on the false premise that individual employees were able to bargain fairly with their employers. Of course, everybody knows that that was simply not the case. It never has been the case, and the experiment demonstrated that absolutely. AWAs were one of the most pernicious aspects of Work Choices and were used to undermine the safety net for workers. That is very clear, and it is a good thing that we are finally getting rid of AWAs.

The workers who were most affected by Work Choices and who were the most vulnerable because of the power that was given to employers in those circumstances were women workers in low-paid jobs and workers from non-English-speaking backgrounds. I hear the current members of the opposition talking about the employees in the textile industry who are now losing their jobs. These people were most adversely impacted by Work Choices, but at that time I did not hear any empathy from the opposition or even any pretence that they understood the circumstances in which those people were
The Greens opposed Work Choices in the Senate. We campaigned vigorously against the laws at the time they were announced and put through this parliament. The policy that we took to the last election was explicit in calling for the complete abolition of Work Choices, and we are still campaigning for that.

We are disappointed that the government has not carried through on its promise to totally rip up Work Choices. Rather than the government ripping up Work Choices, its Fair Work Bill builds on some of its key elements, such as not providing a fair dispute resolution process and consolidating the shift made under Work Choices from the conciliation and arbitration power to the corporations power under our Constitution. Also, the bill maintains restrictions on matters that can be agreed to in enterprise agreements. Matters relating to the environment or climate change initiatives will not be allowed in agreements under the bill. I think that is most unfortunate because, as I will indicate in a minute, some of the best ideas actually come from the workplace, where people come up with innovative ways of addressing issues. To disallow these ideas I think suggests that we do not have the whole-of-government approach that we are being told we have on climate change. Another issue is that, while the government is keeping a type of individual agreement that has more protections than AWAs, it will continue to have the potential to exploit workers. Also, the current bill maintains severe restrictions on employees taking industrial action.

The Greens have been trying to negotiate some amendments to the legislation. I take this opportunity to congratulate my colleague Senator Rachel Siewert on her work on this bill and on the amendments that she has crafted to try to address the concerns of the Greens and those of many workers. We want this bill to provide the protections, rights and responsibilities of a fair, just and sustainable society. Our amendments include giving Fair Work Australia the power to resolve general workplace disputes. Without this amendment workers have no means of resolving disputes, except by going to court to enforce their rights. We also want to remove restrictions on the matters parties can agree to in enterprise agreements. We also require more transparency to individual flexibility arrangements so we will know whether they are being used properly or whether they are being abused. That is a matter that my colleagues are trying to negotiate with the government.

We need to get rid of Work Choices and replace it with a fair, just and sustainable law for the workplace. We need to build resilience in our community, and fair employment laws are an important part of doing that. We want to ensure a framework that provides for genuine flexible working hours, paid parental leave and workplace democracy. I want to talk about those for a few minutes. On genuine flexible working hours, now is the opportunity to explore what optimum conditions we can provide, because the certainties of the old order are over. We have a global financial crisis, a climate crisis and a peak oil crisis. All the old certainties are gone. When you ask people ‘What do you want more of?’ they say that they want more time. They are sick of working seven days a week and very long hours. They are tired of being forced into a situation where they very often have to put their children in care for longer hours than they would like to. Very often families would like to do things together at the weekends and they simply cannot because of their working arrangements. There are also issues in relation to people with children with disabilities, people looking after aged parents or other people in the community and so on. People say: ‘I would just really like more time. I would like
greater flexibility.’ Now is the opportunity to offer that.

We need paid parental leave. That is very clear. It is one thing which would improve the productivity in the workplace. Right now, we need that productivity in the workplace, and we need it especially from those women who have had years of training and experience. We need those people to stay on in the workplace. They are not necessarily going to do that unless they can get paid parental leave. I think this is absolutely critical. If we want to keep people with the right skills in the workplace for the long term and not disrupt their career patterns then we have to be very focused on that.

I just want to mention workplace democracy for a minute or two, because if you think about an individual workplace you can extrapolate those principles to the country. If you go to people and ask, ‘What makes a happy and satisfied employee?’ they will tell you that it is not just about the wages they receive. They will talk about being appreciated and having the person who employs them appreciate the fact that they are there and appreciate the contribution they make. Employees also appreciate people thinking about their training needs and the opportunities they might have for career advancement whilst working in a particular company. They talk about democracy in the workplace. They talk about whether there is fairness and inclusion or whether the boss, who owns the company, gets all the perks while the workers generate the profits for the company but never share in the perks or the benefits of that work.

Employees talk about communication—the need for people to be honest with their employees, tell them what the situation is, take them into their confidence and actually discuss with them creative solutions to the problems that the company might be having or the opportunities that the company might have. Very often the people on the factory floor and the people in small businesses have been thinking about ways to improve the business for a long time and they have never actually been asked or had the opportunity to feed in their ideas without fear or favour and have those ideas tested.

Employees also talk about bosses who lead by example. If you want to have loyalty and satisfaction from your staff then you have to have the same values in your leadership role as you are expecting of the employees in the organisation. You do not want negativity in the workplace undermining people there. You have to remember that people in the workplace have lives outside work. Just because you own the company or you run the business you may want to work in it 24 hours a day seven days a week but the people who work with you have families. They have other responsibilities and community concerns and want to be engaged in the community.

If you extrapolate these ideas to the nation you find that that means instead of this nasty dog-eat-dog, really hostile workplace that was set up under the Work Choices regime you move to—

Senator Brandis—Which government created more jobs than any other government in Australian history?

The ACTING DEPUTY PRESIDENT—Senator Brandis, if you have not already made a contribution you will be able to make a contribution in the debate. Please stop interjecting.

Senator MILNE—I am very pleased that a point has been made about the number of jobs and participation in the work force because that was something I had not recalled that I wanted to speak about, but now I will. The Howard government boasted about the number of people in employment but failed
to talk about the casualisation that occurred in the work force under the Howard government and the fact that you were deemed to have a job if you only worked a few hours. So the statistics lie about the numbers of people who had jobs with which they were satisfied and in which they could earn a decent income. So you may brag all you like, those former members of the Howard government who are so proud of their role in Work Choices, but let me tell you that out there in the streets people are disgusted about the fact that they were included in the statistics as having a job when they only worked for a few hours. Let us have a look at actual participation in the work force and then you will find quite a different position than just a raw statistic on what constitutes a job.

As I was saying before, you can extrapolate the ideas that I have just talked about with respect to the workplace, where you see that you get the best productivity from the people you work with if you create an inclusive environment which is trusting, has honest communication with employees, and which offers appropriate investment in research, training and career opportunities. And if you offer appropriate flexibility in hours and parental leave you will have a work force that is satisfied, works harder and generates greater productivity. As a nation we will be able to survive the financial crisis, climate crisis and peak oil crisis much better with that work force where people feel that they are contributing, no matter what they do, to the bigger picture.

That is where I think we need to start using this opportunity of the financial crisis, where all the old certainties are gone, to ask: what is it in Australia that will give us what we need—a fair workplace, a just workplace, a workplace where sustainability is on the agenda, where people know that they are going to be respected, where their dignity is respected and they are encouraged to have a broader involvement in the future of the businesses in which they work and in the productivity of the nation?

There is a story that I remember, and that I often reflect on, about three people who worked in a quarry. They were all asked what they did for a job. The first one said that he just worked in a quarry cutting stones. The second one said that he prepared building materials, and the third one said, ‘I build cathedrals.’ We want workplaces in Australia where everybody in this nation feels as if they are building cathedrals—that they are contributing, no matter what they do, to a better picture.

Senator Brandis—Pretty good, coming from an atheist!

Senator MILNE—It just demonstrates the mentality that we have in the chamber that you cannot follow this notional view. The issue here is about the fact that people should feel as if the contribution they are making is to a better nation—to a better society and to a fairer, more just, happier, satisfied community. What we need to do after a decade of this dog-eat-dog individualism—versus a collective community view—is to rebuild community in Australia. We know that it is there just under the surface. Every time there is a tragedy in Australia we see what happens when the community comes together. People give what they can in the national interest. People do what they can in the national interest. We have not seen that in the broader sense; people do it on an emergency basis.

We are now facing a global emergency with the coming together of these three crises. I want to see the end of Work Choices. I want to see a new view of workplace relations that sees every worker in Australia think about, believe in and want to contribute...
to a national vision going forward to a more socially just, inclusive, fair, thoughtful and creative Australia which is resilient and which has good quality jobs and workplaces. That is the kind of Australia we want to see, and we want to end forever the faces and the remnants of Work Choices in this society.

Senator FEENEY (Victoria) (8.37 pm)—It gives me great pleasure to rise in support of the Fair Work Bill 2008. It gives all of us on this side great pleasure to see this bill finally in this place. This bill is the product of many months of consultation, negotiation and drafting by the Deputy Prime Minister, her team and her department. I congratulate the Deputy Prime Minister on her enormous energy, commitment and hard work in bringing this bill together, winning the support of all the key stakeholders and securing its passage in the House of Representatives.

Along with the stimulus package bills which we passed in the last session and the Carbon Pollution Reduction Scheme bill, which is still to come, I believe this is the most important bill that we will debate in the Senate during this parliament. The Prime Minister and all members of the Labor Party who went to the last election pledged to tear up the Howard government’s unfair and extreme Work Choices legislation. It was the central plank of our platform. It was the key issue we put before the Australian people. In his policy speech, the Prime Minister, Kevin Rudd, devoted more time to workplace relations than to any other single issue.

The 2007 election campaign was, of course, the culmination of two years of campaigning against Work Choices by the Labor Party and the wider labour movement, of which we are proud to be a part. I pay tribute to the Your Rights at Work campaign run by the ACTU under the leadership of Sharan Burrow and Greg Combet, a campaign which did so much to mobilise public opposition to Work Choices. I pay tribute to Kim Beazley, who insisted that the right response to Work Choices was a firm promise to scrap it, to tear it up and to stake our future as a party on that pledge.

Senator Parry—What about Gough?

The ACTING DEPUTY PRESIDENT (Senator Carol Brown)—Senator Parry, you should know better.

Senator FEENEY—I pay tribute to the Prime Minister, Kevin Rudd—

Senator Brandis—He didn’t pay tribute to you during the reshuffle.

Senator FEENEY—who took that pledge to the Australian people in 2007, campaigned on it and won a historic history—a historic victory that Senator Brandis still struggles with. It is time to give the Australian people what they voted for: a new industrial relations system, one based on fairness in the workplace, security for working families and flexibility for business.

The fact that the economic circumstances we now face are very different to those we faced in 2007 does not in any way lessen our responsibility to give the Australian working families the benefits contained in this bill. Our current economic circumstances in fact increase our commitment to that responsibility, because imagine the position of Australian workers and their families if they had had to face the current economic downturn with a federal government in office which believed in the Thatcherite doctrine of survival of the fittest. Imagine if they were dealing with a government who put every man, woman and child at the disposal of a philosophy that says: fend for yourself at the mercy of blind market forces. Imagine what the position of Australian workers and their families would be now if we still had a government that believed that all employees should be put on individual contracts and deprived of virtually all legal protection in
terms of their wages and conditions—including, as the Prime Minister noted this afternoon, redundancy provisions—at a time when so many jobs are at risk through this downturn. Imagine the spectacle at Pacific Brands if that company had had the legislative opportunity to continue its strategy of implementing AWAs.

Now more than ever, Australian workers and their families need an industrial relations system which protects their rights. Now more than ever, Australian businesses need an industrial relations system which ensures flexibility and prevents industrial conflict. Now more than ever Australia needs an industrial relations system which encourages and in fact requires employers and employees to negotiate in good faith to reach binding agreements. Now more than ever Australia needs an independent workplace umpire to resolve disputes before they lead to costly and disruptive industrial action.

The bill before us does all of these things. It is true that not everyone in the union movement is happy with every provision of this bill. It is true that not everyone in the business community is happy with every provision of this bill. Such is the nature of striking a balanced piece of legislation. But both unions and business recognise that this bill is vastly superior, vastly preferable, to what went before it—the arbitrary, unfair, extreme, unbalanced and ultimately ideological document that was Work Choices, a set of laws that virtually guaranteed to set employee against employer, a set of laws designed to foment industrial disputation, harm productivity and undermine the living standards of Australian families.

When considering the fact that business itself often found Work Choices completely unworkable, I am reminded of the events at Spotlight, a company that did implement AWAs but finally abandoned them in sheer despair as they discovered that over and over again they were forced to comply with ever-changing, ever-moving regulations—a regulatory regime which ultimately led them to prefer a non-AWA solution. Even in their ideological extreme, they could not develop a workable system.

If ever a government had a mandate for a piece of legislation, the Rudd government has a mandate for the Fair Work Bill. Both sides agree that this was the central issue of the 2007 election. Mr Howard, Mr Costello, Mr Turnbull, Mr Hockey and Ms Bishop as well as every sitting member opposite fought tooth and nail in defence of Work Choices laws. Who can forget the months of scare-mongering advertising denouncing union bosses and warning of the terrible disasters that would follow if Work Choices was scrapped?

Senator Abetz complained in his speech earlier this afternoon about the cost of the trade unions’ campaign opposing Work Choices, but context is everything. Senator Abetz failed to mention the huge cost of the coalition’s dishonest scare campaign in support of Work Choices. We on this side remember that it was an avalanche of government advertising and an avalanche of government communications—sheer propaganda which would do the Romanian and North Korean governments proud. They were avalanches of propaganda designed to change, to subvert and to distort the opinions of ordinary Australians.

Do I need to remind the Senate that the Howard government spent more than $120 million of taxpayers’ money promoting the Work Choices bills, bills for which they had no mandate? That was on top of the $420 million of taxpayers’ money they spent pro-
moting the GST. That was all part of a total spend, estimated by Jason Koutsoukis of the Age on 2 September 2007, representing over $2 billion of taxpayers’ money promoting Howard government legislation. It was in that context that the union movement mobilised and it was in that context that the Your Rights at Work campaign occurred. It was in the context of there being a government that was prepared to put literally billions of dollars of taxpayers’ money at the service of their own ideological and political electioneering.

What was the result of all these moneys spent on promoting Work Choices in the lead-up to the 2007 election? Labor polled 52.7 per cent of the two-party preferred vote and thereby proved that old adage that nothing kills a bad product like good advertising. So clear was the mandate that Labor won on the issue of scrapping Work Choices that even those opposite are forced to understand it and recognise it. In November 2008, when the Deputy Prime Minister introduced this bill into the House of Representatives, Mr Turnbull said:

The Coalition accepts that the Rudd Government has a mandate for workplace relations change as proposed in their election policy last year.

The Coalition accepts Work Choices is dead. The Australian people have spoken.

... ... ...

The Coalition acknowledges that industry stakeholders support key elements of the Bill.

... ... ...

The Coalition will not oppose the Government’s Fair Work Bill 2008 in the House of Representatives—

and I interpose here that Mr Turnbull did give himself an escape hatch in this formula when he said—

but we reserve our right to propose amendments to improve the operation of the Bill following the Senate Committee process without seeking to frustrate the Government’s election commitment to implement its ‘Forward with Fairness’ election policy.

It was an escape hatch, but it was a very small one. Nevertheless, Mr Turnbull and those opposite are now trying to wriggle their way through it. At today’s coalition party meeting, it was decided that the coalition would after all introduce major amendments. This is typical of what we have come to understand as the Turnbull three-step. The Turnbull three-step is a formula we have now seen on many occasions. Step 1: Malcolm Turnbull and the Liberal Party announce that they are supporting a government initiative and proudly wrap themselves with the bipartisan flag. Step 1 generally lasts for about 24 hours. Then we come to step 2. Step 2: Malcolm Turnbull talks about doubt; there is great doubt. He tries to strike a Churchillian pose and tries to strike doubt into his bipartisan wonder of the day before. Finally, we come to step 3: opposition. The other side reverts to type, forgets the rhetoric of day 1 and finally opposes the Labor initiative. We have seen the Turnbull three-step on the stimulus package. We have seen the Turnbull three-step on emissions trading. We have seen it on payments to pensioners. Now we are watching the Turnbull three-step on industrial relations. It has now become an old trick and we can all see it.

And why is Mr Turnbull doing this desperate three-step? Because he is feeling the heat from the self-appointed messiah of the Liberal Party, Peter Costello—and, Senator Brandis, I see you veritably bloom with enthusiasm for the subject. Last week Mr Costello said that the coalition should oppose the government’s bill regardless of the clearly expressed will of the Australian people. Mr Costello said it ‘might have been OK in times of good growth’ but it will ‘affect jobs in a downturn’. He said:
It will make manufacturing in this country more difficult and I think the Government has now got to reconsider that. It has to reconsider its proposals in relation to industrial relations.

Of course Mr Costello said on three occasions on Q&A 'this is my policy'. He does not have too much trouble with his policy being different from what you say is your policy. So alarmed is Mr Turnbull by the continued presence—that looming omnipresence—of Mr Costello on the back bench—

Senator Brandis—He’s certainly not alarmed to have you on the back bench.

Senator FEENEY—Well, I am pleased that I have provoked you into comment. Senator Brandis, the last time you interposed you probably got another two minutes out of Senator Milne and I fear you might achieve the same with me. Mr Costello called for Mr Turnbull to renege on his commitment made in November, and Mr Turnbull has now complied. Only four months ago Mr Turnbull gave a clear commitment that the coalition would not oppose the substance of this bill—and yet here you are doing that. None of us on this side are surprised by this humiliating backdown. The Liberal Party room is full of what the Prime Minister today called the ‘Work Choices addicts’. They dominate the positions on the front bench in the Senate. Senator Minchin, Senator Abetz, Senator Coonan, Senator Ronaldson, Senator Brandis and Senator Johnson all nailed their colours to the Work Choices mast in 2006, and it is clear to all of us looking on that they are squirming as the legislation comes into this place. You all believed in Work Choices then and you all believe in it now. Your leader asked you to die in a ditch for this policy in 2007 and it would appear that you are now being asked to die in a ditch for this policy a second time. I say that because those opposite are ideological fantasists on the issue of industrial relations. Senator Fisher said only moments ago that business has been seduced into silence, that the government has cleverly invited business in and on that basis business remains mute. You imagine yourselves sitting at the top of an ideological vanguard representing the thousands of silent anti-unionists when, of course, it all exists only in your imaginations.

Senators opposite need to recognise that the tide of opinion has turned against their radical, neoliberal views on deregulating the labour market, not just in Australia but around the world. In the United States, Barack Obama was a sponsor in the Senate of the Employee Free Choice Act, which would restore workers’ freedom to form unions and bargain for better wages, benefits and working conditions without employer harassment. He continues to support that bill today as President of the United States. President Obama said recently:

In this country, we believe that if the majority of workers in a company want a union, they should get a union.

Whether we look at the United States or the European Union, those opposite are alone and isolated, out on an ideological limb. Their only ally in denying the basic rights of employees is the Chinese Communist Party, and I hope they enjoy the company.

It will be very interesting to see what amendments those opposite intend putting before the Senate. Mr Turnbull is trying to wriggle out of his commitment by claiming that the bill now before us goes beyond the mandate that the government was given in 2007, that we are somehow pulling a swifty on the Australian people by bringing in a bill that gives more to the unions and less to business than we promised. He hopes this allegation will give him the pretext he needs for opposing the bill, or at least a pretext for proposing wrecking amendments—amendments that go to the substance of the
bill and not merely to the operation of the bill.

It takes a fair amount of gall for those opposite to accuse us of bringing in major pieces of legislation without a mandate. What mandate did the Howard government have for the 2006 Work Choices legislation? None whatever. They made no mention at the 2004 election of their secret plan to strip away workers' rights and force all Australian workers onto individual contracts. They deceived the Australian electorate, just as they did in 1996 when Mr Howard said he would never ever introduce a GST. In contrast we have an absolutely cast iron mandate for this bill. This bill does not go beyond that mandate. The Deputy Prime Minister has been adamant that the bill will reflect the policy we took to the election, no more and no less.

Let me be specific about some of the provisions of the bill. Firstly, the bill does not reintroduce pattern bargaining. It is curious that those opposite should claim that it does. I thought those opposite were in favour of pattern bargaining. Why did I think this? Because under Work Choices, hundreds if not thousands of workers in various industries were presented with identical AWAs and told to sign them if they wanted to keep their jobs. The pretence that these agreements represented a unique interplay between the employer and the individual and that each agreement was tailored to individual circumstances is a fantasy. The reality is that each of those AWAs was a carbon copy of the next. This was pattern bargaining and the real supporters of pattern bargaining sit opposite.

Secondly, this bill does not allow the charging of bargaining fees to nonunion members—despite the claims of those opposite. Once again, there is a curious line of questioning from those opposite. Bargaining fees operate on the principle of user pays. This is a principle that those opposite have been happy to apply to almost every other circumstance they have encountered, whether it be VSU legislation or other issues of government services. So as far as those opposite are concerned, whether user pays is a good thing or not depends on who is paying whom for what service.

Thirdly, the bill does not return to the past on the issue of union right of entry to workplaces, which Senator Abetz pontificated about earlier today. In 2007 Labor promised that we would strike a balance between the right of employees to be represented by unions and the right of employers to run their businesses. We have delivered on that commitment. To gain access to a workplace, union representatives will have to hold a permit and give 24 hours notice. There are other conditions there that are important and that apply and will continue to apply and which are consistent with the commitments of the party and the Deputy Prime Minister.

The great majority of Australian trade unionists, like the great majority of Australian businesses, know that this bill represents a fair compromise between the conflicting interests that exist in the world of industrial relations. This bill was not designed to give either trade unions or business organisations everything they wanted. It was designed to enable Australian workers and Australian businesses to resolve workplace issues through good faith negotiations, and to come to legally binding agreements. Where an issue cannot be resolved, the bill creates an independent umpire, Fair Work Australia.

This bill provides fairness and security to Australian workers and their families, and flexibility to Australian businesses. It conforms absolutely to the mandate which we were given by the Australian people in 2007. Those opposite have no excuse, no pretext, no mandate to oppose this bill or to introduce
wrecking amendments. Mr Turnbull recognised this in November when he gave his pledge not to oppose this bill. Now Mr Turnbull and those opposite want to wriggle out of that pledge, but they have no grounds for doing so, and the Australian people will judge them harshly if they block or obstruct this bill.

Senator BERNARDI (South Australia) (8.56 pm)—Normally I like to thank other speakers for their contributions, but I have to say that Senator Feeney’s contribution was simply a sycophantic speech designed to ingratiate himself with his Labor comrades, the powers that be, in a quest to get promoted. There is no question about that. They are more interested in the internal dynamics of the Liberal Party and their own quests for promotion than they are in the cause and the interests of families and those who are determined to maintain employment while this government is determined to shut down employment across the country.

How can Senator Feeney condemn Peter Costello for saying that, given the economic circumstances we find ourselves in today, the government should rethink their bill on industrial relations? It was conceived ideologically because they immediately hate employers and they want to empower unions. It was also conceived in an environment when the economy was doing well, when businesses were productive, when employment was growing, rather than the catastrophe that faces so many families in this country because of the poor policy decisions of the government. This is another nail in their employment coffin.

Make no mistake about it, this is a job-destroying piece of legislation. It will force unemployment up. People are right to be alarmed about it, Senator Feeney. You know they are right to be alarmed about it because your party is acting in the interests of unions, not of working families in putting in this legislation forward. You are not interested in small business and the concerns that they have for their employees. Employers in small businesses, most employers that I know, and I have been one, care for their employees. They want to see them stay in jobs. They want to see them make a productive contribution to their businesses. That is common sense. You do not care about entrepreneurs and the people who are out there taking a risk with their houses and their own financial wellbeing because they want to employ another person. It is clear you have no regard for business owners and the people who drive the productivity of this economy because you are so hell-bent and focused on some ideological quasi-socialist nirvana that you are trying to create in Australia. But you are not just letting yourself, the people of Australia and the Labor Party down, Senator Feeney; you are letting the workers of Australia down. Those people fell under the spell of the svengali of spin, the prince of pork-barrelling. You know who I am talking about, don’t you? The emperor of the ALP. That is right: Mr Rudd himself.

The ALP made an enormous number of promises at the last election, and now they come in here and they tell us they are upholding their promises. Let’s face some facts. We on this side accept that people did not like all aspects of our previous industrial relations legislation. We also accept that the Labor Party went forward with an industrial relations platform at the last election and were elected. And I think that no small manner of their election was in fact due to dissatisfaction with our industrial relations platform. But no truer words were spoken in the last election than those of that giant of a man Peter Garrett. I will paraphrase him: ‘Don’t worry about it; we’ll change it all when we get in.’ And that is exactly what we see with this bill before the Senate today.
This bill is flawed. It is flawed because it is going to have an impact on every family, it is going to have an impact on employment and it is going to have an impact on individuals and business owners. But it is also flawed in the rhetoric, ‘We’ve got a mandate.’ How can they say, ‘We’ve got a mandate’? They do not have a mandate for some of the things they are introducing in this bill. But, more than that, this is coming from those who flatly denied when they were in opposition that any government has a mandate. They denied that the Liberal Party had a mandate to sell Telstra. Their policy to endorse the sale of Telstra only came after it was actually sold. They did not support the mandate from the continued re-election of the Liberal Party and the coalition government, despite the fact that we kept taking unfair dismissal to election after election. They did not do that. Do you know why they did not do it? They did not do it because they knew that they had to maintain the rage against reasonable, sensible policies that would help small business owners and the engine room of the economy and they needed the union movement to get back into government. They had to play sycophantic politics with the union movement because that is where their power came from. Stubbornly they clung to that and, ultimately, it worked for them. This is payback.

Firstly, the right of entry. Back in May last year Minister Gillard said:

We promised to retain the current right of entry framework and this promise too will be kept.

Yet this bill expands the union right of entry. How is that maintaining the current right-of-entry process? So not only has she broken the original promise, which they claim they have a mandate for, but she has broken the promise that she made subsequent to that, to keep her promise. Make no mistake: under this bill more unions will be able to enter the workplace.

But more alarming than that, and genuinely alarming, is that unions will have access under certain circumstances to employe records, including the records of non-union members. That should send a shiver up the spine of every single employee, every single employer and every single civil liberties advocate in this country, because a lot of what is kept in personnel records is between the personnel officer or between the employer or business owner and the employee themselves. As someone who has employed people I know that you take into account certain circumstances in your dealing with employees based on their personal situation and circumstances. No-one has the right to pry into someone else’s records simply because they are a union official—to walk in and say, ‘Hey, give me Bill Smith’s file; I
want to have a look at it.’ That is against the principles that we should hold very dear in this country and it is against the principles that I and my colleagues on this side of the chamber do hold dear.

Unfortunately, this is not what the Labor Party see. They only see that they owe the union movement and have to empower them. By empowering the union movement they are empowering themselves over there, because every single one of them is here because of the union movement. Now, I am not anti-union. You might think that I am after some of the things I have said. I respect people’s right to be a member of the union if that is what they want to do. If they want to give a union member or their union advocate access to their own file, that is their business, but you have no right to go prying into other people’s business in the hope of stirring up some sort of hornets’ nest that is going to result in people losing their jobs and businesses getting closed. That is the history: you gain, you take a step and you are always looking to take another one and infringing upon those who are driving our economy forward.

So, clearly, there is a departure from the current right of entry and what they are allowed to access. This is not about keeping a promise; this is actually about breaking a promise. This is about deceiving the people of Australia and hoping it will slip through. And, under a barrage of abuse about previous industrial relations policies, of heckling, of interjections and of jeers, all of which are designed to mask their true interest, this is about empowering the union movement. It is a very sad day when the senators on the other side of this chamber come in here and are happy to infringe upon people’s privacy and support legislation like that.

The other part I would like to talk about today is unfair dismissal, which is a contentious issue. No-one likes to think that their job is vulnerable. But let me tell you that there are no more vulnerable employees than those where the business owner is going broke—where they can no longer afford to feed their own family or pay their bills and will continue to struggle until they can make some changes.

When I speak of small business owners, to me it means the mums and dads who own the corner shoe shop or maybe the takeaway. They are people who have put their houses on the line to try to create better lives for themselves, their children and their employees. In small business we see lots of immigrants; we see lots of young entrepreneurs; we see people who say, ‘I do not want to go to university,’ and we see tradespeople; and they all go out there and take risks to build their businesses and to build this nation. Believe it or not, in employing people they take the greatest risk that a small business owner faces because part of the problem is that if things go bad, or you have a bad employee, it is very hard to make the necessary changes and the transition without severe financial penalties in some instances. So I support exemptions from unfair dismissal for small businesses and I do so because small businesses are too important to this country.

There is some talk in this bill about what constitutes a small business, and we all may have different definitions of it. The essence of it as far as I can see is that if you have 20 people or full-time equivalents it means that you, as the business owner, are the person who is doing the payroll and all the paperwork and you are working in your business as well as on your business and you are responsible for their welfare. In those circumstances we should be looking to remove red tape. As I said earlier, when you own a small business you do everything you possibly can to keep your good staff happy and productive. You counsel them and help them...
through the lean times—not only your lean times but their lean times, either emotionally or physically. You do what you can because that is in your interest. Your interest is in maintaining the business and when you have got good people you do everything you possibly can to keep them.

But under this legislation imagine the circumstance of your business having a year of buoyant times followed by a period when things get a bit lean. You no longer have the opportunity to make appropriate changes without incurring the wrath of some official who has possibly never worked in small business themselves and who will charge you money to redistribute the wealth to someone else.

Don’t think I am making this up on the spot, because I have been in this situation. I have been in a circumstance where I have had people in my business, which had fewer than 20 full-time staff, actually breaking the law. And when you say, ‘I am sorry, you cannot work here any more because you are breaking the law,’ the nameless officials come down on you and say, ‘You have done the wrong thing.’ To those nameless officials I say that I would do it all again. It costs you money when you go through it and you cannot go through the appeals process because it is too hard, too expensive and too tough. That is what has destroyed the incentive for a lot of people to create and build and grow their businesses. Yet this is exactly what this government is intent on bringing back.

We should be alarmed about this, because the legislation that was presented to us today oversteps the mark. If we accept the responsibility and the mandate we have then we should limit the changes to the industrial relations legislation to what was promised before the last election, not what has been cobbled together by the socialist alliance running rampant in the Labor Party today.

We should not be looking at this legislation and saying, ‘No, we are not going to make any changes to it just because it was conceived in a time of prosperity.’ We are now entering into a time where people are doing it tough and you are going to make it tougher for them all. This is the great shame of it. This is not about partisan politics; it is about people. Right now people are struggling and the Labor government is putting an additional burden on people but they are dressing it up in new clothes and saying, ‘We are protecting you.’

But this government has already been exposed as having no clothes on so many issues. They have got the emperor, and if I have to be the one who says he has no clothes, I will. It is a sham and a charade. They are very good at the spin, they are very good at presenting these plausible arguments, they know how to run the news cycle and they have got a lot of journalists on the drip. But it is not about that; it is about helping people who are doing it tough. And people are doing it tough. They want jobs, but they are losing jobs hand over fist in this country under this government.

We have small business owners that want to get through a very tough time. And what are Labor doing to help them? They are increasing the regulatory regime. That is not the recipe for success. The recipe for success is empowering people to make decisions that will be in the best interest of their business, and the best interest of their business is to keep people employed as long as they possibly can—not to prevent employment, not to stop people from hiring now because they know they are going to be under some hard core IR regime. The hide of Senator Feeney to compare the previous government’s industrial relations policies to communist China or North Korea or Romania! I am not sure what the Romanian employment policies are but Senator Feeney clearly knows; obviously he
holds these countries in reasonable esteem to have researched them.

What is important here is getting the best outcome for Australia. To get the best outcome for Australia we need to have flexibility, and flexibility starts with amending this legislation—not just the two principal areas that I spoke about but the six areas that I mentioned. We need to look at this. I call upon the Labor Party to stop being so stubborn. A mule can be a useful animal. I ask you to be a useful mule rather than the annoying—I will not say the word because I am not into swearing, but you all know what I mean.

Senator Cash—Something the Prime Minister might say.

Senator BERNARDI—Yes, something the Prime Minister would say, but you will not find me saying it. Do not be stubborn about this. Think about the interests of Australia. Look at the amendments we are going to put forward because they are in the best interests of workers in this country. You can act in the best interest of workers in this country too, rather than simply looking after your union mates. They can look after themselves; they have hundreds of millions of dollars. Let us look after the workers that do not. That is a challenge to you guys today, to the Labor Party today—get a bit of bipartisanship in this and start working hard for the interests of Australia.

Senator FARRELL (South Australia)—I thought Senator Bernardi would have had more empathy with the spirit of this bill given his recent treatment by his own boss. I am disappointed that he is not more empathetic with the spirit and the aims of this legislation. It is with a great sense of pride and satisfaction that I speak in favour of the Fair Work Bill 2008. Like many other senators who were elected in the last election, I ran because I was fundamentally opposed to the then government’s Work Choices legislation and had the misfortune to witness firsthand the unfairness that it visited upon working people in their workplaces.

Senator Bernardi—What about Linda Kirk?

Senator FARRELL—Senator Bernardi, you should have far greater empathy for those workers who were so unfairly treated, like yourself, by their boss. Senator Abetz said today, when he led the debate for the coalition, that Work Choices was dead. But there is a feeling on this side of the chamber that perhaps it is not really dead; it is just in an induced coma. Work Choices, as far as the coalition is concerned, is not dead; it is just in an induced coma and it is waiting for that horrible day when the coalition may return to government. But if, as Senator Abetz said today, Work Choices is dead then we owe it to Work Choices to give it a dignified burial. How do we give Work Choices a dignified burial? Of course, we pass this worker-friendly legislation, and we pass it this week. That is how we do it. After all, this legislation cost you the election. There is no doubt about that; it cost you a prime minister. You lost a prime minister over that. At least for those reasons alone you ought to give Work Choices a dignified burial.

Senator Williams—Don’t you think you will ever lose an election?

Senator FARRELL—Not if you keep supporting Work Choices, we won’t.

Senator Cormann—We are not supporting it; you are supporting it.

Senator Cash—You are obsessed with it.

Senator FARRELL—You are the ones that keep talking. I am trying to finish my speech so as we can get on and pass—

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Order! Senator Farrell,
I ask you not to incite interjections and I ask those on my left to stop interjecting. I note that Senator Farrell listened quietly to Senator Bernardi on my left and I ask that the usual courtesies be shown to Senator Farrell.

Senator FARRELL—Thank you, Mr Acting Deputy President. I will ensure that I address my comments through the chair. As I said, Work Choices deserves a decent burial, particularly for the way it affected working people—people like Annette Harris. Annette Harris was a worker for the Spotlight company, who was forced to sign an Australian workplace agreement on returning from holidays. She became the face of opposition to the Work Choices laws. As a long time John Howard supporter she became a symbol of how the Liberal Party had abandoned working families in favour of the interests of big business. One of the first retail companies to use the new legislation, the Spotlight chain offered Australian workplace agreements to its workforce that removed penalty rates and many conditions for just a 2c increase in their hourly rate of pay. My union, the SDA was able to get the company to reverse its decision in respect of Annette. It was powerless to help all the new workers the company was able to force onto Australian workplace agreements because of Work Choices.

Work Choices also needs a decent burial because of what it did to the technicians at Radio Rentals in Prospect, in my home state of South Australia. In one of the more shocking examples of how Work Choices contributed to the breakdown of employer and employee relations, Radio Rentals workers in South Australia were locked out of their workplace after wage negotiations broke down. The South Australian branch of the Australian Manufacturing Workers Union, very ably led by Secretary John Camillo, took up the case on behalf of their members at Radio Rentals and let the world know their story. Upon taking protected industrial action during a bargaining period, the Radio Rentals technicians found themselves locked out of their workplace when they attempted to return to work. The company was trying to force the workers onto AWA individual contracts that offered just a one per cent pay rise but cut out all of their redundancy pay, worth many thousands of dollars. The resulting dispute was one of the ugliest that I have seen and brought unnecessary hardship on both the company and the technicians. The Fair Work Bill, I am pleased to say, specifically states that if the majority of workers want a collective agreement then they are entitled to one.

Work Choices also needs a decent burial because of what it did to some of the most disadvantaged workers in our community: trolley collectors. Work Choices often left workers on low incomes without union representation, without a decent award system and without many basic minimum working conditions enshrined in law. It often left them exploited and underpaid. There was no better example of that than the plight of trolley collectors, who tried unsuccessfully, year after year, under Work Choices to get even a minimum wage, much less any other community standards in the workplace.

Most importantly, Work Choices deserves a decent burial because of what it did to young and part-time workers in this country, many of whom work in the retail industry. An AWA allowed employers to undercut the relevant award in the industry and avoid having to pay overtime or leave loading. The retail industry’s workforce comprises lots of young people, many of whom work part-time hours. One of the silliest assumptions of Work Choices was that, somehow, vulnerable workers had an equal bargaining position with their employers in national and multinational corporations. Many young people simply did not have the experience,
the confidence or the skills to negotiate on an equal basis with employers who often employed whole departments devoted to implementing Work Choices.

Not only do Australian workers and their families want to see a decent burial for Work Choices, they want to see the Work Choices casket placed in the grave and covered with six feet of soil. Most particularly they want the Fair Work Bill passed. So I am very proud to be supporting this legislation that goes forward with fairness, restores balance in the workplace and promotes the dignity of ordinary working Australians.

Industrial relations has always played a central role in Australia’s political history. An example of that is the Great Shearers Strike in the early 1890s, which in part led to the creation of the Australian Labor Party. Back then, workers found that industrial gains that they had made in the workplace were taken away by conservative legislators in parliament. So the ALP was formed to pursue a social justice agenda in parliament. It had early successes, setting up the unique compulsory arbitration system.

The Harvester judgment in 1907 was a significant moment in our history. In his landmark decision, Justice Higgins famously ruled that workers’ wages ‘must be enough to support the wage earner in reasonable and frugal comfort’. It was a victory for common sense and an acknowledgment that in a civilised and humane society workers need to be paid a minimum wage that allows them to, at the very least, get by in ‘frugal comfort’.

In 1929 Stanley Bruce became the first Australian Prime Minister to lose both an election for his party as well as his own seat. Stanley Bruce went to the polls in 1929 on a policy of dismantling the Commonwealth Court of Conciliation and Arbitration. His aim was to rewind the precedent set by the Harvester decision and to implement a more laissez-faire industrial model favoured by the conservatives. This model was emphatically rejected by the Australian people, with the result that the Labor Party won the 1929 election in a resounding landslide. You might say, ‘The more things change, the more they stay the same.’ Eighty years later the coalition tried yet again to undermine the industrial relations system and dismally failed once again.

But until last week even the coalition did not come entirely clean on Work Choices. It was then that Peter Costello let the cat out of the bag. Work Choices was never an industrial relations system for the boom times. Work Choices was put in place for the hard times. It was all about taking away the rights of workers to protect themselves in an economic downturn. It is no surprise that Peter Costello has chosen this issue and this time to rejoin the national debate. Even with a cursory glance at the original Work Choices legislation, it is not hard to see why the legislation was so comprehensively rejected by Australian voters. Under Work Choices, workers were allowed—and in some industries were encouraged—to negotiate away their penalty rates, overtime pay, leave loading, allowances and meal breaks for essentially no increase in their hourly rate of pay. It has always amazed me that it took an election defeat for the coalition senators to see the fundamental unfairness in this system. Australian workplace agreements were at the forefront of the Work Choices policy. Work Choices sought to undo nearly 100 years of progress in industrial relations and was a complete ideological rebuttal of the Harvester decision.

The great irony in the industrial relations debate is the hypocrisy of the coalition’s position. They want to deny workers protection from the extremes of the market but are the first to call for protection when companies get into strife. They are happy for banks to
get government guarantees but do not want workers to have protection from unfair dismissal. They support car companies getting government assistance but not job guarantees for workers in small car component firms who are unfairly dismissed. There is an important lesson to be learned by the Liberal Party from Work Choices: the Australian people are not interested in uncontrolled free-market ideology and extremism.

Australian workplace agreements, combined with no unfair dismissal laws and the many anti-union measures contained in Work Choices, created a system whereby all the power was in the hands of employers. While many employers sought to take advantage of workplace agreements, the consequential savings were paid out in largely undeserved higher executive salaries rather than being ploughed back into the business to grow it. The Fair Work Bill seeks to rectify the industrial imbalance created by Work Choices in favour of a system where the interests of both the workers and the employers are weighted equally against one another. And that is the way it ought to be. Both employers and workers have rights and responsibilities to one another. The industrial relations system of any nation should be designed to foster goodwill and cooperation between these two groups. This provision means that businesses will be encouraged to negotiate on a fair and reasonable basis with their workers and hopefully prevent disputes like the one at Radio Rentals. The Fair Work Bill is designed to provide a fair and just workplace relations system for Australia. It streamlines the industrial relations laws. The Fair Work Bill is only a third of the size of the overcomplex Work Choices legislation that stretched to over 1,400 pages.

The Fair Work Bill establishes 10 National Employment Standards that are conditions that cannot be traded away or undercut. These include: maximum weekly hours set at 38 for the ordinary working week; requests for flexible working arrangements where a worker is responsible for a child under school age, and the employer will only be able to refuse these requests on reasonable grounds; parental leave and related entitlements; guaranteed long service leave, most importantly; protected public holidays; and employers able to make a reasonable request for an employee to work on a public holiday and the employee having the option to refuse this request; notice of termination and redundancy pay calculated on their continuous service to the employer; and, lastly, the Fair Work information statement which outlines the National Employment Standards conditions to which workers are entitled must be provided by employers. The employment agreements can only be equal to or above the relevant award for that occupation.

The Fair Work Bill also provides all employees with access to unfair dismissal protection subject to qualifying periods. Workers will need to be employed for 12 months if they work in a small business of fewer than 14 employees or be employed for six months if there are 15 or more employees to have access to unfair dismissal provisions. This strikes the right and fair balance between the interests of small and medium sized businesses and their employees. Workers deserve to go to work without fear of
being arbitrarily dismissed if they manage to annoy their employer.

The removal of unfair dismissal legislation by the previous government had serious implications for workplace occupational health and safety. By removing unfair dismissal protection the coalition government created a major disincentive for employees to raise concerns about unsafe work environments for fear of losing their jobs. And make no mistake about it: they would have lost their jobs had they complained. The Fair Work Bill will bring back a modernised award system to create certainty and clarity for workers in particular industries. The award system was undermined and neglected by Work Choices. Four-yearly reviews of each modern award will be conducted to maintain a relevant and fair minimum safety net.

To summarise, the Fair Work Bill finishes off the job started with the Workplace Relations Amendment (Transition to Forward with Fairness) Act. It destroys Work Choices once and for all, and all Australians will be significantly better off for it. The Fair Work Bill will establish a fair, equitable and balanced industrial relations system in Australia that takes into consideration the interests of both business and workers. All workers’ conditions will be protected by the 10 National Employment Standards that I have already outlined. Workers will all now have access to unfair dismissal protection after a qualifying period, and the Fair Work Bill provides for a simplified award system that will be managed by Fair Work Australia. There are many other excellent aspects of the new legislation that time does not permit me to discuss. However, I sincerely believe that the Fair Work Bill will bring back balance to workplace relations in Australia and will prove to be the new foundation of future economic and social advances for our great nation.

\textbf{Senator CASH (Western Australia) (9.35 pm)—}I rise to speak on the Fair Work Bill 2008. The principal objective of the Fair Work Bill, according to the Labor Party, is said to be to create a national workplace relations system that is fair to working people, flexible for business and promotes productivity and economic growth. The bill would appear to be based on the premise that there are working people or employees commonly known as ‘people who have jobs’. This is wherein the problem lies. There is a fundamental flaw with this premise because the Labor Party assumes as a matter of fact that the substance of the bill in its current form will not affect the ability or the capacity of employers to maintain jobs at least at present employment levels and, as a consequence, there will be no change to the job prospects of an employee. Nothing could be further from the truth or reality. The Labor Party has failed yet again to contemplate the consequences for employers and employees that will inevitably flow from the adverse aspects of the bill. To be brutally frank, there will be no working people, there will be no employees, there will be no employee rights and there certainly will not be any employee entitlements that need to be protected if a person is not given the opportunity to work, if they do not have a job as a consequence of the probable impact of certain parts of this legislation.

Mr Rudd and Labor seem to have forgotten that it is employers who create jobs. Governments do not create jobs; what they do, however, is provide an economic environment that is conducive to job creation. Alternatively, as with the bill before us, they can create an industrial environment that will inevitably result in job losses. The coalition, on the other hand, is committed to one of the most important objectives of economic management: ensuring that every Australian who genuinely wants to work has the opportunity
to work and to fulfil a worthwhile role by supporting themselves and their family. We in the Liberal Party believe that it is a fundamental role of government to assist in creating an economic and industrial environment that both is conducive to creating jobs and, indeed, stimulates the capacity of the private sector to create jobs for those who want to work.

If you look at comments made by senior members of the Labor Party, you would think that they too are committed to ensuring that Australians are given the opportunity to work. However, one thing that we do know about the Labor government is that they are skilled in the art of rhetoric—telling the people of Australia one thing and then, when it comes to delivering, doing something entirely different. Look at what the Deputy Prime Minister has said in relation to jobs. In an article in the *Chronicle* on 31 December 2008 she is quoted as saying:

The loss of any job is a huge problem for the individuals involved and what we do as the government, is be out there investing in jobs, protecting jobs, and helping people who lose their jobs in one part of the economy to get into the parts of the economy that are still growing.

This was reiterated by the Deputy Prime Minister in an interview on ABC radio on 16 January 2009. And who can forget the impassioned plea by the Prime Minister urging business leaders to do whatever they can to prevent job losses?

Based on those statements, one might be entitled to believe that the proposed Fair Work Bill would actually be consistent with its stated objective. However, as with much of the legislation put forward by the Rudd government, the devil is in the detail and the spin and rhetoric often shroud the real intentions of the Labor Party. On closer examination, many provisions of this legislation in their current form will fail to give business—the creator of jobs—the industrial conditions and confidence that it needs in order to provide jobs and opportunities for the people of Australia. It would appear that yet again the statements by the Prime Minister and the Deputy Prime Minister are no more than rhetoric aimed at lulling the people of Australia into a false sense of security so that the Labor Party can get on with its real intention, and that is to protect its union mates, who the Australian Electoral Commission’s records show are Labor’s greatest financial supporters. I note that on page 6 of the government report into the Fair Work Bill it states:

In current economic conditions the government believes it is all the more important to deliver certainty and stability regarding workplace relations laws.

The only certainty and stability that will be delivered to business if this bill passes in its current form and the government fails to take into consideration the amendments proposed by the coalition is that Australians are going to be denied the fundamental right to a job. The evidence is clear.

But I am a senator for Western Australia and, as such, it is my priority to ensure that we maintain and, hopefully, expand upon jobs in Western Australia. We in Western Australia want a fair workplace system that encourages employers and gives them the confidence to take risks and provides job opportunities to those who want to work. We do not want a system that discourages employers and has the effect of shrinking business confidence and job opportunities. Let us face it: within Western Australia the mining and petroleum industries are big business and big employers. The cold reality of the global market, if the provisions in this bill diminish employment opportunities in the mining and construction industry, is that this not only will be bad for the Western Australian economy but will have resulting flow-on effects to the Australian economy and to our balance of payments, which clearly impacts
upon the value of the Australian dollar. Alarm bells are ringing in Western Australia in relation to the impact of the legislation in its current form. To quote the Western Australian Minister for Commerce:

The WA Government is concerned that the bargaining, transfer of business, unfair dismissal and right of entry provisions of the Bill will negatively affect Western Australian workplaces. It is critical in the current economic climate that workplace laws encourage flexibility, productivity and business confidence.

I have already stated that the devil is in the detail of this legislation, so let us have a look at some of those areas which, if passed in their current form, may well lead to job losses and are at odds with the Rudd government’s promise as to what the legislation will do. Right of entry—when is a promise not a promise? When it is made by the Labor Party and it relates to the increased power of unions. There is no denying that one. The federal government’s policy commitments as set out in their much publicised Forward with Fairness contained an express commitment to retain existing right of entry provisions. This commitment was unambiguous but for the fact that it was made by the Labor Party. In a speech delivered in April 2008, the Deputy Prime Minister stated:

… the current rules in relation to right of entry will remain.

This statement could not be clearer on the face of it. In fact, it is not possible to misunderstand this statement. However, as it always is with Labor, the devil is in the detail, and the details of this legislation show that this earlier unambiguous statement by the Deputy Prime Minister could not be further from the truth.

As I am from Western Australia, where the union movement has controlled state Labor governments for many years, I may well be cynical enough to say that the changes in this bill to the right of entry laws do little more than pay back the union movement for pouring millions into the Labor Party campaign machine at the last election. I might even be bold enough to say that there is nothing fair about the Fair Work Bill unless you are a union boss or a union heavy. Despite promises of a fair go for working Australians, all Labor has done in this bill is reward its union mates. But why am I so concerned? Quite simply, because I am from Western Australia and we have Joe McDonald and Kevin Reynolds. We also have the findings of the Cole Royal Commission into the Building and Construction Industry, which found widespread disregard of obligations concerning unions’ power to enter work premises and inspect employment records.

With this legislation it is back to the good old days and the standover tactics that the Cole royal commission made reference to. God help industry in Western Australia and God help the people who now have jobs but may lose them as a consequence of the Rudd government handing back unbridled power to the unions. There is no ‘public good’ policy reason for the shift in right of entry or access to include access to non-union-member records. Why does the Rudd government insist upon this type of access? We all know the answer, and that is it is designed to increase union power and will be used by the unions to ‘encourage’ nonmembers to join the union movement.

A return to the good old days is also found in the default bargaining agent provisions of the bill. The bill provides that, where an employee is a member of the union, their bargaining agent automatically becomes that particular employee’s union, unless that employee opts out and elects an alternative agent. The old opt out clause is a subtle backdoor approach to increasing union influence in workplaces, because the legislation is drafted in a way so that the onus is placed on the employee to dare opt out, which they will
not, and nominate an independent bargaining agent.

The bill provides for a simpler and fairer scheme to deal with the transfer of employment rights and obligations if there is a transfer of business and a new employer takes on employees of the old employer. There is a fundamental flaw in this basic premise. The Labor Party assumes that the new employer will take on the employees from the old employer. However, there is substantial evidence from industry—from those people who are the employer part of that equation—that the proposed provisions are in fact anti-employment and will create a disincentive for companies to retain and employ the existing staff of a business. The Australian Industry Group was unequivocal in their evidence to the Senate inquiry about the effect of the new provisions. It stated:

The provisions are anti-employment and would create a huge incentive for companies not to employ workers of businesses they take over.

Evidence direct from a large employer in Western Australia, the Compass Group, before the Senate inquiry into the Fair Work Bill was:

The way the bill is structured, what it fundamentally will do is put businesses such as ours in the position that we will say that, unless there are very good, compelling reasons to take on existing employees from the client, frankly we will not do that. It will be less convoluted for us to simply employ fresh people and then not be burdened with the transfer of business provisions.

How is that good for the average Australian person? It cannot be clearer. The employers have spoken. The proposed transfer of work provisions create a disincentive for someone purchasing a business. Forget protecting employee entitlements—which, allegedly, is what this amendment is meant to do. There will be no employee entitlements to protect because the employee will not have a job.

In relation to greenfield agreements, a number of concerns were raised by industry. There is clear evidence from the construction industry that the legislation in its current form will make construction and infrastructure projects more expensive and will cost jobs within the construction industry. Wilhelm Harnisch, CEO of the Master Builders Association of Australia, has warned that certain clauses in the bill have the potential to increase the level of industrial disputation and make it harder to reach agreements. The Western Australian Minister for Commerce said in evidence:

Our view is that the changes to greenfields agreements and the requirement now whereby employers will be required to notify all relevant employee organisations has the capacity to significantly...frustrate negotiations where unions have overlapping coverage of employees.

The Western Australian economy over the last decade or so has primarily been driven by investment in capacity building in the resources sector; in other words, by construction activity building capacity in the resources sector. The proposed legislation has the potential to impact and frustrate the economic development of Western Australia.

These concerns were reiterated in evidence from the WA Chamber of Commerce and Industry to the Senate inquiry into the Fair Work Bill. Perhaps the most compelling evidence in relation to greenfield agreements again came from Mr Harnisch in his evidence before the Senate inquiry. He explained the actual impact of the proposed provision on project costs:

A member has informed us of their experience with making a current union greenfields agreement. That company has informed us that making a greenfields agreement with one union rather than with the union’s rival organisation was estimated to have saved up to $80 million on one project and around $15 million to $20 million on another project. These are savings which relate to infrastructure projects and moneys that are better
spent on that purpose than on escalating the cost of those projects. We cannot emphasise enough that confidentiality in making a greenfields agreement with one union is an outcome from the bill that would be a great boost to productivity when compared with the proposed scheme.

The close association of this witness with the realities of the building and construction industry make this evidence particularly compelling. Unless this particular part of the legislation is amended, there is no doubt that we will see substantial delays in the commencement of construction projects and increased construction costs. This is not good news for industry and it is certainly not good news in Australia.

One other area that I would like to raise is about the default funds for superannuation. A number of submissions were made that employers and employees require choice when determining what fund they want to place their superannuation into. Under the award modernisation process, a number of the funds that have been allocated as default funds are industry funds; they are union funds. Where is the choice when an employer has to put money into a union fund? This part of the legislation needs to be changed to provide for genuine choice of default funds.

The bad news for employers and employees in Australia is that they are the ones, as Senator Bernardi has stated this evening, who will have to bear the brunt of Labor’s flawed industrial legislation. Regrettably, while the stated purpose of this bill is actually meritorious, the detail shows us that the rhetoric of the Labor Party is not to be trusted. The Liberal Party believes that every person in a developed economy such as ours who wants to work and who is able to work should be given the opportunity to work. It is a fundamental right of a person living in Australia to be able to work. For this to occur, we believe in creating an economic and industrial environment that is conducive and, indeed, encourages job creation.

We in the Liberal Party have three main policy objectives when it comes to the people of Australia: jobs, jobs and more jobs. We know that it is small, medium and large businesses and not governments that generate the opportunity for job creation and job growth. I implore the Rudd government to seriously reconsider those aspects of the legislation—we are not asking the government to reconsider all of it—that are anti employer and anti jobs. If you do not have a job, you have no entitlements. I say to the Labor Party: ‘Don’t crucify the people of Australia in an attempt to advance your own cheap political agenda.’

Given the global economic downturn and its impact on the Australian economy as well as the rapidly increasing levels of unemployed across Australia, this is not the time to further jeopardise the jobs of hardworking men and women who are clearly battling to weather the tough economic times. Legislation that detrimentally expands the rights of unions and discourages employers from creating employment is bad policy, regardless of the prevailing economic conditions. It is bad for this country and so, in certain aspects, this bill must be amended.

Senator CAROL BROWN (Tasmania) (9.55 pm)—It is indeed with much pleasure that I rise to add my voice in support of the Fair Work Bill 2008. On behalf of the thousands of Australian workers who were forced to suffer at the hands of the previous government under Work Choices, I make a contribution to reflect on and to savour the significance of the introduction of this bill. During my contribution back in 2005, when the former government used its dominance in this place to rubber-stamp its Work Choices agenda, I said that, when it comes to the industrial relations system in this country, ‘it is
about basic values and the lives of real Australian families; it is about the value at the heart of this nation—a fair go for all.

While the previous government spent a huge amount of money on—indeed, as Senator Feeney stated in his contribution—an ‘avalanche’ of propaganda trying to convince Australians that these ideas were good ideas, it never worked. The election of the Rudd government with its clear mandate to get rid of these unfair laws is a direct reflection of that, as was the loss by the former Prime Minister, Mr Howard, of his own seat. He is only the second PM to do so. The Rudd Labor government is committed to removing Work Choices and creating a fairer and simpler workplace relations system for all Australians. Indeed, it was arguably the government’s commitment to workplace reform that provided one of the strongest platforms for its election. An industrial relations system which balances fairness with flexibility is crucial in economically turbulent times.

Workers deserve to have their basic rights protected and to enjoy a reasonable degree of certainty when it comes to going to work. After all, in a lot of cases, it is not only their livelihood but also that of their family that is at stake. The bill delivers on the government’s commitment prior to the last election to get rid of the Howard government’s extreme and unfair Work Choices laws. In doing so, the Fair Work Bill also delivers on the Rudd Labor government’s Forward with Fairness policy, which was released prior to the last election. This represented an historic day for Australian workers and their families who, under the previous government’s Work Choices legislation, had their basic rights and working conditions stripped away.

We must not forget the situation that was allowed to occur under Work Choices, nor should we ever fall into complacency, believing that such a situation will never be allowed to occur again under a coalition government. Still today the coalition is not committed to delivering the government’s mandate. Still today Work Choices is not dead. Still today there are those who are desperate to hang on to a discredited, unwanted and shameful piece of legislation. Mr Howard might not be here but his policy legacy and his acolytes are.

Let me just take a moment to remind senators of the devastating impact that Work Choices had on workers. In Tasmania, on 12 September 2007, Allison from Devonport and Ellen from Burnie were sacked by Video City for ‘operational reasons’. They were really sacked for refusing to sign an AWA and for seeking union assistance. This is what they had to say:

It impacts on your whole family and your self-esteem. I didn’t like being forced out of work for no good reason, and it was a job I really enjoyed. Louise and Debby—Debby is a young woman whom I grew up with in Warrane—worked at a hotel that has had many different names over the years. They were sacked for refusing to sign an AWA. The Mornington Inn, as it was called then, was prosecuted and fined for duress, but Debby and Louise were not reinstated. They did not get their jobs back. This is what Debby and Louise had to say:

I had worked there since I was a teenager. When they gave us the AWA I was numb. It was such a big, unfair change.

They are real life experiences and, as we all know, there were many thousands more just like those.

Those opposite would have you believe that any fairness in the workplace should be sacrificed in light of the current global uncertainty and that the Fair Work Bill will have a negative effect on employment levels. They will say and do anything to hang onto this extreme piece of ideologically driven legisla-
tion. In the chamber Minister Julia Gillard had this to say on the latest coalition propaganda:

... every day they used to stand at this dispatch box and say that Work Choices was the thing that was propping the economy up. Not many opposition members make those claims now. They were silly then; they are silly now. Obviously, there are a variety of factors that go into the employment horizons in our economy. What the government has been saying very clearly is that we are not immune from the global financial crisis, and everything we have done has been to keep this nation in front and protect jobs. But one of the things we also need to do is make sure we do not leave employers and employees in months of legislative limbo and uncertainty about what the workplace relations laws of this country will be. In these difficult times we should be delivering certainty, stability, productivity and flexibility, and that is exactly what this bill does. We need employees to have confidence that their pay and conditions are secure ...

This bill builds on the Workplace Relations Amendment (Transition to Forward with Fairness) Act, which ended the making of AWAs, introduced a genuine no disadvantage test for agreements and commences award modernisation.

This bill provides a framework of workplace rights and obligations that is fair to both employees and employers. It is easier to understand in terms of structure, organisation and expression and reduces the compliance burden on business. Indeed the bill is just over 600 pages, compared to the cumbersome 1,500 page Work Choices legislation. It contains six chapters: an introduction; terms and conditions of employment; rights and responsibilities of employers, employees and organisations; compliance enforcement; and administration.

The bill’s features include a fair and comprehensive safety net of employment conditions that cannot be stripped away. These are made up of the National Employment Standards, which apply to all employees and cannot be overridden, and modern awards made by Fair Work Australia on an industry- or occupation-specific basis. The National Employment Standards provide protections for the most basic employment rights and conditions, including maximum hours of work, annual leave, parental leave, notice of termination and redundancy pay. The bill also includes a new framework for fair enterprise bargaining, with a focus on collective bargaining, rather than on individual agreements that were allowed to be used to ‘bargain down’ under Work Choices.

As the Deputy Prime Minister and Minister for Employment and Workplace Relations, Julia Gillard, said in her second reading contribution:

This bill delivers to the Australian people what we promised them—fair protections and a productive workforce.

While up until now the new Leader of the Opposition has been happy to take the populist line, declaring that Work Choices is dead, the tide has begun to turn, and he and those opposite, as we all expected, are now beginning to show their true colours—looking for every and any excuse to oppose the measures contained in this bill. What can we take from this? That, even after a good year in opposition and the election of a new leader, the Liberal Party will never guarantee not to return to a repressive Work Choices style of industrial relations system in the future.

We must never forget. Work Choices was an assault on Australian workers and their families. It undermined job security by leaving many Australians vulnerable to unfair dismissal. It left many lower paid workers at the mercy of employers who introduced AWA individual contracts which slashed basic rights and conditions, and it replaced the award safety net with just five minimum conditions. By doing so, Work Choices not
only eroded workers’ rights; it threatened to erode the basic standard of living in this country, and what was allowed to occur was a race to the bottom, with many Australian families who could little afford it being progressively forced to forgo basic necessities and survive on less and less.

The Rudd Labor government made a strong statement to the Australian people before the last election that such an assault on Australian workers and their families had to come to an end—that the concept of fairness must once again be restored in the Australian workplace. This bill delivers on that commitment. Indeed, respecting the fundamental rights and conditions of Australian workers is essential if we are to progress this country and to secure a decent standard of living for all Australians. The Rudd government, unlike the previous Howard government, understands this.

The government’s new workplace relations system will provide a strong safety net that workers can rely on in good and not-so-good economic times. Indeed, this security takes on arguably increased significance in uncertain economic times. We need all Australians to be working together to increase productivity and drive employment growth. The challenging global economic conditions we are currently experiencing make it more crucial that we have a workplace relations system which is strong and fair and which helps drive the economy. That is why the government has made the new workplace relations system fairer and more balanced, protecting workers but at the same time not placing unreasonable demands on enterprise. Under the government’s new system, the pendulum has been brought back to the middle, drawing the rights of workers and their employers closer together, where they should be.

While the introduction of this long-awaited bill into this place will undoubtedly generate considerable debate, ensuring that not everyone will be completely happy, in drafting the legislation the government has taken the time to conduct an unprecedented level of consultation with stakeholders right around the country. The minister, I understand, has also taken the time to discuss its details further with the minor parties and Independents. The government has listened and it has consulted, and the result will hopefully be the passage of this bill and the introduction of a workplace relations system that is fair and balanced.

And, as I have mentioned, the bill takes on increased significance in these troubled economic times. This is no time for games, for scaremongering and for preventing the protection of the most basic rights of Australian workers. In stark contrast to what is being peddled by those opposite, now is the time when our workers most need fairness to be renewed in the workplace. Now is not the time to desert Australian workers, nor is it the time to sacrifice fairness in the workplace. I remind those opposite that not only are workers’ rights at stake, but their jobs and livelihoods are at stake. It is time to get the balance right.

I look forward to all Australians benefiting from the certainty offered by a fairer workplace relations system and I am glad, in some small way, to be here to witness the passage of this bill—the bill that ends Work Choices. And on behalf of Australian workers and their families, I wholeheartedly commend the bill to the Senate.

Senator FIFIELD (Victoria) (10.07 pm)—Australian politics does remorselessly return to industrial relations and tax policy. Most elections are fought around one issue or the other, and the last election was no exception. It really is through tax and industrial
relations policy that the two major parties seek to define and differentiate themselves, and in these debates this side of the chamber is always for empowering the individual, trusting the individual to make decisions about their future. The other side, in contrast, is always trying to pare back the freedom of the individual, never fully trusting the individual to make their own decisions. The legislation before us today, the Fair Work Bill 2008, is merely the latest manifestation of an approach that fundamentally lacks faith in Australians and their capacity to chart their own course.

In an effort to detract attention from this reality and the details of their own policy, I expect Labor senators will devote much time and many words over the next two weeks to talking about legislation that is in fact no longer coalition policy. What we will not hear, however, from a single Labor senator in this debate is how their legislation will free Australian employers and employees. What we will not hear from a single Labor senator in this debate is how this legislation will improve the productive capacity of the nation. What we will not hear from a single Labor senator in this debate is how this legislation will increase employment in Australia. Furthermore, we will not hear from a single Labor senator a guarantee that this legislation will not destroy jobs. We will not hear any of these things, because this legislation does none of these things.

What we need to have is an open and honest debate. We need to be able to carefully examine the detail of this legislation to ensure that it really is in Australia’s long-term interests, as the government contends. What we do not need is the erection of straw men. What we do not need is a scare campaign. What we do not need is a debate that focuses on the past rather than the future. On this side of the chamber, our priority is jobs.

The Australian people, it must be said, made a choice at the last election, and Labor will remind the chamber of this over and over again in this debate. The coalition heard the many messages contained in that election result. We could waste our time debating mandate theory—perhaps the most abused of political concepts—but, even if for argument’s sake one was to accept Labor has an industrial relations mandate, Labor only has a mandate to introduce the changes promised in its pre-election commitments. The government, according to its own embrace of mandate theory, should not be introducing legislation that exceeds those commitments. Had the Labor Party taken more radical changes to the last federal election than the policies they proposed, they might not have won the last election and the make-up of this chamber might have been quite different. It is our role as an opposition to ensure at the very least that Labor does not force through changes the Australian people were not told about prior to the last election, and this is particularly important in tough economic times.

Treasury and most economists have already predicted large increases in unemployment, and that is without taking into account workplace relations policy which makes it harder for small business to hire staff and without taking into account increased union power in the workplace. Labor are proposing to introduce policies which will destroy jobs and make tough times harder for small business. In its current form, Labor’s Fair Work Bill is anti jobs. Labor’s Fair Work Bill massively expands union rights and will discourage business from creating new jobs. It risks putting more Australians out of work. The last thing business needs in the current climate is workplace relations laws which strangle small business, and we fear that Labor’s Fair Work Bill will do just that.

CHAMBER
The coalition will be offering a number of amendments to improve this bill, and hopefully the government will accept them. First and foremost, the Fair Work Bill expands the right of entry for union reps. This is a clear breach of Labor’s pre-election commitment. In August 2007 Julia Gillard said:

We will make sure that current right of entry provisions stay. We understand that entering on the premises of an employer needs to happen in an orderly way. We will keep the right of entry provisions.

Well, not so. The Fair Work Bill overturns the current law which limits access for unions to those who are party to an industrial agreement in the workplace. This will expand the number of unions who can enter a workplace, and we all know what happens when two or more unions get on the same turf: they fight tooth and nail for coverage. The last thing Australian businesses need is a series of uninvited demarcation disputes. They disrupt workplaces, distract employers, distract employees and ultimately only benefit the winning union, not the employees or the company concerned. The coalition believes that employees should decide through a democratic ballot if they want a union in the workplace and which union it should be before entry can occur.

A further change to union power is Labor’s plan to grant unprecedented access to employment records. Under the Fair Work Bill presented to us here today, union officials will be granted the power to inspect any records relating to a dispute. Absurdly, this also includes records of non-union members. All they need is a single union member to make a complaint. Unions could potentially access a raft of private information to use for their industrial and political benefit. The pay arrangements of senior executives or the CEO, super fund contributions, bonuses paid to employees, criminal background checks, medical certificates and disciplinary proceedings could all be opened up to those union officials. This raises very serious questions about the privacy of non-union members. Employees who do not wish their employment records to be handed over to unions will be powerless to intervene. The existing law in this area should be retained. The records of non-union members should only be provided to union officials by consent from the employee or if ordered by the tribunal.

In an economic climate in which new business activity should be encouraged as much as possible, Labor’s greenfield agreements send a bizarre signal to businesses. This provision requires a business to notify all unions who may have coverage of members at the site that they intend to make a new agreement. If any union chooses to participate in the process and negotiate with the employer, the employer must recognise and reach an agreement with the union before any work can proceed. Obviously, this offers enormous potential to delay the commencement of new projects. Any union choosing to use their enhanced power in these circumstances can force indefinite delays, effectively holding businesses hostage to their demands. When new projects that create employment should be welcomed and encouraged, granting unions a right to veto any new projects until they get their desired conditions is economic vandalism. This means that an employer may be able to reach an agreement with the major union representing the majority of employees concerned, but a union who represents just a handful of affected employees can wield disproportionate influence over the project. The coalition believes that the requirement to notify unions of a greenfield agreement being made should be removed from this bill. We do not believe that the Australian economy and Australian workers should be forced to be subject to delays and protracted negotiations over new
business projects in the current economic climate.

In addition, before the 2007 election the Deputy Prime Minister, Ms Gillard, promised that Labor would not introduce compulsory arbitration of collective agreements. She said in May 2007:

Our policy clearly states that no one will be forced to sign up to an agreement where they do not agree to the terms.

Yet this bill empowers Fair Work Australia to arbitrate where parties cannot agree during collective agreement negotiations. It is effectively compulsory arbitration, and it could see an arbitrated agreement forced upon parties by the tribunal. Only genuinely voluntary arbitration should take place between parties who cannot reach an agreement. An arbitration which forces unwilling partners to a tribunal with a mandated outcome will not produce harmonious or productive industrial agreements.

It must be said that the government has also failed in a number of other key areas of this bill. Firstly, the coalition is concerned about the changes to unfair dismissal laws in this bill, which reduce the exemption from small businesses of 100 employees down to 15. Removing this exemption for small businesses runs a very serious risk of discouraging the hiring of new employees. We know that many small businesses have been burdened in the past with vexatious claims. The fear of unfair dismissal action by disgruntled former employees may again make small business owners reluctant to take on new staff—and I can think of few things more damaging in a climate of rising unemployment and in a climate of economic uncertainty.

Secondly, even in the current economic climate no modelling has been conducted into the economic impact of introducing this industrial relations regime in the middle of an economic crisis. The opposition has repeatedly asked and called upon the federal government to undertake, and then release, economic modelling into the impact of this bill. Without this modelling, the government is asking all of us to take it on faith that its policies will not hamper economic growth and employment. The government is resolutely mute on the employment implications of this legislation. Unfortunately, the opposition does not have faith in the government’s assurances.

The government’s track record is not good. The pre-Christmas $10 billion cash splash supposedly created 75,000 jobs. Since that time unemployment has risen and not a job can be found that was created as a result of the cash splash. The government has been unable, despite its best efforts, to point to a single new job. In Senate estimates Treasury admitted that there was actually no way of proving that it had succeeded, that jobs had actually been created. Subsequently, the government introduced its $42 billion junk spending splurge, which we are told will support 90,000 jobs. Again, the government has been unable to point to where or how these new jobs will be ‘supported’. It has dropped the word ‘created’ because it does not believe that itself, so the word ‘supported’ is now embraced.

Clearly, making it more difficult for businesses to reach agreement with their employees by increasing the power of third parties is going to hurt employment. Clearly, increasing regulation that small business has to comply with during an economic crisis is going to hurt employment. Clearly, allowing union organisers to knock down the door and enter virtually any premises they want to whenever they feel like it and allowing them to access private employment records is going to hurt employment. I know that Labor has a very big IOU to pay to the union movement. I know it is in the government’s
political interests to increase the strength of unions, so increasing the strength of those unions that helped them win the last election. But we are in the midst of an economic crisis and any legislation that destroys jobs in the middle of an economic crisis is vandalism.

The coalition is going to offer sensible, practical jobs focused amendments to this bill. We are going to focus on the future. We are not going to look in the rear-view mirror like those opposite. Labor will shortly have the opportunity to demonstrate if they truly want to govern in the national interest or merely in their own political interest. I hope that Labor do accept our amendments. They are offered in good faith. They are offered because we believe they will improve this legislation and because we believe they will lead to increased employment.

Perhaps the best way to look at the coalition’s six proposed areas for amendment is as a six-point jobs plan. We offer six points that will make it easier for employers to hire staff and retain staff.

Senator Marshall—You nearly said ‘hire and fire’, didn’t you?

Senator FIFIELD—No. Let me repeat that: we offer six points that will make it easier for employers to hire staff and retain staff—and that is for the benefit of Senator Marshall. The coalition has a plan to increase employment. Labor has a plan to destroy jobs. But it is not too late for the government to read the sign that business is holding up. The sign says: ‘Wrong way! Go back!’ I hope government senators will read that sign and will act accordingly to facilitate improved legislation that will not destroy jobs. If this six-point plan that the opposition is presenting is followed, this legislation will lead to more jobs than would be the case if this legislation were to be passed unamended.

Senator WORTLEY (South Australia) (10.22 pm)—I rise to speak on the Fair Work Bill 2008. This legislation presents this chamber with a very important and serious opportunity: the chance to bring some fairness and some balance, some decency and some dignity back into workplaces across Australia. It is a chance to move towards restoring the rights and financial and job security of workers, a chance for employees to reclaim a reasonable work-life balance, a chance for workers to once again enjoy a fair way of striking a workplace bargaining agreement.

On 24 November 2007 the Australian people took up the metaphorical spade in the ballot box and they dug the grave of Work Choices. The opposition, while licking its considerable wounds soon after polling day, pronounced this disastrous policy’s last rites. And yet there are members of the Liberal and National parties who would like to see it revived. Some, including their leader in waiting, Mr Costello, have refused to rule out giving Work Choices CPR should they ever have the opportunity of returning to government. He told Channel 9 in relation to these changes:

[They] might have been OK in times of good growth, but will affect jobs in a downturn.

And yet the coalition brought in Work Choices during the previous world boom times. One must question Mr Costello’s logic.

It has been suggested to me that it would not be surprising to see some of those opposite gathered around a ouija board in a dimly lit Parliament House office late at night, attempting to invoke the dark Work Choices spirit. That coalition catchcry ‘Work Choices is dead’ smacks of insincerity and it sticks in the throats of those on the opposition benches forced to utter it.
Of course, ironically, those who support Work Choices are anything but champions of choice. It is a fact that this extreme legislation took choice away from the Australian workforce. It was enacted without consultation with the Australian people or a mandate from the Australian people. It stripped pay, conditions and, ultimately, dignity from many employees, including the most vulnerable and marginalised workers, among them the young, the financially stressed and women. Labor went to the 2007 election with a pledge to the public to repeal these draconian laws, to bury these laws that hurt families and hurt workers by attacking their rights at work; laws that attacked their overtime, their holiday pay, their public holidays, their redundancy provisions and their meal breaks, their rights of association at work; laws that attacked the Australian belief in a fair day’s pay for a fair day’s work and a fair go for workers; laws that undid a century of progress in industrial relations in this country; laws that made the words ‘fairness’ and ‘balance’ obsolete in a workplace relations context; laws that put almost all of the power in the hands of the employers and tied the hands of employees; laws that slashed unfair dismissal rights, fostered agreements which decimated the safety net and rendered the independent industrial umpire impotent; laws that left workers without an effective right to bargain collectively, marginalised unions and failed to create a truly national system; laws that were all about AWAs while awards were left to wither away; and laws that were unfair, unbalanced and ultimately un-Australian.

It was no surprise then that the Australian people rejected the Howard government and its Work Choices laws unequivocally. The Howard government—Mr Costello, Mr Turnbull, Ms Bishop, Mr Abbott and those now on the opposition benches—went too far and took away too much from too many. The Australian voters said they had put up with more than enough: enough pain, enough exploitation, enough abuse of power, enough of pitting employee against employer, enough of just letting the market rip; enough of the divide and conquer mentality. Still Mr Howard and his followers wanted more. In fact, those opposite, those sitting on the opposition benches, still want more.

The Fair Work Bill aims to deliver on the Rudd government’s election promises to move forward with fairness from some of the darkest days in workplaces and homes around this country. The new legislation will guarantee minimum standards for workers. It is designed to balance the needs of employers and employees and ensure that each has access to simple and clear information on their responsibilities as well as their rights. It will move towards re-establishing stability and certainty for workers and their employers—always important but never more so than during the current global financial crisis. Its passage through this place will see the workplace pendulum start to move back from the far right.

In stark contrast to Work Choices, which was rammed through the parliament once the Howard government gained a majority in the Senate, this bill has been born out of many months of consultation and negotiation. Unlike its predecessor, it stands firm on an overwhelming and undisputable mandate for change. The government went through an extensive and thorough consultation process—including regular meetings with union and employer groups and state and territory ministers—to develop this bill. The Fair Work Bill is designed to give workers renewed confidence, thanks to its structure for clearly outlined minimum wages. Workers will also enjoy a return to freedom of association in the workplace. Low-paid and vulnerable employees, those without access to collective bargaining, will not be forgotten...
by this legislation as it restores the rights of representation in the workplace. It gives a voice to those who did not have one under the previous heavy-handed regime.

These new laws have good faith enterprise bargaining at their heart, a move that will drive productivity. These laws are underpinned by a strong, durable safety net of basic worker conditions and entitlements. These basic rights include overtime and penalty rates, leave related matters, superannuation, consultation, representation, dispute resolution procedures, and minimum wages and classifications. These conditions cannot be traded away or undercut. It is fair to say this is a significant improvement on the Work Choices framework which was introduced into this parliament in 2005 and became law the following year. The Fair Work Bill’s safety net of enforceable and relevant minimum terms is reliable for all economic circumstances, whether in good or troubled times, such as those we now face. These National Employment Standards were developed after a full public consultation process.

Another major aspect of the new laws is the establishment of Fair Work Australia, a new independent industrial umpire which will replace various bodies, including the Australian Industrial Relations Commission, the Australian Fair Pay Commission, the Workplace Authority and the Workplace Ombudsman. Its key functions will include minimum wage setting, ensuring good faith bargaining, award variation, approval of agreements, dealing with industrial action and resolution of disputes and unfair dismissal matters.

As I have already said, this bill and Fair Work Australia are the result of many months of consultation. The draft legislation was considered by an expanded committee on industrial legislation and was subject to an inquiry by the Senate Standing Committee on Education, Employment and Workplace Relations. There were public hearings across Australia involving the full gamut of stakeholders. As the Fair Work Bill continues its passage through the parliament we come ever closer to knocking the final nail into the Work Choices coffin. On that day Australian workers can be excused for celebrating—celebrating the end to a shameful chapter in our industrial relations history, celebrating closing the book on the disgrace known as Work Choices.

Senator CORMANN (Western Australia) (10.32 pm)—Looking at the Fair Work Bill 2008 it is very clear that this government does not care about what is good or what is bad for the Australian economy. This government does not care about what is good or what is bad for jobs. This government does not care about Australian working families. This legislation is exhibit A. The Rudd Labor government has abandoned Australians who want to work and could lose their jobs as a result of this bill if it remains unamended. It has abandoned Australians prepared to take risks to employ fellow Australians in the many small, medium and larger businesses across Australia. And why? Payback. To fulfil a promise it made on the quiet to the union bureaucracy before the last election.

This bill is not about implementing a mandate to abolish Work Choices. We already agreed to that. If the government were intent on finding a sensible way of abolishing Work Choices they would have engaged with the opposition in making sure that all of the job-destroying provisions in this bill were removed, particularly where they go well beyond what Labor said they would do before the last election. This bill is about using Work Choices as a smokescreen to go well beyond what Labor ever said they would do before the last election.
In assessing this bill you have to go beyond the rhetoric and the spin and try and assess the facts. You have to go beyond the Orwellian language, as it has been described by some, that is used in this bill. Who would disagree with a statement that says the principal objective of the bill is to:

... create a national workplace relations system that is fair to working people, flexible for business and promotes productivity and economic growth.

That sounds great, but is it really what it is delivering when you look at the fine print? I would put the starting proposition that the whole way this bill has been approached by the government is a fraud. It is a fraud in two ways. One was touched on by coalition senators in their minority report on this legislation: Labor has actually embraced a significant part of Work Choices in this legislation.

Do you remember the debates we had around Australia about the nationalisation of the industrial relations system? Do you remember Labor state governments and unions across Australia spending hundreds of thousands of dollars fighting the nationalisation of the industrial relations system under the Howard government’s Work Choices legislation? To that extent, any suggestion that under Labor Work Choices is dead is the first fraud. I bet you would not hear Labor admit on the record that they have actually embraced significant components of Work Choices.

The second fraud is that, as I touched on earlier, this legislation is not about killing Work Choices; this legislation is about using Work Choices as a smokescreen to go well beyond and do things that are going much further in a whole range of job-destroying ways, handing back powers to the union bosses well in excess of whatever was said to the Australian people before the last election.

About a month ago we were in this place and the government was trying to force us to rubber-stamp a $42 billion spending spree within less than 36 hours. The reason we were given was that we are in a period of global economic crisis, the worst since the Great Depression—to the extent that this parliament was asked to rubber-stamp within 36 hours a $42 billion spending spree. That is on one side, but on the other side when you look at the policies, whether it is the government’s proposed Carbon Pollution Reduction Scheme or whether it is this legislation, no attempt is being made to have another look at whether what is being proposed is actually sensible particularly in the current circumstances. I put forward the proposition that even in good economic times this legislation would be bad public policy if it were left unamended, but in the current economic climate and in the economic climate that will emerge in the months and years ahead this is outright recklessness. It is just incredible.

Looking at some of the detail, before the last election the minister was very clear that the right-of-entry provisions would not be changed. In fact, the minister still tells us that today, and with a straight face, the right-of-entry provisions are not being changed. She will not tire of telling the Australian people that the right-of-entry provisions will not be changed. Perhaps the minister and the government think that if they say something often enough people will actually believe it. If you say often enough that this bill is fair and you repeat it over and over perhaps one day people will actually believe that what is being proposed is fair.

Today, if you are a small or medium-sized business employing the normal mix of people found in such businesses, and you have negotiated a collective agreement with a par-
ticular union, the union that you have the agreement with is able to access union members’ records and the employer will have to provide access to that information. That is the current situation. Under the proposed Fair Work Bill many more unions could enter the workplace. Why should unions be able to force access into a workplace if the employees in that business do not want it? Why shouldn’t there be a provision where employees in a particular business are able to democratically decide whether or not they want a particular union to have access? Why should employees not have a right to privacy and have their records protected at work? I am referring to the provisions for union access to non-union-member records.

In my home state of Western Australia, Kevin Reynolds and Joe McDonald will be able to get access to employee records whether they have got members in a particular business or not. This is going back to the future. To the businesses and employers of Western Australia I say: get ready, because Kevin Reynolds and Joe McDonald are on their way; they will have access to every one of your employee records, whether they are members and have members in your workplace or not. What is that going to do for jobs? The minister stated very clearly before the election, and even in some statements since the election, that there would not be any change to union right of entry, when in fact there will be a very clear change. Heather Ridout, CEO of the Australian Industry Group—hardly known as a hard-core critic of the Rudd government—had the following to say:

The bill substantially increases union entry rights, giving each union access to a much wider range of workplaces and giving union officials access to wage records of non-union members. We believe that the existing entry rights are appropriate and should not be expanded.

The Australian Mines and Metals Association said:

Our concern in relation to the Fair Work Bill is, firstly, that the protections in relation to union access to employee information have been removed. It is not just a question of unions being able to access non-member records. Unions will be able to access any record of any employee in the business and all they have to do is put together an argument to say that that is valid in respect of an alleged breach of the act or an industrial instrument. There is no fetter on that access. There is no person in Fair Work Australia checking that the access is reasonable.

But still the minister is trying to make the Australian people believe that there has not been any change to union right of entry. It is just not true.

On the subject of compulsory arbitration where enterprise bargaining fails, again this is where the rhetoric about what Labor says it is going to do is very different from what will happen in practice. Labor says that there will not be any ‘compulsory’ arbitration because it wants people to negotiate a collective agreement. What happens if they cannot reach agreement? If there is no incentive to ensure that an agreement is going to be reached, what happens? I put it to you that there will be scenarios—you may say it will never happen, but I am suspicious—where unions will not be negotiating in good faith. What will happen? Essentially, Fair Work Australia will be able to intervene and there will be what effectively amounts to compulsory arbitration, which is something that Labor before the last election categorically ruled out.

On the subject of greenfields agreements, the whole approach is, as our leader said earlier today, to give unions the power to veto new projects. This is another one of those provisions that is anti-investment and anti-jobs.
On the subject of transmission of business arrangements, Heather Ridout, the Prime Minister’s adviser on IR, said:

The Australian Industry Group was unequivocal about the effect of the new provisions. The provisions are anti-employment and would create a huge incentive for companies not to employ workers of businesses they take over.

I have to say it again: Heather Ridout is saying that the provisions are anti-employment and would create a huge incentive for companies not to employ workers of businesses they take over. As I said in my opening, this would be bad public policy if we were in good economic times. If this was a time when we could continue to benefit from the growth and the economic prosperity experienced under the Howard/Costello years, you might be able to get away with it.

But these are different economic times. The government is telling us that these are different economic times. This would be bad public policy in good economic times; in the particular economic circumstances that we face now this is reckless. The government should stand condemned for this. I hope that, between now and when this legislation goes through the committee stages and ends up in the third reading stage, the Labor government will see the light and engage with the opposition rather than try to do another little deal in the back room with the cross-benchers.

But of course you are not interested in that, because you are interested in your political strategy. You want to be able to continue to point the finger at us and say that the coalition still wants to—what did somebody say?—put CPR on Work Choices to bring it back. What the coalition wants is to have the best possible policy environment in the current circumstances to ensure that we will have jobs, jobs, jobs. We want to pursue policies that will ensure jobs, jobs, jobs. It is quite obvious—and this is not us talking in isolation—that a range of the provisions in this legislation go well beyond what the government said they would do before the last election and is bad for jobs.

In fact, I put out this challenge: if the government does not sit down with us to have a sensible discussion on how this legislation could be improved then the Prime Minister and the Deputy Prime Minister and Minister for Employment and Workplace Relations should come out and give a guarantee that not one single job will be lost in Australia as a result of this legislation. If the Prime Minister and the Deputy Prime Minister and Minister for Employment and Workplace Relations do not think that it is in the national interest for us to sit down in this current climate to have a sensible discussion about a major bill like this that is going to have an impact on the economy and jobs then it is incumbent upon them to reassure the Australian people and Australian working families that not one single job will be lost as a result of this legislation. If they cannot do that, that will speak for itself.

Much has been said about the flaws in this legislation. I have just come across a comment the Treasurer of Western Australia made during the inquiry in relation to union rights of entry. He made the point:

… that union coverage amongst our private sector workforce is very low, and it is our view that you are subjugating the 86 per cent of employees who
are not union members to a level of intrusion on their rights that is neither fair nor appropriate.

What a sensible statement that is. The reality is that the Deputy Prime Minister and Minister for Employment and Workplace Relations should be in violent agreement with the Treasurer of Western Australia, because she also said that there would not be any change to the union rights of entry. Of course what the Deputy Prime Minister and Minister for Employment and Workplace Relations is telling us is just rhetoric and it is not consistent with the facts or the way they are going to emerge as we move forward.

In summary, these are serious economic times. We all know that. The government does not cease to tell us. The government, in the context of the various spending sprees they have introduced through this chamber, have told us on a number of occasions that this is the worst economic crisis since the Great Depression. At times of significant economic challenge like this, legislation of this nature ought to be properly scrutinised, it ought to be sensibly considered and the government should be open minded and big enough that when clear and significant flaws have been identified—flaws that will result in fewer jobs and a negative impact on the economy—they reconsider the path they are going down. The government should have a very close look at the amendments that are being put forward by the coalition because they are going to bring significant improvements to this legislation.

Senator CROSSIN (Northern Territory) (10.49 pm)—It gives me great pleasure to be able to stand in this chamber this evening and to make my contribution in the debate on the Fair Work Bill 2008 before us. The legislation has been considered by both houses of parliament under the very strong leadership of our Deputy Prime Minister. I take people back to 27 March 2006—almost three years ago this month—when we saw the introduction of one of the most radical pieces of legislation this country has seen with regard to workplace relations, industrial relations and the impact on workers in their workplace. That was the bill now known as the Workplace Relations Amendment (Work Choices) Act 2005 or Work Choices, as every single household and every single worker in this country has come to commonly call it. This was legislation that consequently diminished employees’ pay and conditions and their freedom of association. Their rights in the workplace were severely challenged under the previous government—the Howard government—by their Work Choices legislation. It was legislation relating to a policy that was not mentioned in any way in the 2004 election. When people stumped up to the polls in 2004 they had no idea that on the backburners of the National and Liberal parties Work Choices was in its embryonic form. Of course, there was no mention of it in the 2004 election, no capacity for people to either vote for or against such draconian legislation—legislation that was rammed through both houses of parliament. There was barely a four-week inquiry in the Senate at the time—if I remember correctly it was four days. There was dictation as to who the Senate would hear from—two days for the employers and two days for employee groups—and it was to be wrapped up within a week and rammed through with the numbers that the government had. It was put through both houses of parliament. If I remember correctly, the debate was guillotined and there was no notice taken of the public’s concern for such radical reforms.

I heard Malcolm Turnbull—who I think is still the current leader of the Liberal-National Party in this parliament—declare last week that Work Choices was dead. You would not think that that was the position being put by my colleagues from across the chamber tonight, all of whom have spoken
against this piece of legislation but who cannot put forward alternative policies. They are too busy squabbling about who is going to be the leader in the next 24 hours. They are too busy squabbling about who might lead their party to put forward strong, constructive policies as an alternative.

In response to Work Choices, a community campaign sprang up right around this country, in every workplace, every household, every industry and every regional town, remote community and major city. People signed petitions. People wore orange T-shirts. People emailed. People conversed with one another in their workplaces. The Your Rights at Work campaign was born. The Your Rights at Work campaign was successfully kicked off by the ACTU, with local community campaigns held right across this country. It alerted people to, and educated them about, their rights at work. When the details of Work Choices became known, people did not like it. They did not like it to the point where it became an absolute millstone around the necks of the then government, which is why they are now sitting on the opposite side of this chamber. It is the biggest single explanation as to why the Howard government lost the last election. The campaign educated people on what the Work Choices changes meant to them. It encouraged people who were affected to speak out. It encouraged people to campaign and advocate for change.

We went to the 2007 Senate election with our industrial relations policy, entitled Forward with Fairness—not ‘backwards with retrovision’ as it was under the Howard government. Forward with Fairness included conditions such as protecting workers from unfair dismissals—a measure which had been removed by the former government. It meant implementing a safety net of 10 minimum standards that could not be undercut or undermined by employers. It gave employees the freedom and the right to become a member of a union if they so chose. It established Fair Work Australia, an independent umpire, to maintain fairness in the workplace and set fair minimum wages and conditions. It allowed awards to set employment conditions such as wages, penalty rates, allowances and superannuation, to name but a few. It reinstated those entitlements and workers’ rights that had been stripped from workplaces under Work Choices.

We released our Forward with Fairness policy in April 2007, so our policy and our plan have been out there for nearly two years. This was followed up with an implementation plan in August of the same year, allowing voters plenty of time to consider the detail prior to the last election. Industrial relations was one of the biggest policies debated at the last federal election. It was one of the biggest agenda items, first and foremost in people’s minds when they stepped up to the ballot box on election day. It was certainly a decider for voters. On 24 November 2007 they made their decision overwhelmingly and voted for Labor, forward with fairness into government.

In my own home town of Darwin, the former member for Solomon, David Tollner, bragged and boasted that his fingerprints were all over Work Choices. Luckily the voters in Solomon do not have to put up with that dirty work and those fingerprints any more. They have been wiped clean now with the election of Damian Hale. I put it to you that David Tollner was one casualty of that bad policy that had such bad implications for people in the workplace. They did not like it and they chose to show the former government in no uncertain terms exactly what they thought about it.

The bill currently before us delivers on our election promise to rid Australia of Work Choices and replace it with a fair and bal-
anced workplace relations system. ‘Fair and balanced’ are the key objectives and the essence of the Fair Work Bill. What were not fair and balanced were the provisions under Work Choices. This bill clearly reverses that agenda in workplaces. This is a system for workplace relations reform that will promote national economic prosperity and social inclusion for all Australians and all workers. It builds on the Workplace Relations Amendment (Transition to Forward with Fairness) Act, which came into force in March 2008. That act ended forever Australian workplace agreements. It ended forever the agenda that emanated from the HR Nicholls Society many years ago to ensure that workers were not protected by awards or collective agreements in their workplaces but in fact were the subject of individual contracts and agreements. So the end of AWAs occurred in March last year. The forward with fairness act introduced a no disadvantage test for agreements and began the process of award modernisation.

The Fair Work Bill clearly provides a balanced framework of workplace rights and obligations that is fair to employers and employees—something that Work Choices never achieved. The bill is at least 600 pages long. It is just under half the size of the Work Choices legislation. It is much easier to understand and easier to navigate in terms of its structure, its organisation and its expression.

Debate (on motion by Senator Sherry) adjourned.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Parry)—The President has received letters from a party leader requesting changes in the membership of committees.

Senator SHERRY (Tasmania—Minister for Superannuation and Corporate Law) (10.59 pm)—by leave—I move:

That a senator be discharged from committees as follows:

Agricultural and Related Industries—Select Committee—
Discharged—Participating member: Senator Arbib

Community Affairs—Standing Committee—
Discharged—Participating member: Senator Arbib

Corporations and Financial Services—Joint Statutory Committee—
Discharged—Senator Arbib

Economics—Standing Committee—
Discharged—Participating member: Senator Arbib

Education, Employment and Workplace Relations—Standing Committee—
Discharged—Senator Arbib

Environment, Communications and the Arts—Standing Committee—
Discharged—Participating member: Senator Arbib

Finance and Public Administration—Standing Committee—
Discharged—Participating member: Senator Arbib

Foreign Affairs, Defence and Trade—Joint Standing Committee—
Discharged—Senator Arbib

Foreign Affairs, Defence and Trade—Standing Committee—
Discharged—Participating member: Senator Arbib

Fuel and Energy—Select Committee—
Discharged—Participating member: Senator Arbib

Legal and Constitutional Affairs—Standing Committee—
Discharged—Participating member: Senator Arbib

CHAMBER
Men’s Health—Select Committee—
Discharged—Participating member: Senator Arbib

National Broadband Network—Select Committee—
Discharged—Participating member: Senator Arbib

Regional and Remote Indigenous Communities—Select Committee—
Discharged—Participating member: Senator Arbib

Rural and Regional Affairs and Transport—Standing Committee—
Discharged—Participating member: Senator Arbib

Question agreed to.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Parry)—Order! It being 11pm, I propose the question:

That the Senate do now adjourn.

International Women’s Day

Senator LUNDY (Australian Capital Territory) (11.00 pm)—After 11 years of neglect of women’s issues, and worse, the undermining of programs for women that had been put in place by the Labor governments of the eighties and nineties, women can again celebrate their reinstatement as equal Australian citizens. Of course a lot remains to be done, but let us look at what has been achieved in over a year since the election of the Rudd Labor government. In December of 2008 Australia was able to submit a combined sixth and seventh report on the implementation of CEDAW, the Convention on the Elimination of All Forms of Discrimination against Women. A section in the report comments on the election of the new Labor government, sworn in on 3 December 2007, which says:

... firmly committed to equality, to women participating equally in all aspects of their lives, such as work, family and community.

During its term of office, the Howard government refused to sign the Optional Protocol to CEDAW. The optional protocol enables appeal to the international committee responsible for monitoring compliance with obligations under CEDAW. Acceding to the optional protocol, the Australian government has now made, as the Minister for the Status of Women, Tanya Plibersek, said:

... a powerful statement that discrimination against women in any form is unacceptable and that Australia is committed to promoting and progressing gender equality.

To assist in this aim we have produced an education pack on women’s human rights which outlines women’s rights under treaties and CEDAW. We are reviewing legislation which affects women. The Senate Standing Committee on Legal and Constitutional Affairs reported on 12 December 2008 on the inquiry into the effectiveness of the Commonwealth Sex Discrimination Act 1984 in eliminating discrimination and promoting gender equality. The Senate committee report stated:

The committee shares the view expressed by the Sex Discrimination Commissioner that:

[The Sex Discrimination Act matters. It matters as a tool for driving systemic and cultural change, which is needed if men and women are to enjoy true gender equality …]

However, the committee has made recommendations, which after 25 years would strengthen the act and our commitment to it.

Women’s health has received a lot more attention from this government. Among the most recent announcements for new programs and services have been: a public awareness campaign to combat ovarian cancer through increasing awareness of the
symptoms of the disease; new funding to enable women under 50 years of age at high risk of breast cancer, although with no symptoms, to receive a Medicare rebate for an MRI breast scan; facilities to enable greater access to antenatal and postnatal care for Indigenous women in North Queensland; a national maternity services plan to be developed with the states and territories; the development of a national women’s health policy, which will focus on preventative measures and health inequalities and will address the needs of Aboriginal and Torres Strait Islander women, women in rural and remote areas, women from culturally and linguistically diverse backgrounds including refugees, and those from disadvantaged backgrounds; and funding to assist new and expectant mothers with perinatal depression and to raise community awareness of this problem.

This government has three key priority areas for advancing gender equality. These are: firstly, improving women’s economic outcomes and independence; secondly, ensuring women’s voices are heard at all levels of decision making; and, thirdly, reducing violence against women. The National Council to Reduce Violence against Women and their Children set up last year is a response to the realisation that keeping women and children safe is a universal obligation and responsibility. The National Plan to Reduce Violence against Women and their Children is being developed with a focus on supporting victims, strengthening and streamlining the legal system and changing attitudes through education. Our aim is to change behaviour so that, increasingly, fewer women and children are threatened by violence.

Indigenous women now have a voice as we seek to develop a new relationship of trust between Indigenous people and government. We know that change must develop and be driven from within local communities. By challenging stereotypical attitudes, as this government has sought to do from the outset, we can confront problems such as community violence, for example, and go much of the way to finding new ways of tackling them.

Women are taking a more prominent role in public life. Under this government we have the appointment of Australia’s first female Governor-General and the recent appointment of only the fourth woman since Federation to be a justice of the High Court of Australia. But, as I said in an International Women’s Day speech last year, equity and not just influence must remain our goal. The percentage of women in Australian parliaments is now 30.5 per cent. In this federal parliament it is 29.6 per cent—35.5 per cent in the Senate and 26.7 per cent in the House of Representatives. Sadly, appointments to boards and to executive positions in companies are still overwhelmingly male. In fact there was a slight decline in the percentage of women appointed from 2006 to 2008. Now two per cent of CEOs in Australia’s main companies are women compared to three per cent in 2006. The percentage of women who are board directors or executive managers has also declined from 2006 levels.

In planning to improve women’s work and family life, this government recognises the need for paid parental leave and is committed to its introduction. It recognises the need also to increase pensions and the hardships suffered, particularly by single pensioners, the majority of whom are women. Inevitably in this economic climate a timetable will be set, but these are policy commitments. The government’s new Fair Work industrial relations system will give each parent the right to 12 months unpaid parental leave, or one parent may take two 12-month leave periods. In addition, the launch this month of a national initiative, the Fresh Ideas for Work and Family program, provides grants to small
businesses to help them implement family-friendly workplaces which will enable their employees to better balance work and family duties. Internationally, too, this government is adopting a far more responsible and ethical approach to gender equity than did the previous government. The integration of gender equity principles into Australia’s overseas aid program has been acknowledged by the OECD. In September 2008 our Prime Minister, Mr Rudd, committed $250 million over the next four years to improve the health of women and children, focusing on aid to Asia-Pacific countries where maternal and child mortality remain high.

On Sunday, International Women’s Day, a new investment of $17 million over four years to UNIFEM, the United Nations Development Fund for Women, was announced. This government is committed to the United Nations Millennium Development Goals and realises that gender equity programs are vital to the achievement of all of these goals. I commend the work and commitment of my ACT colleague Mr McMullan, in his role of Parliamentary Secretary for International Development Assistance, and that of his staff. They are making a difference.

The goal of promoting equity and empowering women, goal 3, targets the ratio of girls to boys in each level of education, the ratio of literate women to men in the 15- to 24-year-old age bracket, the share of women in wage employment in the non-agricultural sector and the proportion of seats held by women in national parliaments. Australian aid programs have helped to ensure, for example, that when schools are built proper facilities for girls and provision for their safety are taken into account.

Millennium development goal 5 has been of great concern to us. This is the goal to reduce maternal mortality and to achieve universal access to reproductive health care by 2015. Of all the Millennium Development Goals, least progress has been made towards this objective. According to the CEOs of Oxfam Australia, CARE Australia and Save the Children Australia, the AusAID family planning guidelines set by the previous government caused a decrease in total funding for family planning programs of more than 80 per cent to 2007. To quote these heads of three of the largest Australian aid and development agencies:

This is fundamentally a development issue that is about preventing the unnecessary deaths of women in poor countries …

I welcome the announcement today of the government’s abandoning of the old guidelines to these aid programs. This aligns us with the enlightened approach of the US President, Mr Obama, who has lifted similar restrictions to US aid. Also welcome is the announcement of additional funding of up to $15 million over four years through UN agencies and NGOs for family planning and reproductive health services to help reduce maternal deaths. Much has been achieved for women in just over a year, and I look forward to continuing progress in the Rudd government’s programs to advance gender equality for Australian women and for disadvantaged women everywhere.

Rudd Government

Senator BARNETT (Tasmania) (11.09 pm)—Labor waste is mounting up. There is an emerging trend of waste, inefficiency and mismanagement in the way that the Rudd Labor government is managing the Australian economy and its affairs in government. A pattern of behaviour is developing. The government’s spending fails to deliver value for money to the Australian taxpayer, fails to deliver on promises it made to the Australian people and demonstrates its inability to govern. Examples are mounting up. For laptop computers in schools there has been a 66 per
cent increase, or an $800 million blow-out—mismanagement in the extreme. The GROCERYchoice website—what a farce! It has cost taxpayers $13 million to develop this website and it has offered absolutely nothing to consumers or shoppers. What a waste! In climate change advertising there has been $13.95 million of waste and inefficiency. Then we have the government’s $42 billion spending spree, where $28 million was used for just administration and advertising. Then there was the printing of the Garnaut report—$65,000 to pay for printing after they had sold off the rights to the publication. How about that!

What do we find in recent days? We find that the Rudd Labor government is spending more on consultants than any government in Australian history. The government’s own figures confirm that over $500 million has been expended on consultants since the government took office barely a year ago, and over $500 million in expenditure is expected in the 2008-09 financial year, which is equal to employing 5,600 public servants for one year. This is hypocrisy in the extreme. Labor promised prior to the November 2007 election to reduce spending on consultants by $395.2 million by 2009. Labor said the Howard government spending on consultants was ‘wasteful’. To quote further:

Complacency and lack of discipline by the Howard Government has allowed unnecessary spending to flourish.

That was said by Lindsay Tanner, the former shadow minister for finance, on 2 March 2007. I have the media release with me to verify that fact. Further, Labor planned to cut spending on political opinion polls and market research by $52.5 million by 2009-10.

The government’s AusTender website, www.tenders.gov.au, confirms the profligate and hypocritical approach to managing our economy being employed by the Rudd Labor government. It also confirms the government’s slack reporting regime, where departments consistently report weeks, and sometimes months, past their due date. The government’s own website also points to the fact that nearly one-third of the consultants are appointed by direct engagement rather than through open tender. It smacks of jobs for the boys. Despite Labor’s commitment before the election to reduce expenditure on consultants by almost $400 million, they now try to justify expenditure in excess of $500 million per year. The government’s actions are a supreme example of government waste, inefficiency and mismanagement. What did the Treasurer, Wayne Swan, say recently? When the Treasurer was asked on the ABC’s Q&A to confirm just how much Labor has spent on consultancies, he seemed to struggle for an answer:

TONY JONES: How much have you spent, though?
WAYNE SWAN: There is a substantial amount spent on consultancies, but it is not the amount that Joe is saying.

TONY JONES: But is it hundreds of millions?
WAYNE SWAN: Yeah, it probably would be in that vein, yeah.

What else is happening? We can see that consultants are being paid to work on the more than 170 reviews commissioned by the government since it came to office. Perhaps we need another review of this, Mr Rudd!

Let me highlight one other special consultancy. Earlier this year Kevin Rudd gave the nod to $1 million in spending on positive psychology seminars or ‘Happiness workshops’. This was very well investigated and highlighted by Senator Brett Mason just a week or two ago during budget estimates. The workshops, run by US celebrity psychologist Martin Seligman, were held in Victoria. The department was unable to provide an answer as to why an Australian psycholo-
gist was not used. The headline in the Australian on 26 February was ‘$1 million junket to keep fat cats happy’. Indeed, there were headlines all around the country thanks to the incisive investigative work of Senators Michael Ronaldson, Brett Mason and others. What about the Prime Minister’s travel? The headline in the Daily Telegraph, again on 26 February, states ‘Bid to ground Kevin. Jet-setting PM’s soaring travel bill stirs anger’ The article states:

Kevin 747—$3.4 million in 15 months. Kevin Rudd has racked up almost $3.4 million on overseas travel expenses for 15 separate jaunts since becoming PM in November 2007. Mr Rudd has averaged nearly one overseas trip per month and has spent one in six days of his time as Prime Minister of Australia out of the country.

It is amazing to think exactly what has happened to our government and to taxpayers’ money since Labor has been in power. I want to commend the Australian Financial Review and specifically Tom Dusevic for his article on 18 February headed ‘PM splurges $550 million on consultants’. It reads:

The Rudd government has awarded $553 million in new consultancy contracts since it was elected in November 2007, putting it on track this financial year to be the highest-ever spender on outside advisers.

An analysis by the Financial Review has found that Labor has been increasingly relying on hired experts from the private sector and universities to shape its policy agenda, especially in the areas of health, broadband, economic regulation, climate change, water and the so called ‘education revolution’.

The next day in the Australian Financial Review an article titled ‘$5.5 million more consultancy work disclosed’ reads:

A torrent of 68 consultancy contracts, worth $4 million, surged in yesterday from a single agency, the Department of the Environment, Water, Heritage and the Arts, which is establishing an unwanted reputation as the worst discloser in the federal sphere.

Two-thirds of the contracts reported by the department yesterday failed to comply with guidelines that require contracts worth more than $10,000 to be disclosed within six weeks.

There you go. Not only do we have the highest spending government in history on consultants but the government is breaching the guidelines and the disclosure rules. Of course, this point was well noted by Senator Helen Coonan, our shadow minister for finance, who said in a letter to the editor:

Excessive reliance on consultants shows a government having trouble implementing its policies. Just look at the policy paralysis that passes for the national broadband network.

Announcing agendas without knowing how to develop policies that meet Australia’s long-term interests in a cost-effective and efficient way simply highlights the hole in this government’s economic kitbag.

Rather than trying to justify it, Finance Minister Lindsay Tanner must get a grip on this indulgence Australia simply cannot afford.

Indeed, Senator Helen Coonan highlighted in a media release the concern with the lack of monitoring of consultancy costs by the Labor government, specifically by the Minister for Finance and Deregulation, Mr Tanner. She said:

The fact that Mr Tanner is not actively monitoring the consultancy budget is obviously why costs have run up so high… the fact that Mr Tanner hasn’t bothered to monitor consultancy spending is unjustifiable.

Indeed, it is unjustifiable and it highlights the profligate approach to governing this country and governing themselves when you see such a high level of waste, inefficiency and mismanagement. We have been saying that the current spending spree by the Rudd Labor government is too large and fails to hit its target. These examples of waste are typical of how irresponsibly this government is squandering the wealth of future generations of Australians, creating debt with its self-
approved $200 billion credit card. We will hold them to account.

International Women’s Day

Senator PRATT (Western Australia) (11.20 pm)—This evening I rise to acknowledge International Women’s Day. There have been myriad terrific events taking place—more than two dozen—in my home state of Western Australia to celebrate the important day, not only in Perth but from Newman through to Wandering. Events have delved into the struggle for economic and political equality and health issues confronting women. We have come a long way in Australia to bring equality of opportunities to women. It is great to see this agenda renewed, as outlined by Senator Kate Lundy in her remarks to the Senate this evening.

In this context today I am quite thankful that the Minister for Foreign Affairs has announced that he will amend the AusAID family planning guidelines. The government has also committed additional funding of up to $15 million over four years through UN agencies and NGOs for family planning and reproductive health activities to help reduce maternal deaths so that Australia’s overseas assistance program can support the same range of family planning services as those available to women in Australia. The capacity for women to control their reproduction is fundamental to women’s ability to improve their social and economic circumstances. In this context, I am proud to be part of a Labor government that is committed to supporting equality for women and achieving the Millennium Development Goals, or MDGs as they are otherwise known. This commitment is demonstrated by our undertaking to increase the aid budget so as to reach the interim MDG target of 0.5 per cent of gross national income by 2015.

The changes proposed to the AusAID family planning guidelines will strengthen our commitment to the Millennium Development Goals. The World Health Organisation and other leading medical authorities agree that unsafe terminations are a significant health problem. In recognition of this fact, terminations are legal and easily accessible in Australia. The International Conference on Population and Development, to which Australia is a signatory, urges health systems to make terminations safe and accessible where they are legal.

Sexual and reproductive health services are most effectively delivered as a package—a package that often includes advice about the full range of family planning options. The family planning guidelines made it difficult to deliver such a package of services in practice because they placed limits on the advice provided. Many of the largest non-government agencies involved in Australia’s aid program expressed concern that local partners in developing countries were reluctant to accept Australian assistance towards the provision of sexual and reproductive health services because of the guidelines. Because of the difficulties that these guidelines created, family planning declined dramatically in the Australian aid budget. I think amending the guidelines will strengthen our commitment to the MDGs.

Millennium development goal No. 1 is to eradicate extreme poverty and hunger. Part of this goal is to ‘achieve full and productive employment and decent work for all, including women’, because improving women’s economic productivity is critical to eradicating poverty and hunger. Unfortunately, though, an estimated five million disability adjusted life years are lost every year by women of reproductive age as a result of mortality and morbidity from unsafe terminations. Now Australian aid can be used to help prevent this.
Millennium Development Goals are also there to promote gender equality and to empower women. The causes of unsafe terminations have been described as ‘apathy and disdain for women; they suffer and die because they are not valued’. Women in the developed world are largely exempt from this disdain, while almost all unsafe terminations occur in developing countries. Now Australian aid can help to end this disdain for the world’s poorest women.

Millennium development goal No. 4 is to reduce child mortality. An estimated 220,000 children worldwide lose their mothers every year from deaths related to terminations. These children receive less health care than children with two parents and they are also more likely to die. Now Australian aid can be used to help prevent this situation. Millennium development goal No. 5 is to improve maternal health. An estimated 68,000 women die as a result of unsafe terminations, which account for 13 per cent of maternal deaths. Morbidity is an even more common consequence of the complications arising from these procedures. In some countries, up to 50 per cent of hospital budgets for obstetrics and gynaecology is spent on treating complications. Now Australian aid can be used to prevent these complications, not just treat them.

Millennium development goal No. 6 is to combat HIV-AIDS, malaria and other diseases. Target 1 under goal 6 is to ‘have halted by 2015 and begun to reverse the spread of HIV-AIDS’. Unfortunately, where terminations are legal, it is often difficult to use Australian aid to assist countries to meet this target because sexual health services are often delivered together with advice about the full range of family planning options. Furthermore, treating complications from unsafe terminations diverts limited resources from other critical healthcare priorities, including combating diseases such as malaria and HIV-AIDS. Now Australian aid can be used to prevent this.

Millennium development goal No. 8 is to develop a global partnership for development. This goal recognises the need for developed and developing nations to work together in ways that respect the differing needs and cultures of developing nations. The guidelines have prevented us from assisting partner countries in delivering sexual and reproductive health services that include the full range of family planning options, even when such services were legal in the country concerned, locally endorsed as culturally appropriate and internationally recognised as an effective use of health resources. Australia will now be able to offer such assistance to partner countries.

Australia will now be able to assist in avoiding terminations through good family planning services, because that is the best way to go. However, as I outlined before, the AusAID guidelines have deterred NGOs from being active in delivering services that prevent terminations, and a lack of access to this kind of advice results in more unsafe terminations and maternal deaths. The Millennium Development Goals are accepted benchmarks by which progress in developing countries is measured. Amending these guidelines continues our commitment to these goals and will facilitate efforts to achieve them.

International Women’s Day celebrates women’s achievements and identifies the remaining barriers to full equality for women. Australia’s family planning guidelines were one such barrier. Their amendment will enhance Australia’s capacity to help make women everywhere safe and equal.

Senate adjourned at 11.29 pm
The following government documents were tabled:

Australian Competition and Consumer Commission—Telstra’s compliance with the price control arrangements—Report for 2007-08.

Commonwealth Electoral Act 1918—2009 redistributions into electoral divisions—Tasmania—Report, together with composite map and disc containing supporting information.

IIF Investments Pty Limited, IIF (CM) Investments Pty Limited, IIF BioVentures Pty Limited, IIF Foundation Pty Limited, IIF Neo Pty Limited—Reports for 2007-08.


International Labour Organisation—Submission reports on ILO instruments—Work in Fishing Convention, 2007 (No. 188).

Work in Fishing Recommendation, 2007 (No. 199).

Updated economic and fiscal outlook, February 2009—Statement by the Treasurer (Mr Swan) and the Minister for Finance and Deregulation (Mr Tanner).

The following documents were tabled by the Clerk:

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

A New Tax System (Family Assistance) (Administration) Act—

A New Tax System (Family Assistance) (Administration) (Child Care Benefit—Statements) Rules 2009 (No. 1) [F2009L00812]*.

A New Tax System (Family Assistance) (Administration) (Public Interest Certificate Guidelines) (DEEWR) Determination 2009 (No. 1) [F2009L00728]*.


ACIS Administration Act—ACIS Administration (Commonwealth Financial Assistance) Determination 2009 (No. 2) [F2009L00684]*.

Air Navigation Act—Select Legislative Instrument 2009 No. 23—Air Navigation Amendment Regulations 2009 (No. 1) [F2009L00564]*.


Appropriation Act (No. 1) 2008-2009—Advance to the Finance Minister—No. 3 of 2008-2009 [F2009L00486]*.

Determination to reduce appropriations upon request (No. 11 of 2008-2009) [F2009L00419]*.

Appropriation Act (No. 2) 2008-2009—Advance to the Finance Minister—No. 4 of 2008-2009 [F2009L00712]*.

Determination to reduce appropriations upon request (No. 12 of 2008-2009) [F2009L00421]*.

Appropriation Act (No. 4) 2003-2004—Determination to reduce appropriations upon request (No. 15 of 2008-2009) [F2009L00426]*.

Australian Citizenship Act and Migration Act—Select Legislative Instrument 2009 No. 22—Migration Legislation Amendment Regulations 2009 (No. 1) [F2009L00689]*.

Australian Communications and Media Authority Act—Australian Communications and Media Authority (MF NAS Transmitter Licences) Direction No. 1 of 2009 [F2009L00687]*.

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 3 of 2009—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2009L00682]*.

Australian Research Council Act—Discovery Indigenous Researchers Development Funding Rules for funding commencing in 2010 [F2009L00733]*.

Aviation Transport Security Act—Select Legislative Instrument 2009 No. 24—Aviation Transport Security Amendment Regulations 2009 (No. 1) [F2009L00695]*.

Civil Aviation Act—

Civil Aviation Orders—

82.1 Amendment Order (No. 1) 2009 [F2009L00209]*.
82.3 Amendment Order (No. 2) 2009 [F2009L00210]*.
82.5 Amendment Order (No. 2) 2009 [F2009L00211]*.

Civil Aviation Regulations—

Civil Aviation Order 20.18 Amendment Order (No. 1) 2009 [F2009L00213]*.

Instruments Nos CASA—

41/09—Direction — use of ADS-B in foreign aircraft engaged in private operations in Australian territory [F2009L00208]*.
62/09—Permission and direction — helicopter special operations [F2009L00244]*.

68/09—Instructions — for approved use of P-RNAV procedures [F2009L00261]*.
84/09—Instructions — use of RNAV (GNSS) approaches by RNP-capable aircraft [F2009L00487]*.
85/09—Permission — flying over a public gathering at the Australian International Air Show, Avalon [F2009L00657]*.
EX09/09—Exemption — refuelling with passengers on board [F2009L00519]*.
EX11/09—Exemption — landing on moving vehicle [F2009L00655]*.
EX12/09—Exemption — powered glider at the Australian International Air Show, Avalon [F2009L00656]*.
EX13/09—Exemption — night aerobatic flight [F2009L00659]*.
EX14/09—Exemption — display of landing lights and navigation and anti-collision lights [F2009L00666]*.
EX15/09—Exemption — emergency locator transmitters [F2009L00686]*.
EX17/09—Exemption — operations by RAA aircraft in the Avalon International Air Show temporary restricted areas [F2009L00694]*.
EX19/09—Exemption — recent experience requirements [F2009L00707]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105—

AD/A109/62—Engine — Power Turbine Speed — Operational Limitation [F2009L00691]*.
AD/A320/230—High Pressure Compressor Deterioration [F2009L00632]*.
AD/A330/99—Centre Wing – Frame 40 Rear Fitting Web [F2009L00437]*.
AD/AS 355/84 Amdt 2—Stabilisers – Upper and Lower Vertical Fin Spars [F2009L00672]*.
AD/AS 355/91 Amdt 2—Upper and Lower Fins of Stabilisers [F2009L00673]*.
AD/AS 355/98 Amdt 1—Stabiliser Upper and Lower Fin Attachment Fitting – Modification [F2009L00676]*.
AD/AT/24 Amdt 2—Overturn Skid Plate [F2009L00438]*.
AD/ATR 42/25—Wire Bundles in the Rear Baggage Zone [F2009L00509]*.
AD/B737/336 Amdt 1—Fuselage Upper Frame to Side Frame Splice [F2009L00297]*.
AD/BAe 146/139—Nose Landing Gear [F2009L00823]*.
AD/BEECH 200/67 Amdt 5—Fuselage Rear Pressure Bulkhead [F2009L00439]*.
AD/BELL 47/94—Bogus Parts – Main Rotor Grip P/N 47-120-252-11 [F2009L00294]*.
AD/BELL 205/3—Main Rotor Blade – Modification [F2009L00440]*.
AD/BELL 205/9—Servo Cylinder Upper Control Tube Fittings [F2009L00474]*.
AD/BELL 205/16—Fire Detection System – Audible Warning [F2009L00475]*.
AD/BELL 205/21—Swashplate Scissors Lever Bolts – Inspection [F2009L00476]*.
AD/BELL 205/29—Main Rotor Blade Bolt Washer – Inspection [F2009L00441]*.
AD/BELL 205/33—Synchronised Elevator – Inspection, Modification and Retirement [F2009L00442]*.
AD/BELL 205/36—Fuel Boost Pumps – Inspection [F2009L00477]*.
AD/BELL 205/41 Amdt 1—External Cargo Suspension Kit – Load Restriction and Modification [F2009L00443]*.
AD/BELL 205/42—Main Rotor Hub Inboard Fitting – Life Reduction [F2009L00444]*.
AD/BELL 205/47—Hydraulic Servo Cylinder Assembly – Spanner Link Assembly Inspection and Rework [F2009L00478]*.
AD/BELL 205/49—Elevator to Horn Assembly Attachment – Modification [F2009L00445]*.
AD/BELL 205/50—Main Rotor Grip/Blade Bolt – Inspection and Rework [F2009L00446]*.
AD/BELL 205/51 Amdt 1—Vertical Fin Spar Cap [F2009L00447]*.
AD/BELL 205/59—Swashplate Outer Ring [F2009L00479]*.
AD/BELL 205/75—Swashplate Support Assembly [F2009L00448]*.
AD/BELL 206/130 Amdt 2—Main Landing Gear Cross Tubes [F2009L00296]*.
AD/BELL 206/130 Amdt 3—Main Landing Gear Cross Tubes [F2009L00449]*.
AD/BELL 206/175—Engine – Power Turbine Speed Limitations [F2009L00631]*.
AD/BELL 212/14—Fuel Boost Pumps – Inspection [F2009L00481]*.
AD/BELL 412/17—AM-SAFE Harness Buckle Assemblies [F2009L00295]*.
AD/CESNNA 180/95—Intercooler and Associated Hoses [F2009L00754]*.
AD/CESNNA 188/20 Amdt 2—Aileron Control Cables [F2009L00450]*.
AD/CESNNA 400/118—Auxiliary Wing Spurs [F2009L00737]*.
AD/CESNNA 560/10—Angle of Attack System [F2009L00510]*.
AD/CL-600/54 Amdt 1—Overwing Emergency Exit Placards [F2009L00451]*.
AD/CL-600/107—Angle of Attack Transducer [F2009L00508]*.
AD/DHC-8/133 Amdt 2—Main Landing Gear System [F2009L00690]*.
AD/DHC-8/144—De-Ice Busbar Sealant [F2009L00511]*.
AD/DO 228/12 Amdt 1—De-bonding of Surface Protection on Rudders and Elevators [F2009L00452]*.
AD/ECUREUIL/107 Amdt 2—Stabilisers – Upper and Lower Vertical Fin Spurs [F2009L00674]*.
AD/ECUREUIL/118 Amdt 1—Upper and Lower Fins of Stabilisers [F2009L00675]*.
AD/ECUREUIL/131 Amdt 1—Stabiliser Upper and Lower Fin Attachment Fitting – Modification [F2009L00677]*.
AD/ECUREUIL/134—Starter-generator Damping Assembly [F2009L00512]*.

AD/ECUREUIL/134 Amdt 1—Starter-generator Damping Assembly [F2009L00830]*.
AD/EMB-145/22—Landing Gear Electronic Unit [F2009L00513]*.
AD/F100/93—On-Ground Wing Leading Edge Heating System [F2009L00514]*.
AD/GA8/5 Amdt 2—Horizontal Stabiliser Inspection [F2009L00458]*.
AD/HU 369/108 Amdt 3—Tailboom Attachment [F2009L00293]*.
AD/IBK 117/31—Tail Rotor Balance Weights [F2009L00459]*.
AD/PA-36/4—Flap Control – Modification [F2009L00460]*.
AD/PA-36/5 Amdt 1—Pre-Certification Requirements – Modifications [F2009L00461]*.
AD/PA-36/7—Wing Main Spar Centre Section – Modification [F2009L00462]*.
AD/PA-36/8 Amdt 1—Forward and Aft Wing Attachment Fittings – Inspection and Modification [F2009L00463]*.
AD/PA-36/10—Spray Pump Windmill – Modification [F2009L00500]*.
AD/PA-36/11—Muffler Clamp – Installation [F2009L00501]*.
AD/PA-36/13—Fuel Tank Vent – Inspection [F2009L00502]*.
AD/PA-36/16—Control Rod End Bearings – Replacement [F2009L00464]*.
AD/PA-36/18 Amdt 1—Wing Main Spar Carry Through Assembly – Inspection [F2009L00465]*.
AD/PA-36/20 Amdt 2—Engine Mount Attach Brackets – Inspection and Modification [F2009L00466]*.
AD/PA-46/1—Aft Rudder Cable – Inspection [F2009L00467]*.
AD/PA-46/2—Interface of Elevator to Horizontal Stabiliser – Inspection and Modification [F2009L00468]*.
AD/PA-46/4 Amdt 2—Wing and Wing to Fuselage Fairing Rivets [F2009L00469]*.
AD/PA-46/34—Stall Warning Heat Control [F2009L00516]*.
AD/PC-12/54—Fuselage Overboard Vent Installation [F2009L00471]*.
AD/PC-12/55—ADAHRS – Incorrect Data [F2009L00518]*.
AD/PC-12/56—Stick-Pusher Servo-Cables Attachment Clamps [F2009L00738]*.
AD/PZL/1 Amdt 3—Airframe [F2009L00292]*.
AD/S-PUMA/83—Hinged Door Upper and Lower Catches [F2009L00472]*.
AD/TBM 700/51—Wiring Harness Inspection [F2009L00517]*.
AD/AE 3007/6 Amdt 1—High Pressure Turbine Stage 2 Wheels [F2009L00473]*.
AD/ARRIEL/30—Digital Engine Control Unit Software [F2009L00506]*.
AD/ARRIEL/31—Reduction Gear Box Intermediate Pinion [F2009L00507]*.
AD/AIRCON/14 Amdt 3—Zonal Drying System Regeneration Air Duct Overheat [F2009L00753]*.
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AD/INST/16—King KG 102 Directional Gyro – Modification [F2009L00489]*.
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0829430 [F2009L00359]*. 0833616 [F2009L00529]*.

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2009/10—Transition assistance.
2009/11—Rent allowance—amendment.

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MN09-09c of 2009—Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2009L00723]*.
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12 of 2009—Amendment Special Arrangements – Highly Specialised Drugs Program [F2009L00429]*.

13 of 2009—Amendment Special Arrangements – Chemotherapy Pharmaceuticals Access Program [F2009L00432]*.

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Social Security Act—Social Security (Australian Government Disaster Recovery Payment) Determination 2009 (No. 3) [F2009L00622]*.
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Student Assistance Act—Select Legislative Instrument 2009 No. 20—Student Assistance Amendment Regulations 2009 (No. 1) [F2009L00715]*.
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Therapeutic Goods Act—Therapeutic Goods Order No. 82—Standard for Tampons — Menstrual [F2009L00756]*.
Torres Strait Fisheries Act—Torres Strait Prawn Fishery Management Plan 2008 [F2009L00505]*.
* Explanatory statement tabled with legislative instrument.

Indexed Lists of Files

The following documents were 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—Statements of compliance—

Defence portfolio agencies.
Finance and Deregulation portfolio agencies.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Treasury: Carbon Offsets for Air Travel**

(Question Nos 583, 603, 604 and 611)

Senator Minchin asked the Minister representing the Treasurer, upon notice, on 25 August 2008:

1. What are the department’s guidelines on the purchasing of carbon offsets for air travel.
2. In 2008, how many flights undertaken by departmental officials were carbon offsets purchased, and of these, how many were purchased for: (a) business class fares; and (b) economy class fares.
3. In the 2007-08 financial year, what was the additional cost to the department of purchasing carbon offsets for travel.

Senator Conroy—The Treasurer has provided the following answer to the honourable senator’s question:

1. The Treasury has no guidelines in relation to the purchasing of carbon offsets for air travel.
2. Nil.
3. Nil.

**Beijing Olympic Games**

(Question No. 657)

Senator Minchin asked the Special Minister of State, 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 Faulkner—The answer to the honourable senator’s question is as follows:

1. No.
2. Not applicable.
3. No.
4. Not applicable.

**Beijing Olympic Games**

(Question Nos 660 and 681)

Senator Minchin asked the Minister representing the Minister for Defence, 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.

QUESTIONS ON NOTICE
(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 Faulkner—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) and (2) No.

(3) Yes. An Australian Army Colonel travelled to Beijing in his capacity as the Prime Minister’s medical officer. He did not attend any events at the Olympic Games.

(4) (a) and (b) Travel and accommodation costs for the Army Colonel were borne by the Department of the Prime Minister and Cabinet.

(c) Expenses incurred by Defence for the Colonel’s travel to and from the airport in Canberra: $40.

Beijing Olympic Games

(Question No. 663)

Senator Minchin asked the Minister representing the Minister for Finance and Deregulation, 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 Sherry—The Minister for Finance and Deregulation has provided the following answer to the honourable senator’s question:

(1) No.

(2) Not applicable.

(3) No.

(4) Not applicable.

Beijing Olympic Games

(Question No. 665)

Senator Minchin asked the Minister for Broadband, Communications and the Digital Economy, 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 Conroy—The answer to the honourable senator’s question is as follows:
I did not attend, and nor did anyone from my Department attend, the Beijing Olympic Games in an official capacity.

Beijing Olympic Games
(Question No. 666)

Senator Minchin asked the Minister for Innovation, Industry, Science and Research, 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 Carr—The answer to the honourable senator’s question is as follows:

(1) No.

(2) Not applicable.

(3) Yes. Two departmental officials from the National Measurement Institute were invited by the Beijing Organizing Committee for the Olympic Games as both are part of the Australian World Anti-Doping Agency (WADA) accredited laboratory. These officers worked as expert scientists in the Beijing sports drug test laboratory during the 2008 games.

(4) Costs incurred by the department for officials were:
(a) Travel - $2209.94,
(b) Accommodation – N/A,
(c) Other Expenses - $446.06.

Beijing Olympic Games
(Question No. 667)

Senator Minchin asked the Minister for Climate Change and Water, 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 Wong—The answer to the honourable senator’s question is as follows:

(1) No
(2) n/a
(3) No
(4) n/a

Beijing Olympic Games
(Question No. 668)

Senator Minchin asked the Minister representing the Minister for the Environment, Heritage and the Arts, 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 Wong—The answer to the honourable senator’s question has provided the following answer to the honourable senator’s question:

(1) The Minister did not attend any event at the Beijing Olympic Games.

(2) N/A

(3) No officials from the Department of the Environment, Water, Heritage and the Arts attended the Beijing Olympic Games in their capacity as an employee of the Australian Government.

Beijing Olympic Games
(Question No. 671)

Senator Minchin asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, 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 Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) The Minister for Agriculture, Fisheries and Forestry did not attend any event at the Beijing Olympic Games in August 2008.
(2) Refer to response to Question on Notice 687 to 722.
(3) No officials from the Department of Agriculture, Fisheries and Forestry attended the Beijing Olympic Games in their capacity as an employee of the Australian Government.
(4) Refer to response to Question on Notice 687 to 722.

Beijing Olympic Games
(Question Nos 672 and 673)

Senator Minchin asked the Minister representing the Minister for Resources and Energy and the Minister representing the Minister for Tourism, upon notice, on 25 August 2008:

(1) 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 Carr—The Minister for Resources and Energy and the Minister for Tourism has provided the following answer to the honourable senator’s question:

(1) The Minister for Resources and Energy and the Minister for Tourism viewed part of the athletics program in the main stadium for less than an hour on 22 August 2008.
(2) The Minister was accompanied by one member of his personal staff and one departmental official from the Department of Resources, Energy and Tourism.
(3) See answer above. The departmental official was accompanying the Minister on his visit to China.
(4) The Minister, his adviser and the departmental official attended the Olympics event as part of the Minister’s program for his visit to China. Details of those costs are provided in response to Senator Minchin’s question on notice 708 and 709.

Beijing Olympic Games
(Question No. 682)

Senator Minchin asked the Minister representing the Minister for Small Business, Independent Contractors and the Service Economy, 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 Carr—The Minister for Small Business, Independent Contractors and the Service Economy has provided the following answer to the honourable senator’s question:

(1) No.

(2) Not applicable.

(3) & (4) Please refer to the answers provided to parts (3) and (4) in Question number 666.

Senator Carr—The Minister for Small Business, Independent Contractors and the Service Economy has provided the following answer to the honourable senator’s question:

Minister for Immigration and Citizenship and Parliamentary Secretary:

Overseas Travel

(Question No. 692)

Senator Minchin asked the Minister for Immigration and Citizenship, upon notice, on 25 August 2008:

Did the Minister or Parliamentary Secretary within the Minister’s portfolio travel 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 tax payer 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 Minchin asked the Minister for Immigration and Citizenship, upon notice, on 25 August 2008:

Did the Minister or Parliamentary Secretary within the Minister’s portfolio travel 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 tax payer 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 answer to the honourable senator’s question is as follows:

(1) The Minister for Immigration and Citizenship made one overseas visit from 5 to 12 August 2008 to Indonesia, Malaysia, Thailand and Singapore.

(2) Seven days.

(3) The purpose of the travel was to hold discussions with ministerial counterparts on irregular migration and the prevention and deterrence of people smuggling and trafficking in the region.

(4) The costs for the Minister are set out below:

(a) Travel - $6,110.90

(b) Accommodation - $1,450.00

(5) and (7) The Minister’s Chief of Staff accompanied him. The costs for the Chief of Staff are set out below:

(a) Travel - $6,763.10

(b) Accommodation - $1,350.00
QUESTIONS ON NOTICE

(6) None.

(8) The Secretary of the Department of Immigration and Citizenship accompanied the Minister. The costs for the Secretary are set out below:

(i) Travel - $8,650.00
(ii) Accommodation - $1,400.00

For questions 4 (c), 7(c) and 8 (iii), costs for the whole travelling party are in the order of $19,520, covering security, ground transport, travelling allowance, official hospitality, a charter flight to a refugee camp, gifts and miscellaneous expenses.

Notes:
- costs are based on information provided by Department of Finance and Deregulation (Finance) and reconciliation of costs processed by Posts as at 17 February 2009; and
- extracts of the Finance report on costs provide exact amounts of expenditure. Otherwise, costs are rounded to the nearest $50.

Minister for Defence, Minister for Defence Science and Personnel and Parliamentary Secretaries: Overseas Travel

(Question Nos 696 and 717)

Senator Minchin asked the Minister representing the Minister for Defence, 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 Faulkner—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) to (8) Please refer to the following tables.
### Minister for Defence

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<th>(1)</th>
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<tbody>
<tr>
<td>USA</td>
<td>6-19 July 2008</td>
<td>To meet ministerial counterparts and other interlocutors to discuss current military operations, acquisition cooperation and capability issues</td>
<td>(a) $18,680.74</td>
<td>2</td>
<td>None</td>
<td>(a) $36,060.63</td>
<td>(a) 3</td>
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<td></td>
<td></td>
<td></td>
<td>(b) $20,256.66¹</td>
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<td>(b) See (4)</td>
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<td></td>
<td></td>
<td></td>
<td>(c) $756.00</td>
<td></td>
<td></td>
<td>(b) (i) $52,993.17</td>
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<td></td>
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<td></td>
<td></td>
<td>(b) (ii) $9,159.65</td>
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<td></td>
<td>(b) (iii) $4,252.04</td>
<td></td>
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<tr>
<td>New Zealand</td>
<td>21-22 August 2008</td>
<td>To attend the annual Australia/New Zealand Defence ministerial talks</td>
<td>(a) $2,122.54</td>
<td>2</td>
<td>None</td>
<td>(a) $4,245.08</td>
<td>(a) 8</td>
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<td></td>
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<td></td>
<td>(b) $250.00 (estimate)</td>
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<td>(b) (i) $20,402.82</td>
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<td></td>
<td></td>
<td></td>
<td>(c) $126.00</td>
<td></td>
<td></td>
<td>(b) (ii) $4,048.88</td>
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<td></td>
<td>(b) (iii) $1,549.67</td>
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### Minister for Defence Science and Personnel

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<tr>
<td>USA and Canada</td>
<td>10-22 July 2008</td>
<td>Canada: To attend the Disarmament International Conference and receive briefings from the Canadian Armed Forces USA: To receive briefings from the US Department of Defense on the US Defence Science Program and to review US armed services initiatives and programs</td>
<td>(a) $22,531.61</td>
<td>1</td>
<td>None</td>
<td>(a) $21,081.53</td>
<td>(a) 1</td>
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<td></td>
<td></td>
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<td>(b) $3,030.20</td>
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<td>(b) $2,003.79</td>
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<td>(c) $6,132.67</td>
<td></td>
<td></td>
<td>(b) (i) $14,999.4</td>
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<td></td>
<td>(b) (ii) $2,156.04</td>
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<td>(b) (iii) $2,252.06</td>
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**Parliamentary Secretary for Defence Procurement**

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<tbody>
<tr>
<td>United Kingdom, France, Spain and the USA</td>
<td>14-30 July 2008</td>
<td>To meet foreign government and defence industry officials to investigate different procurement regimes, to investigate major Australian defence procurement projects overseas and to promote Australian defence industry to US and European governments and companies</td>
<td>(a) $10,933.15</td>
<td>1</td>
<td>1*</td>
<td>(a) $21,878.56</td>
<td>None</td>
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<td></td>
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<td></td>
<td>(b) $2,148.84</td>
<td></td>
<td></td>
<td>(b) $1,735.32</td>
<td>(excluding family member covered in (4) (b))</td>
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<td></td>
<td></td>
<td></td>
<td>(USA only)</td>
<td></td>
<td></td>
<td>(c) $2,899.31</td>
<td>(c) $1,606.85</td>
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**Parliamentary Secretary for Defence Support**

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</thead>
<tbody>
<tr>
<td>New Zealand</td>
<td>28 June– 2 July 2008</td>
<td>To hold bilateral discussions on a range of defence matters</td>
<td>(a) Borne by the New Zealand Government</td>
<td>None</td>
<td>(a)</td>
<td>$3,014.09</td>
<td>None</td>
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<td></td>
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<td>(b) Borne by the New Zealand Government</td>
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<td>(b) $496.04</td>
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<td>(c) $378.00</td>
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<td>(c) $584.55</td>
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* Includes ministerial staff costs

**Minister for Broadband, Communications and the Digital Economy: Overseas Travel (Question No. 701)**

Senator Minchin asked the Minister for Broadband, Communications and the Digital Economy, 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 travel.
3. What was the purpose of travel.
4. For each country visited, what 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 Conroy—The answer to the honourable senator’s question is as follows:
The information presented below is current as at 5 November 2008. The Department of Finance and Deregulation (DOFD), advised that as the dates of travel are quite recent, a proportion of this visit remains unreconciled (as at 5 November 2008). This means that DOFD may not have yet received all accounts and information from the Department of Foreign Affairs and Trade Overseas Posts, and may not have acquitted allowances paid. Some amounts reported may therefore include expenditure for items related to a different part of the question- these amounts are indicated in italics. It is also possible that DOFD will make further payments for items unknown at the reporting date.

(1) The Minister visited the USA and UK.

(2) 27 July - 8 August 2008.

(3) To consult with individuals and organisations in both countries regarding their strategies for digital television transition, particularly on assistance schemes for vulnerable people and on spectrum management post-switchover.

(4) (a) The total cost of the Minister’s travel was $20,841.05 - the cost of airfares are unable to be disaggregated and are for the entire trip.

(b) $20,809.67.

DOFD advised that individual accounts have not yet been received. This amount represents the cost of accommodation for the Minister and Adviser. DOFD is unable to disaggregate accommodation for the Minister and/or staff.

(c) $693

(5) One Adviser - departed Australia one day after Minister.

(6) None.

(7) (a) $20,455.70 the cost of airfares are unable to be disaggregated and are for the entire trip.

(b) see response to Part (4) (b).

(c) $591.23

(8) (a) Two departmental officers accompanied the Minister - one to the USA and one to the UK.

(b) (i) $14,191.82 (USA) $9,839.18 (UK)

(ii) $985 (USA) $2,207.79 (UK)

(iii) $957.50 (USA) $1,335.00 (UK)

Senator Minchin asked the Minister for Innovation, Industry, Science and Research, 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 Carr—The answer to the honourable senator’s question is as follows:
The Minister for Innovation, Industry, Science and Research did not undertake overseas travel during the months of July or August 2008.

Minister for Human Services: Overseas Travel
(Question No. 706)

Senator Minchin asked the Minister for Human Services, 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 Ludwig—The answer to the honourable senator’s question is as follows:
(1) New Zealand.
(2) 17 August 2008 to 20 August 2008.
(3) Portfolio related meetings.
(4) (a) $2,169.91.
   (b) (c) $1,104.48.
(5) One.
(6) Nil.
(7) (a) $2,169.91.
   (b) (c) $1,017.28.
(8) (a) One.
   (b) (i) $2,384.80.
     (ii) $557.72.
     (iii) $690.00.
Assistant Treasurer: Overseas Travel
(Question No. 711)

Senator Minchin asked the Minister representing the Assistant Treasurer, 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 Conroy—The Assistant Treasurer has provided the following answer to the honourable senator’s question:
(1) No overseas travel was undertaken during July and August 2008 by the Assistant Treasurer, the Hon. Chris Bowen MP.

Minister for Competition Policy and Consumer Affairs: Overseas Travel
(Question No. 712)

Senator Minchin asked the Minister representing the Minister for Competition Policy and Consumer 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 Sherry—The Minister for Competition Policy and Consumer Affairs has provided the following answer to the honourable senator’s question:

(1) No overseas travel was undertaken during July and August 2008 by the Minister for Competition Policy and Consumer Affairs, the Hon. Chris Bowen MP.

Minister for Small Business, Independent Contractors: Overseas Travel

(Question No. 718)

Senator Minchin asked the Minister representing the Minister for Small Business, Independent Contractors and the Service Economy, 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 Carr—The Minister for Small Business, Independent Contractors and the Service Economy has provided the following answer to the honourable senator’s question:


Prime Minister: Overseas Travel

(Question No. 723)

Senator Minchin asked the Minister representing the Prime Minister, upon notice, on 27 August 2008:

With reference to the answer (PM 41) provided on notice to Senator Fierravanti-Wells during the 2008-09 Budget estimates hearing of the Finance and Public Administration Committee:

(1) (a) How many family, personal staff and departmental officials accompanied the Prime Minister on his travel to: (i) Kuwait, Iraq, the United Arab Emirates and Afghanistan, (ii) East Timor, (iii) Papua New Guinea and the Solomon Islands, and (iv) the United States of America, Belgium, Romania, the United Kingdom and China; and (b) what was the role of each personal staff member travelling with the Prime Minister.
(2) In regard to the Prime Minister’s travel to Japan and Indonesia between 8 June and 14 June 2008: (a) what was the total cost to the taxpayer of the Prime Minister’s: (i) travel, (ii) accommodation, and (iii) any other expenses; (b) how many personal staff accompanied the Prime Minister and Ms Rein; (c) what was the role of each personal staff member; (d) what was the total cost for staff and family travelling with the Prime Minister in relation to: (i) travel, (ii) accommodation, and (iii) any other expenses; and (e) how many departmental officers accompanied the Prime Minister; and what was the total cost of their: (i) travel, (ii) accommodation, and (iii) any other expenses.
Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) (a) (i) zero, three, three; (ii) zero, four, two; (iii) zero, seven, three; (iv) one, 12, four
   (b) (i) Chief of Staff, Senior Policy Adviser, Senior Media Adviser
          (ii) Chief of Staff, Senior Policy Adviser, Media Adviser, Executive Assistant
          (iii) Deputy Chief of Staff, Senior Policy Adviser, Media Adviser, Executive Assistant, Executive Assistant, Media Assistant
          (iv) Chief of Staff, Senior Policy Adviser Foreign Affairs, Senior Media Adviser, Senior Adviser Economic, Senior Adviser Climate Change, Media Adviser, Adviser, Adviser, Adviser, Executive Assistant, Executive Assistant, Executive Assistant

(2) (a) As at 19 November 2008 the Department of Finance and Deregulation (Finance) had paid costs for the following:
   (i) Travel by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice)
   (ii) Accommodation/meals $1,723.56
   (iii) Other expenses: transport $31,332.20, office expenses $65,052.53 (this figure includes the cost of room hire and setup, equipment hire and telecommunications equipment), interpreting expenses $18,584.93, travel allowance $441.00, hospitality $32,725.84, incidentals $655.90
   (b) 11
   (c) Chief of Staff and Principal Adviser, Senior Policy Adviser Foreign Affairs, Executive Officer, Senior Press Secretary, Adviser, Press Secretary, Advancer, Advancer, Executive Assistant, Executive Assistant, Media Assistant
   (d) As at 19 November 2008 the Department of Finance and Deregulation (Finance) had paid costs for the following:
    (i) Airfare for advance party $10,254.16. Main party travelled by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice)
    (ii) Accommodation/meals $28,173.02
    (iii) Other expenses: travel allowances $5,432.80, incidentals $1,095.68
   (e) Four. Two travelled as members of the main party to Japan and Indonesia. One officer travelled in advance to Japan. One officer travelled in advance to Indonesia. As at 19 November 2008 the Department of the Prime Minister and Cabinet had paid costs for the following:
    (i) Airfare $14,332.54
    (ii) Accommodation/meals $3,781.30
    (iii) Other expenses: transport $16,482.93, office accommodation and equipment $7,979.32, incidentals $2,828.89, photographic services $20,436.17 (this figure includes post production, meals, transport and a daily fee for one Auspic officer)
Senator Ronaldson asked the Minister representing the Prime Minister, upon notice, on 25 September 2008:

(1) (a) What overseas travel was undertaken by the Minister; (b) what was the purpose of the Minister’s travel; (c) when did the Minister depart Australia; and (d) when did the Minister return to Australia.

(2) (a) What staff travelled with the Minister; (b) what duties were they expected to perform while overseas; and (c) were they paid an allowance; if so, how much.

(3) For each trip to the United States of America: (a) with whom did the Minister conduct official meetings; and (b) what was the purpose of those meetings.

(4) (a) on how many of these trips was the Minister accompanied by a business delegation; and (b) can details be provided of any delegation accompanying the Minister.

(5) Who met the cost of travel and other expenses associated with each trip.

(6) What was the total of the travel and associated expenses that were met by the department in relation to: (a) the Minister; (b) the Minister’s family; (c) the Minister’s staff; and (d) departmental and/or agency staff.

(7) What was the total cost, including but not necessarily limited to, fares, allowances, accommodation, hospitality, insurance and other costs, of the visit for: (a) the Minister; (b) the Minister’s family; and (c) the Minister’s staff.

(8) What was the total cost, including but not necessarily limited to, fares, allowances, accommodation, hospitality, insurance and other costs, of the visit for each departmental and/or agency officer.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

Prime Minister: Overseas Travel
(Question No. 750)

(i) Indonesia, East Timor

Indonesia to meet with the President, the Secretary-General of the United Nations (UN), the President of the World Bank, Sir Nicholas Stern (author of the Stern Review on the Economics of Climate Change), and Mr Al Gore (Former Vice-President of the United States of America and Nobel Peace Prize Laureate), to hold bilateral discussions with other regional Heads of Government, and to attend the United Nations Framework Convention on Climate Change Conference of the Parties; and East Timor to meet with the President, Prime Minister and President of the Parliament, and to visit Australian International Stabilisation Force personnel

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<th>(b)</th>
<th>(c)</th>
<th>(d)</th>
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<tr>
<td>(i) Indonesia, East Timor</td>
<td>Indonesia to meet with the President, the Secretary-General of the United Nations (UN), the President of the World Bank, Sir Nicholas Stern (author of the Stern Review on the Economics of Climate Change), and Mr Al Gore (Former Vice-President of the United States of America and Nobel Peace Prize Laureate), to hold bilateral discussions with other regional Heads of Government, and to attend the United Nations Framework Convention on Climate Change Conference of the Parties; and East Timor to meet with the President, Prime Minister and President of the Parliament, and to visit Australian International Stabilisation Force personnel</td>
<td>11 December</td>
<td>14 December</td>
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<td>(ii) Iraq, Afghanistan</td>
<td>Iraq to meet with the Prime Minister, United States Ambassador and General Petraeus, and to visit Australian Defence Force personnel; and Afghanistan to meet with the President and visit Australian troops</td>
<td>20 December</td>
<td>24 December</td>
</tr>
<tr>
<td>(iii) East Timor</td>
<td>East Timor to meet with the Prime Minister and UN representative and to visit Australian International Stabilisation Force personnel</td>
<td>15 February</td>
<td>15 February</td>
</tr>
<tr>
<td>(iv) PNG, Solomon Islands</td>
<td>Papua New Guinea to meet with the Governor-General, Prime Minister, members of the Cabinet and Opposition; and Solomon Islands to meet the Prime Minister and members of the Cabinet, and visit personnel attached to the Regional Assistance Mission to Solomon Islands</td>
<td>6 March</td>
<td>8 March</td>
</tr>
<tr>
<td>(v) USA, Belgium, Romania, UK, China</td>
<td>United States of America to meet with the President and other senior political, economic and foreign policy figures and the UN Secretary-General; Belgium to meet with the President and representatives of the European Union; Romania to hold discussions with regional North Atlantic Treaty Organization leaders; the United Kingdom to meet with the Her Majesty The Queen, the Prime Minister, Cabinet members and the Commonwealth Secretary-General, and attend the Progressive Governance Leaders’ Summit and Conference; and the People’s Republic of China to meet with the President and Premier, and to attend the Forum for Asia in Boao and meet other regional Heads of State and Heads of Government</td>
<td>27 March</td>
<td>13 April</td>
</tr>
<tr>
<td>(vi) Japan, Indonesia</td>
<td>Japan to meet with Their Majesties the Emperor and Empress, the Prime Minister and other political, business and academic leaders; and Indonesia to meet with the President, Vice President and ASEAN Secretary-General, witness the signings of a number of Memoranda of Understanding and commercial agreements, meet with the Governor of Banda Aceh and meet Australians and Indonesians working on Banda Aceh’s reconstruction and rehabilitation</td>
<td>8 June</td>
<td>14 June</td>
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QUESTIONS ON NOTICE
## QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>(a)</th>
<th>(b)</th>
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<tbody>
<tr>
<td>(vii) Japan, Malaysia</td>
<td>The purpose of the Prime Minister’s travel to Japan was to underscore the importance of the Australia-Japan relationship; to continue to strengthen and expand our economic, strategic and security cooperation; and to discuss regional and international issues of mutual interest. The purpose of the Prime Minister’s travel to Malaysia was to highlight the value Australia attaches to its relationship with Malaysia and to further renew bilateral relations through deeper and broader engagement and through working together on issues of mutual interest in the Asia Pacific region.</td>
<td>8 July</td>
<td>11 July</td>
</tr>
<tr>
<td>(viii) China, Korea, Singapore</td>
<td>The purpose of the Prime Minister’s visit to China was to support Australian athletes and to represent Australia at the Olympic Games; to support Australian economic/business interests in China; and to hold discussions with the Chinese leadership and other Heads of Government on a range of bilateral, regional and international issues. The purpose of the Prime Minister’s travel to the Republic of Korea (ROK) was to reaffirm and strengthen Australia’s long-standing economic relationship with ROK; to continue to strengthen Australia’s broader relationship with ROK; and to discuss regional and international issues of mutual interest. The purpose of the Prime Minister’s visit to Singapore was to reaffirm Australia’s long-standing diverse and highly-valued relationship with Singapore, including the defence relationship; to promote Australian economic/business interests; to promote education links; and to discuss regional and international issues of mutual interest.</td>
<td>7 August</td>
<td>12 August</td>
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### QUESTIONS ON NOTICE

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<th>(a)</th>
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<tbody>
<tr>
<td>(ix)</td>
<td>New Zealand, Niue</td>
<td>The Prime Minister undertook a bilateral program in Auckland en route to Niue in which he discussed closer cooperation in the Pacific with New Zealand on the eve of the Pacific Islands Forum, and addressed an international climate change conference and bilateral business lunch. In Niue, he attended the annual Forum leaders’ meeting, in which he took forward Australia’s renewed engagement with the region, including signature of the first Pacific Partnerships for Development</td>
<td>18 August</td>
<td>21 August</td>
</tr>
<tr>
<td>(x)</td>
<td>UNGA 63, New York</td>
<td>The Prime Minister visited New York (i) to hold high-level discussions with key global and US institutions on the unfolding global financial crisis, and (ii) to demonstrate Australia’s renewed engagement with the United Nations. The latter was advanced through advocating Australia’s approach on key multilateral issues, including the crisis, in a speech at the General Assembly and a series of bilateral leaders’ meetings, in which the Prime Minister also discussed Australia’s Security Council campaign</td>
<td>22 September</td>
<td>27 September</td>
</tr>
</tbody>
</table>

(2) (a, b)

(i)

Mr David Epstein, Chief of Staff  
Mr Gary Quinlan, Senior Policy Adviser  
Mr Lachlan Harris, Senior Media Adviser  
Ms Kate Callaghan, Senior Policy Adviser  
Ms Alex Gordon, Senior Policy Adviser  
Ms Virginia Dale, Advancer  
Ms Kate Shaw, Executive Assistant

(ii)

Mr David Epstein, Chief of Staff  
Mr Gary Quinlan, Senior Policy Adviser  
Mr Lachlan Harris, Senior Media Adviser

(iii)

Mr David Epstein, Chief of Staff  
Mr Gary Quinlan, Senior Policy Adviser  
Ms Fiona Sugden, Media Adviser  
Ms Kate Shaw, Executive Assistant
QUESTIONS ON NOTICE

(iv)
Mr Alister Jordan, Deputy Chief of Staff
Mr Gary Quinlan, Senior Policy Adviser
Ms Fiona Sugden, Media Adviser
Ms Virginia Dale, Advancer
Ms Kate Shaw, Executive Assistant
Ms Jill Brunson, Executive Assistant
Ms Maggie Lloyd, Media Assistant

(v)
Ms Therese Rein
Mr David Epstein, Chief of Staff and Principal Adviser
Mr Gary Quinlan, Senior Policy Adviser Foreign Affairs
Mr Lachlan Harris, Senior Media Adviser
Dr Steven Kennedy, Senior Adviser Economic
Ms Alex Gordon, Senior Adviser Climate Change
Ms Fiona Sugden, Media Adviser
Mr Scott Dewar, Adviser
Ms Virginia Dale, Advancer
Mr John Fisher, Adviser
Ms Tracey Robinson, Advancer
Ms Kate Shaw, Executive Assistant
Ms Jill Brunson, Executive Assistant

(vi)
Mr David Epstein, Chief of Staff and Principal Adviser
Mr Gary Quinlan, Senior Policy Adviser Foreign Affairs
Ms Annie O’Rourke, Executive Officer
Mr Lachlan Harris, Senior Press Secretary
Mr Scott Dewar, Adviser
Mr George Wright, Press Secretary
Ms Virginia Dale, Advancer
Ms Tracey Robinson, Advancer
Ms Jill Brunson, Executive Assistant
Ms Emily Jellis, Executive Assistant
Mr Adam Collins, Media Assistant

(vii)
Mr David Epstein, Chief of Staff and Principal Adviser
Ms Annie O’Rourke, Executive Officer
Mr Lachlan Harris, Senior Press Secretary
Mr Scott Dewar, Adviser
Dr Andrew Charlton, Adviser Economics
Ms Fiona Sugden, Media Adviser
Ms Virginia Dale, Advancer
Ms Jill Brunson, Executive Assistant
Ms Emily Jellis, Executive Assistant
Mr Brad Welsh, Media Assistant

(viii)
Ms Therese Rein
Mr Alister Jordan, Deputy Chief of Staff
Mr Gary Quinlan, Senior Policy Adviser Foreign Affairs
Mr Lachlan Harris, Senior Press Secretary
Mr Scott Dewar, Adviser
Dr Andrew Charlton, Adviser Economics
Mr Tim Gleason, Media Adviser
Ms Corri McKenzie, Assistant Political Adviser
Ms Virginia Dale, Advancer
Ms Elida Jaksic, Advancer
Ms Jill Brunson, Executive Assistant
Ms Emily Jellis, Executive Assistant
Mr Adam Collins, Media Assistant

(ix)
Mr Alister Jordan, Deputy Chief of Staff
Mr Gary Quinlan, Senior Policy Adviser Foreign Affairs
Dr Andrew Charlton, Adviser Economics
Ms Corri McKenzie, Adviser
Ms Virginia Dale, Advancer
Ms Elida Jaksic, Advancer
Ms Maggie Lloyd, Media Assistant
Ms Jill Brunson, Executive Assistant
Ms Emily Jellis, Executive Assistant

(x)
Ms Therese Rein
Mr David Epstein, Chief of Staff and Principal Adviser
Mr Gary Quinlan
Senior Policy Adviser Foreign Affairs
Mr Lachlan Harris, Senior Media Adviser
Mr Scott Dewar, Adviser
Dr Andrew Charlton, Adviser Economics
Ms Maria Hawthorne, Media Adviser

QUESTIONS ON NOTICE
Mr Peter Stephens, Adviser
Ms Virginia Dale, Advancer
Ms Maggie Lloyd, Media Assistant
Ms Kate Shaw, Executive Assistant
Ms Jill Brunson, Executive Assistant

(c) Yes, see answer provided in (7).

(3) For each trip to the United States of America: (a) with whom did the Minister conduct official meetings; and (b) what was the purpose of those meetings.

USA, Belgium, Romania, UK & China
27 March-13 April 2008

**Friday 28 March 2008**

<table>
<thead>
<tr>
<th>Time</th>
<th>Meeting Details</th>
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<tbody>
<tr>
<td>10.10 am</td>
<td>Meeting with the Honourable George W Bush <em>President</em></td>
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<tr>
<td>to 11.10 am</td>
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<tr>
<td>1.10 pm</td>
<td>Meeting with the Honourable Richard Cheney <em>Vice President</em></td>
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<tr>
<td>to 1.35 pm</td>
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<tr>
<td>3.00 pm</td>
<td>Meeting with the Honourable Hank Paulson <em>Secretary of the Treasury</em></td>
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<tr>
<td>to 3.45 pm</td>
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<tr>
<td>4.00 pm</td>
<td>Meeting with the Honourable Dr Condoleezza Rice <em>Secretary of State</em></td>
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<tr>
<td>to 4.45 pm</td>
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<tr>
<td>5.05 pm</td>
<td>Meeting with the Honourable Dr Robert Gates <em>Secretary of Defense</em></td>
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<tr>
<td>to 5.45 pm</td>
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<tr>
<td>6.00 pm</td>
<td>Meeting with the Honourable Ben Bernanke</td>
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<td>to 6.45 pm</td>
<td><em>Federal Reserve Bank Chairman</em></td>
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**Saturday 29 March 2008**

<table>
<thead>
<tr>
<th>Time</th>
<th>Meeting Details</th>
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<tbody>
<tr>
<td>9.30 am</td>
<td>Meeting with Mr Christopher Cox, <em>Chairman, Securities and Exchange Commission</em></td>
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<tr>
<td>to 10.00 am</td>
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<tr>
<td>4.00 pm</td>
<td>Meeting with His Excellency Mr Ban Ki-Moon <em>Secretary-General, United Nations</em></td>
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<tr>
<td>to 4.45 pm</td>
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**Monday 31 March 2008**

<table>
<thead>
<tr>
<th>Time</th>
<th>Meeting Details</th>
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<tbody>
<tr>
<td>2.30 pm</td>
<td>Meeting with Senate Leadership</td>
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<tr>
<td>to 3.15 pm</td>
<td><em>led by Harry Reid</em></td>
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**Tuesday 1 April 2008**

<table>
<thead>
<tr>
<th>Time</th>
<th>Meeting Details</th>
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<tbody>
<tr>
<td>7.00 am</td>
<td>Breakfast with senior Administration officials on China</td>
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<tr>
<td>to 8.15 am</td>
<td>(Negroponte, Kimmitt, Shinn, Christensen)</td>
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<tr>
<td>8.30 am</td>
<td>Meeting with the Honourable John McCain</td>
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<tr>
<td>to 9.15 am</td>
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<tr>
<td>9.30 am</td>
<td>Meeting with the Honourable Susan Schwab,</td>
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<tr>
<td>to 10.15 am</td>
<td><em>United States Trade Representative</em></td>
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<tr>
<td>10.30 am</td>
<td>Meeting with the Hon Samuel W Bodman,</td>
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<tr>
<td>to 11.15 am</td>
<td><em>Secretary of Energy</em></td>
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<tr>
<td>11.40 am</td>
<td>Meeting with the Honourable Mike McConnell,</td>
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<tr>
<td>to 12 noon</td>
<td><em>Director of National Intelligence</em></td>
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<tr>
<td>2.00 pm</td>
<td>Meeting with the Honourable Robert B Zoellick,</td>
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<tr>
<td>to 2.45 pm</td>
<td><em>President of The World Bank</em></td>
</tr>
<tr>
<td>3.00 pm</td>
<td>Meeting with House Leadership <em>led by Nancy Pelosi</em></td>
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<tr>
<td>to 3.30 pm</td>
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QUESTIONS ON NOTICE
New York UNGA 63.
22 to 27 September 2008

**Monday 22 September 2008**
- 6.35 am to 7.30 am: Breakfast meeting with Admiral Timothy Keating USN, Commander, United States Pacific Command

**Tuesday 23 September 2008**
- 9.00 am to 11.00 am: Attended opening of UNGA63 General Debate
- 11.00 am to 11.30 am: Spoke to Hamid Karzai, President of Afghanistan
- 11.30 am: Met HE Mr Demetris Christofias, President of the Republic of Cyprus
- 12.00 noon to 12.30 pm: Met Mr Anibal Cavaco Silva, President of Portugal
- 12.30 pm to 1.00 pm: Met with HE Mr Bayar Sanj, Prime Minister of Mongolia
- 2.00 pm to 2.45 pm: Met HE Mrs Ellen Johnson-Sirleaf, President of the Republic of Liberia
- 3.30 pm to 4.20 pm: Met Mr Rupert Murdoch, Director-General, International Labour Organisation
- 4.30 pm to 4.40 pm: Telephone discussion with Donald L Kohn, Vice Chairman, Federal Reserve
- 5.00 pm to 5.15 pm: Met with Mr James Wolfensohn AO

**Wednesday 24 September 2008**
- 7.30 am to 9.00 am: Addressed The Climate Group round table breakfast. “Political Climate change: Australia’s Bold, New Vision for the Low-Carbon Economy”
- 9.45 am: Met HE Mr Yoweri Museveni, President of the Republic of Uganda
- 10.10 am: Met HE Mr Abdullah Gul, President of Turkey
- 10.45 am: Ratified International Tropical Timber Agreement (ITTA) with Patricia O’Brien, UN Legal Counsel
- 11.30 am: Met Dr Henry Kissinger
- 2.00 pm: Met HE Mr Paul Kagame, President of Rwanda
- 2.30 pm: Met the Hon Dr Lawrence Gonzi, Prime Minister of Malta
3.00 pm to 4.30 pm  Attended Special Commonwealth Heads of Government Meeting (SCHOGM) on reform of international institutions

4.30 pm to 5.00 pm  Met HE Lyonchen Jigmi Y Thinley, Prime Minister of the Kingdom of Bhutan

5.00 pm to 5.05 pm  Brief introduction to HE Jean Ping, Chair of the African Commission, African Union

5.45 pm to 6.15 pm  Met UN Secretary-General Ban Ki-moon

7.30 pm to 8.15 pm  Attended meeting hosted by the Prime Minister of the United Kingdom on the global financial crisis

11.15 pm to 11.45 pm  Attended informal meeting with David Miliband, Foreign Secretary of the United Kingdom

Thursday 25 September 2008

7.30 am to 8.30 am  Breakfast with Dr Vishakha Desai and Ambassador Richard Holbrooke, Asia Society

8.45 am to 10.00 am  Attended opening Session of UN High Level Event (HLE) on the Millennium Development Goals (MDGs)

9.40 am to 10.00 am  Signed MOU with President Clinton, Clinton Global Initiative

10.30 am to 11.00 am  Attended meeting with José Manuel Barroso, President of the European Commission

11.00 am to 11.30 am  Attended UN MDG HLE – Thematic Roundtable on Education and Health co-chaired by Slovenia and Kuwait

12.30 pm to 1.50 pm  Attended MDG partnership event on Malaria, made joint statement with the President of Vanuatu and the Prime Minister of the Solomon Islands

2.00 pm to 3.00 pm  Co-chaired MDG partnership event on Education for All, with Gordon Brown, Prime Minister of the United Kingdom

3.15 pm to 4.05 pm  Met Mr Timothy Geithner, President, Federal Reserve Bank of New York with Gordon Brown, Prime Minister of the United Kingdom

4.05 pm to 4.40 pm  Attended joint media conference to launch the International Commission on Nuclear Non-Proliferation and Disarmament (ICNND)

5.00 pm to 7.20 pm  Attended UNGA63 General Debate

7.20 pm to 7.40 pm  Addressed UNGA63

(4) (a) Nil.

(5) The Department of Finance and Deregulation and the Department of the Prime Minister and Cabinet.

(6) See (7) and (8).

(7) As at 19 November 2008 the Department of Finance and Deregulation (Finance) had paid costs for the following:

(i) (a) and (b) Travel by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established prac-
(c) Airfare for advance party $6,605.28, main party travelled by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Accommodation/meals $9,202.39, travel allowance $2,791.62

(ii) (a) and (b) Travel by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Accommodation/meals $10,113.42, travel allowance $189, incidentals $140.97, hospitality $5,054.93

(c) The party travelled by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Accommodation/meals $16,982.55, travel allowance $621.68

(iii) (a), (b) Travel by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Travel allowance $63, incidentals $38.

(c) The party travelled by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Incidentals $114

(iv) (a), (b) Travel by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Travel allowance $189

(c) Airfare for advance party $5,134.73, main party travelled by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Accommodation/meals $7,130.36, travel allowance $2,666.87, incidentals $907.14, immunisations $936.76

(v) (a), (b) Travel by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Accommodation/meals $3,554.95, travel allowance $1,071, incidentals $226.93, hospitality $1,882.72, interpreting $16,362.39, office expenses $55,743.57 (this figure includes the cost of room hire and setup, equipment hire and telecommunications equipment), transport $17,413.63

(c) Airfare for advance party $52,244.60, main party travelled by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Accommodation/meals $102,654.08, travel allowance $10,130.38, incidentals $1,817.72, immunisations $270.34

(vi) (a), (b) Travel by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Accommodation/meals $1,723.56, travel allowance $441.00, transport $31,332.20, office expenses $65,052.53 (this figure includes the cost of room hire and setup, equipment hire and telecommunications equipment), interpreting expenses $18,584.93, hospitality $32,725.84, incidentals $655.90

(c) Airfare for advance party $10,254.16, main party travelled by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Accommodation/meals $28,173.02, travel allowance $5,432.80, incidentals $1,095.68
(vii) (a), (b) Travel by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Accommodation/meals $4,47, travel allowance $189.00, incidentals $1,270.35, office expenses $51,989.28 (this figure includes the cost of room hire and setup, equipment hire and telecommunications equipment), interpreting $4,133.83, transport $18,674.20

(c) Airfare for advance party $9,842.31, main party travelled by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Accommodation/meals $21,926.47, travel allowance $1,605.99, incidentals $1,691.63

(viii) (a), (b) Travel by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Accommodation/meals $62.25, travel allowance $378, hospitality $2,229.18

(c) Airfare for advance party $25,735, main party travelled by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Accommodation/meals $20,658.74, travel allowance $3,975.20, incidentals $3,079.91

(ix) (a), (b) Travel by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Accommodation/meals $231.47, travel allowance $189, hospitality $301.52, office expenses $7,281.23, transport $8,618.52

(c) Airfare for advance party $3,365.71, main party travelled by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Accommodation/meals $25,540.33, travel allowance $1,156.87

(x) (a), (b) Travel by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice). Accommodation/meals nil, incidentals $147.28, office expenses $14,191.19, transport $112.95

(c) Airfare for advance party $14,128.80, main party travelled by Special Purpose Aircraft (costs of travel by Special Purpose Aircraft will be tabled in the Parliament by the Department of Defence in accordance with established practice), airfares for four members of the Prime Minister’s Office who travelled independently on commercial aircraft $51,804.91. Accommodation/meals $45,490.69, travel allowance $4,949.05

(8)

(i) Airfares $10,268.89, accommodation/meals $8,934.56, advance office room and equipment $4,740.70, transport $6,643.81

(ii) Airfares $10,820.08, accommodation/meals $5,441.81

(iii) Nil

(iv) Airfares $5,554.92, accommodation/meals $7,121.36, other expenses $1,780.28

(v) Airfares $30,440.60, accommodation/meals $27,712, office support costs $9,298.63, transport $14,034.09, other expenses $5,700.57

(vi) Airfares $14,332.54, accommodation/meals $3,781.30, office accommodation and equipment $7,979.32, transport $16,482.93, incidentals $2,828.89, photographic services $20,436.17 (this figure includes post production, meals, transport and a daily fee for one Auspic officer)

(vii) Airfares $25,458.61, accommodation/meals $12,859.39, office accommodation and equipment $13,922.63, incidentals $243.30, transport $2,527.84
(viii) Airfares $25,390.84, accommodation/meals $3,825.00, other expenses $2,694.25
(ix) Airfares $7,042.24, accommodation/meals $3,349.52, transport $2,244.78, office equipment $2,808.64, office supplies $13,172.35
(x) Airfares $10,375.50, accommodation/meals $11,350.48, office accommodation and equipment $4558.56, incidentals $3,186.36

Luxury Car Tax Legislation
(Question No. 789)
Senator Abetz asked the Minister representing the Treasurer, upon notice, on 13 November 2008:
Was the Australian Taxation Office consulted in relation to the: (a) definition of ‘tourist activity’ for the purposes of the amendments to the Tax Laws Amendment (Luxury Car Tax) Bill 2008 and related bills; if so, when did the consultations begin; and (b) drafting of regulations pursuant to the legislative changes; if so, when did the consultations begin.

Senator Conroy—The Treasurer has provided the following answer to the honourable senator’s question:
Treasury undertook consultations with the Australian Taxation Office regarding the drafting of regulations for the purposes of the amendments contained in the Tax Laws Amendment (Luxury Car Tax) Act 2008, including the definition of ‘tourist activity’. These consultations commenced on 25 September 2008.

Cooperative Research Centres and Business Enterprise Centres
(Question No. 793)
Senator Abetz asked the Minister for Innovation, Industry, Science and Research, upon notice, on 13 November 2008:
With reference to the 2008-09 Budget estimates hearing of the Economics Committee:
(1) In regard to the answer to question BI41, a figure was given of $109 622.93 for the grand total of year-to-date payments as at 14 July 2008: is there an update on this figure; if so: (a) what is it; and (b) what amount of this figure No. 52—3 February 2009 39 accrues to each of: (i) Professor Alan Hughes, (ii) Professor Richard Lester, and (iii) Professor Stan Metcalf.
(2) In regard to the answer to question BI43: (a) what extra funding has been provided to the cooperative research centre (CRC) for Australian Weed Management for its extension until 31 December 2008; (b) has the CRC for Innovative Dairy Products accepted the offer of an extension until 31 December 2009; if so, how much money has been allocated for this extension; and (c) has the CRC for Tropical Savannas Management accepted an offer of extension to their Commonwealth Agreement until 31 December 2009; if so, how much extra funding has been provided.
(3) In regard to the answer to question BI47: (a) on what basis has the exact yearly grant been calculated for each Business Enterprise Centre (BEC); and (b) how much will be allocated to each of the 36 BECs.
(4) In regard to the answers to questions BI50 and BI53: (a) is it asserted that the Small Business Field Officer program did not provide the services referred to in BI53 as business planning advice on loans and banking products, simple marketing plans, legal and accounting services, leasing guidance, staff training programs, and programs that cater for the needs of women, please specify in relation to each one; and (b) do the BECs simply refer clients to lawyers, accountants and professionals in the various areas or do they provide the specific advice.
(5) In regard to the answer to question BI54: has the department undertaken any analysis or investigation as part of determining the exact grant given to each BEC.

(6) In regard to the answer to question BI55: was an analysis or investigation conducted or undertaken by the department to determine whether the BEC program would be effective; if so, what were they.

(7) In regard to the answer to question BI69: (a) which certificates and professional, educational and vocational qualifications and certifications will be required as part of the funding agreement; and (b) will the department be undertaking an audit of each BEC as to the level of qualification of all officers.

Senator Carr—The answer to the honourable senator’s question is as follows:

(1) (a) The total of costs for international experts brought to Australia for the Innovation Review is $131,703.61. This covers the period of the Review and is an increase of $22,080.68 on the previously notified year to date costs to 14 July 2008.

(b) (i) All of the increase can be attributed to a second visit by Professor Alan Hughes with the following breakdown:

- Professional fees: $1453.93 per day for 14.5 days = $21,081.95
- Meal Allowance: $79.29 per day for 1 day = $79.29
- Domestic Airfares: $370.30
- Taxi fares: $532.14

Total increase: $22,080.68

(ii) There have been no additional costs for Professor Richard Lester

(iii) There have been no additional costs for Professor Stan Metcalf

(2) (a) The CRC for Australian Weed Management received funding of $20.3 million over the period 1 July 2001 to 30 June 2008 but no additional CRC Program funds were included in the extension to 31 December 2008 of their Commonwealth Agreement.

(b) The CRC for Innovative Dairy Products received funding of $17 million over the period 1 July 2001 to 30 June 2008 and has accepted the offer of an extension to their Commonwealth Agreement until 31 December 2009. Additional funding of $630,000 in CRC Program funds has been approved for this extension.

(c) The CRC for Tropical Savannas Management received funding of $18.2 million over the period 1 July 2001 to 30 June 2008 and has accepted the offer of an extension to their Commonwealth Agreement until 31 December 2009. Additional funding of $600,000 in CRC Program funds has been approved for this extension.

3 (a) The decision in the 2008-09 Budget to fund 36 BECs reflects a commitment developed and announced, by the then Opposition, prior to the 2007 Election.

(b) BEC Funding Announcements by State.

<table>
<thead>
<tr>
<th>Business Enterprise Centre (BEC)</th>
<th>Funding per annum (Ex GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NEW SOUTH WALES</strong></td>
<td></td>
</tr>
<tr>
<td>1 Capital Region BEC (Queanbeyan)</td>
<td>$350,000.00</td>
</tr>
<tr>
<td>2 Business Enterprise Centre St George &amp; Sutherland Shire (Kirrawee)</td>
<td>$150,000.00</td>
</tr>
<tr>
<td>3 Central Coast Business Enterprise Centre (Tuggerah)</td>
<td>$250,000.00</td>
</tr>
<tr>
<td>4 BEC Cabonne Orange Blayney (Orange)</td>
<td>$300,000.00</td>
</tr>
<tr>
<td>5 Clearly Business (Sydney)</td>
<td>$350,000.00</td>
</tr>
</tbody>
</table>
Business Enterprise Centre (BEC) | Funding per annum (Ex GST)
--- | ---
6 Hunter Region Business Enterprise Centre Inc (Kurri Kurri) | $300,000.00
7 Macarthur Business Enterprise Centre (Campbelltown) | $350,000.00
8 Murray Hume Business Enterprise Centre (Albury) | $150,000.00
9 Northern Rivers Business Enterprise Centre (Lismore) | $250,000.00
10 Penrith Valley Business Enterprise Centre (Penrith) | $350,000.00
**NORTHERN TERRITORY** | 
11 BEC Darwin (Winnellie) | $300,000.00
**QUEENSLAND** | 
12 The North Queensland Small Business Development Centre (Condon) | $300,000.00
13 Caboolture Business Enterprise Centre (Caboolture) | $300,000.00
14 Business Enterprise Centre Ipswich Region (Ipswich) | $300,000.00
**SOUTH AUSTRALIA** | 
15 Eastside Business Enterprise Centre Inc (Payneham) | $250,000.00
16 Inner Southern Business Enterprise Centre Inc (Clarence Gardens) | $300,000.00
17 Inner West Business Enterprise Centre Inc (Thebarton) | $300,000.00
18 North West Business Development Centre (Port Adelaide) | $300,000.00
19 Northern Adelaide Business Enterprise Centre Inc (Elizabeth West) | $250,000.00
20 Salisbury Business & Export Centre (Mawson Lakes) | $250,000.00
21 Southern Success Business Enterprise Centre (Morphett Vale) | $300,000.00
22 BEC Tea Tree Gully (St Agnes) | $300,000.00
**TASMANIA** | 
23 Break O’Day Business Enterprise Centre (St Helens) | $100,000.00
24 Business and Employment (Devonport and Burnie) | $250,000.00
25 Business and Employment (Launceston and Hobart) | $250,000.00
26 Meander Valley Enterprise Centre Inc (Deloraine) | $100,000.00
**VICTORIA** | 
27 Eureka BEC (Ballarat) | $300,000.00
28 Box Hill Business Enterprise Centre (Box Hill) | $350,000.00
29 Murray Hume Business Enterprise Centre (Wodonga) | $150,000.00
**WESTERN AUSTRALIA** | 
30 Belmont BEC (Belmont) | $250,000.00
31 Small Business Centre Bunbury-Wellington (Bunbury) | $250,000.00
32 Coastal Business Centre Inc (Fremantle) | $250,000.00
33 Small Business Centre East Metro (Midland) | $300,000.00
34 BEC Welshpool (Welshpool) | $250,000.00
35 Small Business Centre South West Metro (Rockingham) | $300,000.00
36 Small Business Centre Stirling (Balcatta) | $300,000.00

Please note that some of these names differ somewhat from those supplied to you in Question No BI-45. This list has been updated with the most current (as at 12 February 2009) trading names.

(4) (a) Yes. The Small Business Field Officer funding agreement did not provide funding for any of the following services: business planning, advice on loans and banking products, simple marketing plans, legal and accounting services, leasing guidance, staff training programs, and programs that cater for the needs of women.

(b) The BECs have each implemented procedures that suit their local situation for the provision of legal, accounting and other professional services. Most BECs are undertaking some form of client screening before providing a subsidised referral to a more specialised legal or account-
ing service provider. BECs with the relevant expertise and capacity are providing some of these services in house.

(5) No. The decision in the 2008-09 Budget to fund 36 BECs reflects a commitment developed and announced, by the then Opposition, prior to the 2007 Election.

(6) No. The decision in the 2008-09 Budget to fund 36 BECs reflects a commitment developed and announced, by the then Opposition, prior to the 2007 Election.

(7) (a) The BEC funding agreement does not specify which certificates and professional, educational and vocational qualifications and certifications that organisations or staff are required to have.

(b) AusIndustry does not get involved in the day to day management or selection of staff in these organisations. The selection of appropriately skilled staff is a matter for the management team of each BEC. Consistent with practices for all programs administered by AusIndustry, AusIndustry will undertake compliance activities in accordance with risk. In relation to BECs, AusIndustry anticipates that they will undertake at least one compliance visit to each of the BECs over the life of the funding agreement.

**Defence: Staffing**
**(Question No. 797)**

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:

(1) Was there a reduction in uniformed staffing numbers as a result of the efficiency dividend and/or other budget cuts in the army, navy or air force; if so, where and at what level.

(2) Was there a reduction in civilian staffing numbers as a result of the efficiency dividend and/or other budget cuts in the army, navy or air force; if so, where and at what level.

Senator Faulkner—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) No.

(2) No.

**Defence: Hospitality**
**(Question Nos 808 and 809)**

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, in the period 1 April to 30 September 2008: (a) what was the department’s hospitality spend; and (b) for each departmental hospitality event, can the following details be provided (i) date, (ii) location, (iii) purpose, (iv) cost.

(2) (a) For the Office of the Minister, what was the total hospitality spend in the period 1 April to 30 September 2008; and (b) for each hospitality event in the office, can the following details be provided: (i) date, (ii) location, (iii) purpose, and (iv) cost.

Senator Faulkner—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) (a) Defence: $917,803, inclusive of GST.

This amount comprised:

Representation allowances paid to members stationed overseas
This expense related to Defence members required to represent the Defence organisation at official events while on duty overseas: $502,807

Other official entertainment costs incurred by Defence

This expense included dinners for official visitors from overseas and refreshment costs for events that marked significant achievements and involved attendance by people external to Defence: $414,996

Defence Housing Australia: $29,884, exclusive of GST.

(b) Defence’s financial systems do not include the detailed breakdown requested. However, Defence’s Chief Executive Instruction on official hospitality requires written records of attendees, venue, delegate’s approval and final costs to be kept. These records are maintained on individual files across Defence Groups and the Services. To collate information manually solely for the purpose of answering this question would be a major task and I am not prepared to authorise the expenditure and effort that would be required.

(2) (a) Minister for Defence: $3,126.25, inclusive of GST.

Minister for Defence Science and Personnel: $753.75, inclusive of GST.

(b) Minister for Defence:

(i) 28 May 2008.
(ii) Aubergine Restaurant, Canberra.
(iii) Dinner for UK Secretary of State for Defence, the UK Chief of the Defence Staff and 13 other guests.
(iv) $2,057.00.

(i) 29 May 2008.
(ii) Parliament House, Canberra.
(iii) To meet with visiting UK Defence delegation.
(iv) $65.75.

(i) 2 July 2008.
(ii) Daniels Steakhouse, Sydney.
(iii) To meet with newly appointed Service Chiefs.
(iv) $449.50.

(i) 21 July 2008.
(ii) Sofitel Wentworth, Sydney.
(iii) White Paper team to provide Minister with an update on progress.
(iv) $554.00.

Minister for Defence Science and Personnel:

(i) 2 June 2008.
(ii) Parliament House, Canberra.
(iii) Defence Women’s Roundtable.
(iv) $165.75.

(i) 17 June 2008.
(ii) Parliament House, Canberra.
(iii) Defence Women’s Roundtable.
(iv) $145.75.
(i) 19 June 2008.
(ii) Parliament House, Canberra.
(iii) Defence Women’s Roundtable.
(iv) $185.75.
(i) 4 June 2008.
(ii) Parliament House, Canberra.
(iii) Defence Women’s Roundtable.
(iv) $145.75.
(i) 27 June 2008.
(ii) Parliament House, Canberra.
(iii) Defence Women’s Roundtable.
(iv) $110.75.

**Defence: Government Appointments**

**(Question Nos 810 and 811)**

**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, what appointments to boards or committees were made in the period 1 April to 30 September 2008.

**Senator Faulkner**—The Minister for Defence has provided the following answer to the honourable senator’s question:

Please see Defence’s response to the Senate Order on Grants and Government Appointments tabled on 9 October 2008, and the responses to question W1 from the Senate Standing Committee for Foreign Affairs, Defence and Trade Senate Additional Estimate Hearing on 4 June 2008 and Senate Question on Notice No. 849.

**Minister for Defence and Minister for Defence Science and Personnel: Overseas Travel**

**(Question Nos 812 and 813)**

**Senator Johnston** asked the Minister representing the Minister for Defence, upon notice, on 13 November 2008:

For the period 1 April to 30 September 2008:

1. (a) Did the Minister or associated Parliamentary Secretary travel overseas on official business; if so: (i) to what destination, (ii) for what duration, and (iii) for what purpose; and (b) what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.
2. (a) Which ministerial staff accompanied the Minister or associated Parliamentary Secretary; and (b) for these staff, what was the cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.
3. (a) Which departmental officers accompanied the Minister or associated Parliamentary Secretary on each trip; and (b) for these officers, what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.
4. (a) Apart from ministerial staff and departmental officers, who else accompanied the Minister or associated Parliamentary Secretary on each trip; and (b) for each of these people, what was the total cost of: (i) travel, (ii) accommodation, and (iii) any other expenses.
Senator Faulkner—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) and (2) Please refer to the Parliamentarians’ travel costs paid for by the Department of Finance and Deregulation report. This report is tabled biannually and gives details of the dates, purpose, destinations and cost of travel. Further information on ministerial visits is available on ministerial websites, media releases and media reports.

Minister for Defence’s trip to Romania, 1-6 April 2008:

(3) (a) Nick Warner (Secretary of Defence)
   ACM Angus Houston (Chief of the Defence Force)
   Julie Roberts (Executive Assistant to the Secretary of Defence)
   COL Fergus McLachlan (then Chief of Staff to the CDF)
   CPL Daniel Kenneday (Signaller)

   (b) (i) $66,250.61
   (ii) $5,919.20
   (iii) $17,264.94

(4) No one, apart from those mentioned above, accompanied the Minister on this visit.

Minister for Defence’s trip to Turkey and the Middle East, 22-30 April 2008:

(3) (a) AIRMSHL Geoff Shepherd (then Chief of Air Force)
   WGCdr Mark Paterson (Staff Officer)
   FLTLT Anita Kretschmann (then Aide de Camp to CAF)
   WOFF Ray Woolnough (Warrant Officer of the Air Force)
   Andrew Anderson (Strategic Communications Adviser)
   CAPT Ben Alward (then Aide de Camp to the Minister for Defence)

   (b) (i) $96,397.51
   (ii) $10,762.06
   (iii) $7,455.04

(4) (a) Mrs Anne Shepherd (spouse of the previous Chief of Air Force)
   Federal Agent Ben McIntyre (Australian Federal Police)*
   Professor Scott Holmes**

*The Australian Federal Police does not provide detail on security arrangements or protection costs for the Minister as doing so may breach the Minister’s security.

** Professor Holmes travelled with the Minister for Defence on the ANZAC Day trip at no cost to the Government.

   (b) (i) $19,485.00 (Mrs Shepherd only)
   (ii) Nil.
   (iii) $665.00 (Mrs Shepherd only)

Minister for Defence’s trip to Singapore, 30 May to 2 June 2008:

(3) (a) ACM Angus Houston
   COL Fergus McLachlan
   Simeon Gilding (First Assistant Secretary International Policy)
   CAPT Ben Alward
Dr Robert McGregor (International Policy Division)
Jacqueline Boorsboom (International Policy Division)

(b) (i) $31,728.88
(ii) $15,130.04
(iii) 1,685.67

(4) No one, apart from those mentioned above, accompanied the Minister on this visit.

Minister for Defence’s trip to the Solomon Islands, 9-10 September 2008:

(3) (a) BRIG Andrew Nikolic (Acting First Assistant Secretary Regional Engagement)
CAPT Ben Alward

(b) (i) $1,876.17 (one-way airfare for BRIG Nikolic to meet party). A Special Purpose Aircraft
( SPA) was used for this travel. Details regarding the costs of flights and passenger manifest can be found in the Schedule of Special Purpose Flights, which is tabled biannually. The schedule for 1 July to 31 December 2008 will be tabled in June 2009.
(ii) Nil.
(iii) $268.94

(4) No one, apart from those mentioned above, accompanied the Minister on this visit.

Minister for Defence’s trip to Indonesia and East Timor, 17-19 September 2008:

(3) (a) BRIG Andrew Nikolic
CAPT Ben Alward

(b) (i) A SPA was used for this travel. Details regarding the costs of flights and passenger manifest can be found in the Schedule of Special Purpose Flights, which is tabled biannually. The schedule for 1 July to 31 December 2008 will be tabled in June 2009.
(ii) Paid by the Indonesian Government.
(iii) $581.55

(4) No one, apart from those mentioned above, accompanied the Minister on this visit.

Minister for Defence Science and Personnel’s trip to East Timor, 24-25 April 2008:

(3) (a) Phil Minns (Deputy Secretary People Strategies and Policy)
MAJGEN Michael Slater (then Head People Capability)
CAPT Robbie Turner (then acting Aide de Camp to Mr Snowdon)

(b) (i) $145.91, Aide de Camp only, pre-departure.
(ii) $118.88, Aide de Camp only, pre-departure.
(iii) $170.91, Aide de Camp only.

(4) No one, apart from those mentioned above, accompanied the Minister on this visit.

Minister for Defence Science and Personnel’s trip to France, Belgium and the United Kingdom, 27 September to 4 October 2008:

(3) (a) MAJGEN Michael O’Brien (Senior Army Representative – Fromelles Project)
CAPT Elisabeth Barnett (then acting Aide de Camp to Mr Snowdon)

(b) (i) $19,057.77
(ii) $9,315.87 (MAJGEN O’Brien remained in London for additional work relating to the visit and project).
(iii) $4,393.46
(4) No one, apart from those mentioned above, accompanied the Minister on this visit.

The honourable senator should note that the information provided above covers the months of April, May, June and September 2008 only. For details concerning the months of July and August 2008, please refer to my response to Senate Question on Notice No. 696.

**Defence: Freedom of Information Requests**

*(Question Nos 814 and 815)*

**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:

(1) Did the department or agency receive any advice on how to respond to freedom of information (FOI) requests.

(2) How many FOI requests has the department or agency received.

(3) How many FOI requests have been granted or denied.

(4) How many conclusive certificates have been issued in relation to FOI requests.

**Senator Faulkner**—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) No.

(2) 90.

(3) See table below.

<table>
<thead>
<tr>
<th>Granted in full</th>
<th>Partial disclosure</th>
<th>Denied</th>
<th>Withdrawn</th>
<th>Pending decision</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>27</td>
<td>2</td>
<td>20</td>
<td>18</td>
<td>90</td>
</tr>
</tbody>
</table>

(4) None.

**Defence: Program Funding**

*(Question No. 886)*

**Senator Ronaldson** asked the Minister representing the Minister for Defence, 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 Faulkner**—The Minister for Defence has provided the following answer to the honourable senator’s question:

(a) and (b) Defence’s project expenditure plans are developed on a financial year basis. The first table below details the top five major capital equipment project overspends and underspends for 2007-08. The second table details the information for 2008-09 to the end of November 2008.

**Table 1: Approved Major Capital Investment Projects - 2007-08 Summary**

<table>
<thead>
<tr>
<th>Project No</th>
<th>Project Name</th>
<th>Plan 2007-08 $m</th>
<th>Actual 2007-08 $m</th>
<th>Variation $m</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIR 5402</td>
<td>Air To Air Refueling</td>
<td>237</td>
<td>61</td>
<td>-176</td>
</tr>
<tr>
<td>AIR 5077</td>
<td>Phase 3 Airborne Early Warning And Control System</td>
<td>139</td>
<td>43</td>
<td>-96</td>
</tr>
<tr>
<td>AIR 9000</td>
<td>Phase 2 Multi Role Helicopter</td>
<td>325</td>
<td>262</td>
<td>-63</td>
</tr>
</tbody>
</table>
**Table 1: Approved Major Capital Investment Projects - 2007-08 Performance to 30 November 2008**

<table>
<thead>
<tr>
<th>Project No</th>
<th>Project Name</th>
<th>Plan 2007-08 $m</th>
<th>Actual 2007-08 $m</th>
<th>Variation $m</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIR 7000 Phase 2</td>
<td>Maritime Patrol And Response Aircraft System</td>
<td>48</td>
<td>0</td>
<td>-48</td>
</tr>
<tr>
<td>JNT 2077 Phase 2B.2</td>
<td>ADF Deployable Logistics Systems</td>
<td>22</td>
<td>3</td>
<td>-19</td>
</tr>
<tr>
<td>Overspend</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEA 4000 Phase 3</td>
<td>Air Warfare Destroyer - Build</td>
<td>299</td>
<td>441</td>
<td>142</td>
</tr>
<tr>
<td>AIR 8000 Phase 3</td>
<td>Heavy Airlift</td>
<td>76</td>
<td>164</td>
<td>88</td>
</tr>
<tr>
<td>JNT 2048 Phase 4A/4B</td>
<td>Amphibious Deployment And Sustainment</td>
<td>151</td>
<td>220</td>
<td>69</td>
</tr>
<tr>
<td>AIR 5349 Phase 1</td>
<td>Bridging Air Combat Capability Phase 1</td>
<td>235</td>
<td>285</td>
<td>50</td>
</tr>
<tr>
<td>AIR 87 Phase 2</td>
<td>Armed Reconnaissance Helicopter</td>
<td>50</td>
<td>91</td>
<td>41</td>
</tr>
</tbody>
</table>

**Table 2: Approved Major Capital Investment Projects - 2008-09 Performance to 30 November 2008**

<table>
<thead>
<tr>
<th>Project</th>
<th>Project Name</th>
<th>YTD Plan $m</th>
<th>YTD Spend $m</th>
<th>Variation $m</th>
<th>Plan 2008-09 $m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Underspend</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEA 4000 Phase 3</td>
<td>Air Warfare Destroyer - Build</td>
<td>230</td>
<td>181</td>
<td>-49</td>
<td>694</td>
</tr>
<tr>
<td>JNT 2086 Phase 1</td>
<td>Mulwala Redevelopment Project</td>
<td>66</td>
<td>20</td>
<td>-46</td>
<td>144</td>
</tr>
<tr>
<td>AIR 5402</td>
<td>Air To Air Refuelling</td>
<td>227</td>
<td>180</td>
<td>-47</td>
<td>315</td>
</tr>
<tr>
<td>AIR 87 Phase 2</td>
<td>Armed Reconnaissance Helicopter</td>
<td>75</td>
<td>29</td>
<td>-46</td>
<td>125</td>
</tr>
<tr>
<td>JNT 2048 Phase 4A/4B</td>
<td>Amphibious Deployment And Sustainment</td>
<td>53</td>
<td>32</td>
<td>-21</td>
<td>142</td>
</tr>
<tr>
<td>Overspend</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIR 5349 Phase 1</td>
<td>Bridging Air Combat Capability Phase 1</td>
<td>38</td>
<td>84</td>
<td>46</td>
<td>560</td>
</tr>
<tr>
<td>LND 106</td>
<td>M113 Upgrade</td>
<td>25</td>
<td>44</td>
<td>19</td>
<td>105</td>
</tr>
<tr>
<td>SEA 1428 Phase 4</td>
<td>Evolved Sea Sparrow Missiles</td>
<td>9</td>
<td>26</td>
<td>17</td>
<td>23</td>
</tr>
<tr>
<td>AIR 5333</td>
<td>2CRU/3CRU Control And Reporting Units</td>
<td>23</td>
<td>31</td>
<td>8</td>
<td>30</td>
</tr>
<tr>
<td>SEA 1390 Phase 2.1</td>
<td>FFG Upgrade - Implementation</td>
<td>59</td>
<td>61</td>
<td>2</td>
<td>109</td>
</tr>
</tbody>
</table>

Note:

Table 1 data is based on the variation between the actual expenditure by projects measured against their endorsed expenditure plans as submitted in the 2007-08 Additional Estimates review.

Table 2 data is based on variation between actual expenditure to 30 November 2008 by projects measured against endorsed expenditure plans as submitted in the 2008-09 Additional Estimates review.

By way of context, of the 242 major capital equipment projects managed in the DMO in 2007-08, 150 recorded underspends totalling $722 million whereas 58 recorded overspends totalling $492 million.

It should be noted that ‘overspend’ does not refer to a breach of project approval, but rather to a greater expenditure for the period than was planned at its start. The overspend most often reflects payments...
made for work completed earlier than anticipated. Underspend most often reflects completion of work by industry later than, or completion of the work at less than, anticipated in the project’s cash flow plan. Project financial performance should be measured over the life of a project, which may extend over many years. Of the projects closed during 2007-08, 94 per cent of the projects came in on or under budget.

**Infrastructure, Transport, Regional Development and Local Government: Program Funding**

(Question No. 890)

Senator Ronaldson asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, 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 Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

The Department of Infrastructure, Transport, Regional Development and Local Government’s budget and associated financial information is reported on a financial year basis. Information regarding program budgets and actual expenditure for the 2007-08 financial year is available in the Department’s 2007-08 Annual Report.

**Immigration and Citizenship: Media Monitoring**

(Question No. 901)

Senator Ronaldson asked the Minister for Immigration and Citizenship, upon notice, on 25 November 2008:

What is the aggregate amount spent by the department on media monitoring during the 2008 calendar year.

Senator Chris Evans—The answer to the honourable senator’s question is as follows:

As at 30 November 2008, the aggregate amount spent by the department on (departmental) media release distribution service and newswire services during the 2008 calendar year was $101 703. Media monitoring includes:

- monitoring all metropolitan, regional, suburban newspapers and magazine publications in Australia;
- monitoring metropolitan and regional broadcast media and provides results as transcripts or as digital files;
- providing analysis of media coverage;
- providing newswire service; and
- providing media release distribution service.

**Human Services: Consultancies**

(Question No. 937)

Senator Ronaldson asked the Minister for Human Services, 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
QUESTIONS ON NOTICE

Senator Ludwig—The answer to the honourable senator’s question is as follows:

The Department of Human Services (including the Child Support Program and CRS Australia)

For the period 1 January 2008 to 24 November 2008, the Department of Human Services, through the Child Support Program, spent a total of $11,251.32 (incl. GST) on consultancy contracts dealing with: media relations; public relations; public events management; communications; and communications strategy. All consultancy contracts were entered into during the previous calendar year.

<table>
<thead>
<tr>
<th>Consultant’s Name</th>
<th>Start Date</th>
<th>Duration</th>
<th>Cost</th>
<th>Nature</th>
<th>Source</th>
<th>Type of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step Two Designs</td>
<td>27/06/2009</td>
<td>12 months</td>
<td>$2,772</td>
<td>C3 Intranet Usability Review</td>
<td>Direct</td>
<td>(d) Communications</td>
</tr>
<tr>
<td>Step Two Designs</td>
<td>27/06/2007</td>
<td>12 Months</td>
<td>$8,479.32</td>
<td>CSA Website and Online Usability Review</td>
<td>Direct</td>
<td>(d) Communications</td>
</tr>
</tbody>
</table>

For the period 1 January 2008 to 24 November 2008, CRS Australia spent a total of $193,008 (incl. GST) on consultancy contracts dealing with: media relations; public relations; public events management; communications; and communications strategy. Two of the three consultancy contracts were entered into during the previous calendar year.

<table>
<thead>
<tr>
<th>Consultant’s Name</th>
<th>Start Date</th>
<th>Duration</th>
<th>Cost</th>
<th>Nature</th>
<th>Source</th>
<th>Type of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grey Worldwide Pty Ltd</td>
<td>27/06/2007</td>
<td>8 months</td>
<td>$55,432</td>
<td>Provision of the design and development of CRS Australia’s communication templates</td>
<td>Select</td>
<td>(e) Communications strategy</td>
</tr>
<tr>
<td>IFocus Pty Ltd</td>
<td>12/11/2007</td>
<td>4 months</td>
<td>$126,576</td>
<td>Project is to review and provide recommendations to improve the usability of CRS Australia’s Website</td>
<td>Select</td>
<td>(e) Communications strategy</td>
</tr>
<tr>
<td>Instinct and Reason Pty Ltd</td>
<td>28/08/2008</td>
<td>2 months</td>
<td>$11,000</td>
<td>Market testing of CRS Australia brochures</td>
<td>Open</td>
<td>(b) Public relations</td>
</tr>
</tbody>
</table>

The rest of the Department did not undertake any tender processes in the 2008 calendar year dealing with media relations, public relations, public events management, communications and communications strategy. However, a decision was taken to extend some existing contracts dealing with public relations and creative communications, although, no additional expenditure was incurred.
Immigration and Citizenship: Commonwealth Credit Cards
(Question No. 975)

Senator Ronaldson asked the Minister for Immigration and Citizenship, upon notice, on 26 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 Chris Evans—The answer to the honourable senator’s question is as follows:

(1) The number of Commonwealth credit cards issued to departmental and agency staff within the Minister’s portfolio as at 30 November 2008 is 4789.

(2) The number of Commonwealth credit cards issued to all departmental and agency staff in the Department of Immigration and Citizenship (including the Migration Review Tribunal and the Refugee Review Tribunal) is as per (1) above.

(3) (a) No Commonwealth credit cards have been issued to Members of Parliament (Staff) Act 1984 (MoPS) staff.

(b) No Commonwealth credit cards have been issued to the Minister.

(c) One card was issued to the Parliamentary Secretary for Multicultural Affairs and Settlement Services, Laurie Ferguson MP. This card is restricted to taxi fares.

(4) The Parliamentary Secretary’s Commonwealth credit card was issued on 21 August 2008.

Environment, Water, Heritage and the Arts and Prime Minister and Cabinet: Commonwealth Credit Cards
(Question No. 984)

Senator Ronaldson asked the Minister for Climate Change and Water, 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 answer to the honourable senator’s question is as follows:

(1) As at 25 November 2008:

- 34 credit cards have been issued to the staff of the Department of Climate Change. Four cards have been cancelled and 30 are active.
Seven credit cards have been issued to staff responsible for water functions at the Department of the Environment, Water, Heritage and the Arts.

Two credit cards have been issued to staff of the Office of the Renewable Energy Regulator.

(2) No cards have been issued to department staff that fall within the responsibility of the Minister’s associated Parliamentary Secretary or Secretaries.

(3) No cards have been issued to staff in the identified areas.

(4) Not applicable.

Innovation, Industry, Science and Research: Commonwealth Credit Cards

(Question No. 999)

Senator Ronaldson asked the Minister representing the Minister for Small Business, Independent Contractors and the Service Economy, 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 Carr—The Minister for Small Business, Independent Contractors and the Service Economy has provided the following answer to the honourable senator’s question:

(1) A total of 156 credit cards have been issued to departmental staff within the portfolio who are attached to the small business, independent contractors and the service economy functions.

(2) Not applicable.

(3) None.

(4) Not applicable.

Attorney-General and the Minister for Home Affairs: Overseas Travel

(Question Nos 1020 and 1025)

Senator Ronaldson asked the Minister representing the Attorney-General and the Minister representing the Minister for Home Affairs, upon notice, on 25 November 2008:

Has the Minister or any associated Parliamentary Secretary travelled overseas on parliamentary or ministerial business since 25 November 2007; if so, for each trip:

(1) What was the purpose?

(2) How many nights were spent overseas?

(3) What were the dates and venues?

(4) How many meetings did the Minister or Parliamentary Secretary attend.

(5) How many departmental and/or personal ministerial staff accompanied the Minister or Parliamentary Secretary.

(6) What was the aggregate cost?
(7) Can an itemised account be provided of the costs for the following: a) transportation; (b) travel allowance; (c) accommodation; (d) meals; and (e) other expenses, paid for by the Commonwealth in relation to the Minister, Parliamentary Secretary and their staff.

Senator Wong—The Attorney-General and the Minister for Home Affairs have provided the following answer to the honourable senator’s question:

The Attorney-General undertook four ministerial overseas visits during the period 25 November 2007 to 25 November 2008. Details of each of the visits are provided in the table at Attachment A.

The Minister for Home Affairs undertook six ministerial overseas visits during the period 25 November 2007 to 25 November 2008. Details of each of the visits are provided in the table at Attachment B.

With respect to questions 6 and 7, costs of official travel by ministers, parliamentary secretaries, accompanying spouses (where relevant) and accompanying staff employed under the Members of Parliament (Staff) Act 1984 are paid for by the Department of Finance and Deregulation. Dates, destinations, the purpose and aggregate costs of all official overseas travel are tabled in the Parliament every six months in a report titled ‘Parliamentarians’ Travel Paid by the Department of Finance and Deregulation’.

Attachment A

Attorney-General’s Portfolio – Overseas Ministerial Travel

<table>
<thead>
<tr>
<th>Trip Number</th>
<th>Attorney-General</th>
<th>Attorney-General</th>
<th>Attorney-General</th>
<th>Attorney-General</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>UK, USA</td>
<td>New Zealand</td>
<td>United Kingdom</td>
<td>New Zealand</td>
</tr>
<tr>
<td>Country</td>
<td>London,</td>
<td>Wellington</td>
<td>Edinburgh</td>
<td>Christchurch,</td>
</tr>
<tr>
<td>City/s</td>
<td>Washington DC</td>
<td></td>
<td></td>
<td>Canterbury</td>
</tr>
<tr>
<td></td>
<td>April 2008</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nights overseas</td>
<td>11 nights</td>
<td>2 nights</td>
<td>7 nights</td>
<td>4 nights (2)</td>
</tr>
<tr>
<td>Number of meetings</td>
<td>34 meetings</td>
<td>2-day ANZLF</td>
<td>4-day CLMM</td>
<td>2 meetings + 2-day</td>
</tr>
<tr>
<td>Purpose</td>
<td>Meet with</td>
<td>Attend Australia</td>
<td>Attend Commonwealth</td>
<td>Attend Standing</td>
</tr>
<tr>
<td></td>
<td>ministerial</td>
<td>New Zealand</td>
<td>Minister's</td>
<td>Committee of</td>
</tr>
<tr>
<td></td>
<td>counterparts and</td>
<td>Leadership Forum</td>
<td>Law Minister's</td>
<td>Attorneys-General</td>
</tr>
<tr>
<td></td>
<td>senior government</td>
<td>(ANZLF)</td>
<td>Meeting (CLMM)</td>
<td>(SCAG)</td>
</tr>
<tr>
<td></td>
<td>officials in</td>
<td></td>
<td></td>
<td>Signing of</td>
</tr>
<tr>
<td></td>
<td>relation to</td>
<td></td>
<td></td>
<td>Trans-</td>
</tr>
<tr>
<td></td>
<td>counter-</td>
<td></td>
<td></td>
<td>Tasman Treaty</td>
</tr>
<tr>
<td></td>
<td>terrorism, civil</td>
<td></td>
<td></td>
<td>on Court</td>
</tr>
<tr>
<td></td>
<td>justice and other</td>
<td></td>
<td></td>
<td>Proceedings</td>
</tr>
<tr>
<td></td>
<td>bilateral issues</td>
<td></td>
<td></td>
<td>and Regulatory</td>
</tr>
<tr>
<td>Number of accompanying staff</td>
<td>One</td>
<td>One</td>
<td>One</td>
<td>Three (3)</td>
</tr>
<tr>
<td>Number of accompanying family</td>
<td>N/A</td>
<td>One</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Number of accompanying Departmental officials</td>
<td>One (AGD)</td>
<td>N/A</td>
<td>Two (AGD)</td>
<td>Four (AGD) (4)</td>
</tr>
<tr>
<td></td>
<td>Attorney-General</td>
<td>Attorney-General</td>
<td>Attorney-General</td>
<td>Attorney-General</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Cost of Departmental officials travel</td>
<td>$13,684.00</td>
<td>$ -</td>
<td>$23,916.00</td>
<td>$10,216.00</td>
</tr>
<tr>
<td>Cost of Departmental officials accommodation</td>
<td>$4,559.00</td>
<td>$ -</td>
<td>$4,350.00</td>
<td>$1,439.00</td>
</tr>
<tr>
<td>Cost of Departmental officials other costs</td>
<td>$1,977.00</td>
<td>$ -</td>
<td>$2,821.00</td>
<td>$1,007.00</td>
</tr>
<tr>
<td>Total Departmental costs</td>
<td>$22,220.00</td>
<td>$ -</td>
<td>$31,087.00</td>
<td>$12,662.00</td>
</tr>
</tbody>
</table>

Notes
(1) Information in relation to costs has been provided by the Department of Finance and Deregulation (DoFD) as well as overseas posts, and relevant portfolio agencies. The figures are correct as at December 2009. Total costs may increase once acquittal process are finalised through DoFD.
(2) The Attorney-General’s visit to New Zealand was for a total of four days, with two of these days taken as leave approved by the Prime Minister. All costs borne during the period of leave were met personally by the Attorney-General.
(3) The Attorney-General was accompanied by his wife and by two children on the visit to New Zealand. All costs associated with the children were met personally by the Attorney.
(4) The four Department officials who accompanied the Attorney-General and Minister on the visit to New Zealand also participated in other meetings, and some of their costs relate to this work. One official travelled primarily for the treaty signing and related meetings, and did not attend SCAG.

Attachment B
Attorney-General’s Portfolio – Overseas Ministerial Travel
Minister for Home Affairs

<table>
<thead>
<tr>
<th>Trip Number</th>
<th>Minister for Home Affairs</th>
<th>Minister for Home Affairs</th>
<th>Minister for Home Affairs</th>
<th>Minister for Home Affairs</th>
<th>Minister for Home Affairs</th>
<th>Minister for Home Affairs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Indonesia</td>
<td>PNG</td>
<td>Samoa</td>
<td>East Timor</td>
<td>New Zealand</td>
<td>Indonesia</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Malaysia, Thailand,</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Semarang, Jakarta, Kuala</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Lumpur, Bangkok</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Country</th>
<th>City/s</th>
<th>Period of travel</th>
<th>Nights overseas</th>
<th>Number of meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indonesia</td>
<td>Jakarta</td>
<td>23-27 February 2008</td>
<td>3 nights</td>
<td>10 meetings</td>
</tr>
<tr>
<td>PNG</td>
<td>Madang</td>
<td>22-24 April 2008</td>
<td>2 nights</td>
<td>2-night APNGMF</td>
</tr>
<tr>
<td>Samoa</td>
<td>Apia</td>
<td>8-12 June 2008</td>
<td>3 nights</td>
<td></td>
</tr>
<tr>
<td>East Timor</td>
<td></td>
<td>2-5 July 2008</td>
<td>3 nights</td>
<td></td>
</tr>
<tr>
<td>New Zealand</td>
<td></td>
<td>23-25 July 2008</td>
<td>2 nights</td>
<td>2-night SCAG</td>
</tr>
<tr>
<td>Indonesia,</td>
<td></td>
<td></td>
<td>8 nights</td>
<td>22 meetings</td>
</tr>
<tr>
<td>Malaysia,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thailand,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Semarang,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jakarta,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kuala Lumpur,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bangkok</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
Questions on Notice

Minister for Home Affairs

Purpose
Meet ministerial counterparts and senior government officials in relation to law enforcement, border protection and legal assistance initiatives

Attend Australia-Papua New Guinea Ministerial Forum (APNGMF)

Meet ministerial counterparts and senior government officials in relation to law enforcement, border protection and legal assistance initiatives

Meet ministerial counterparts and senior government officials in relation to law enforcement, border protection and legal assistance initiatives

Attend Standing Committee of Attorneys-General (SCAG)

Joint visit with Minister for Immigration and Citizenship to meet ministerial counterparts and key regional partners on irregular migration, people smuggling and trafficking matters

Number of accompanying staff
One
One
N/A
One
One

Number of accompanying family
One
N/A
One
N/A
N/A
One

Number of accompanying Departmental officials
Three (Two AGD, One ACS)
N/A
N/A
One (AFP)
Four (AGD)
Three (One AFP, One AGD, One ACS)

Cost of Departmental officials travel
$25,714.00
$ -
$ -
$3,235.00
Included in AG Visit #4

$21,662.00

Cost of Departmental officials accommodation
$1,399.00
$ -
$ -
$399.00

$3,120.00

Cost of Departmental officials other costs
$861.00
$ -
$ -
$31.00

$2,647.00

Total Departmental costs
$27,974.00
$ -
$ -
$3,665.00
$ -

$27,429.00

Notes
(1) Information in relation to costs has been provided by the Department of Finance and Deregulation (DoFD) as well as overseas posts, and relevant portfolio agencies. The figures are correct as at December 2009. Total costs may increase once acquittal process are finalised through DoFD.

Prime Minister: Private Plated Vehicle
(Question No. 1042)

Senator Minchin asked the Special Minister of State, upon notice, on 27 November 2008:

With reference to the private-plated Toyota Prius vehicle provided by entitlement to the Prime Minister:

(1) As of 27 November 2008, what was the odometer reading for the vehicle.

(2) As of 27 November 2008: (a) what was the most recent odometer reading in the department’s records for the vehicle; and (b) what was the date of that odometer reading.

(3) On 1 January 2008: (a) what was the most recent odometer reading in the department’s records for the vehicle; and (b) what was the date of that odometer reading.
(4) Is the vehicle home-based by department criteria in Canberra or Brisbane.

(5) On 27 November 2008, was the vehicle physically located in Canberra or Brisbane.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

The Prime Minister does not have a private-plated vehicle (PPV) provided by the Department of the Prime Minister and Cabinet. The Prime Minister does have a PPV provided under entitlement by the Department of Finance and Deregulation.

All Senators and Members are entitled to use a private-plated, Commonwealth-leased vehicle for Parliamentary, electorate or official business, family travel and private purposes but not for commercial purposes. A Senator or Member may seek approval for the lease of a non-standard vehicle for reasons related to operational need, occupational health and safety or environmental concerns.

Senators and Members are able to nominate other drivers for their PPVs, by ensuring that the appropriate form is lodged with Ministerial and Parliamentary Services. It is the Senator’s or Member’s responsibility to ensure that persons nominated to drive the vehicle have an appropriate licence and do not use the vehicle for commercial purposes.

(1) There is no information available for the vehicle on 27 November 2008. The most recent information is from 19 November 2008, showing an odometer reading of 8,844 km.

(2) (a) 8,844 km.
   (b) 19 November 2008.

(3) (a) 631 km.
   (b) 16 September 2007.

(4) There are no departmental criteria regarding the home-base of a PPV.

(5) Canberra (the Prime Minister’s nominated Home Base).

Marine Bioregional Planning

(Question No. 1047)

Senator Siewert asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 2 December 2008:

(1) With reference to the Minister’s media release, ‘North-west marine profile to underpin planning process’, dated 10 November 2008, and the statement that the ‘Marine Bioregional Planning will help ensure that national economic assets such as the oil and gas and commercial fishing industries can prosper and that the impact of any conservation measures on them are minimised’: can an explanation for the meaning of ‘minimised’ in the statement be provided.

(2) Are state waters included in the marine protected areas; if not: (a) why not; and (b) can an explanation be provided of how the network of marine protected areas can ‘truly represent the biodiversity of this region’ without the inclusion of state waters.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) Marine bioregional plans have two key policy objectives. The first is to improve the advice available to the Minister (as the key decision-maker under Commonwealth environment legislation). Marine bioregional plans will provide an improved context in which to consider development proposals, coordinate conservation activities and target investments to address conservation priorities and environmental research and monitoring needs. They will also provide the community in general (and industry in particular) with a much clearer understanding of the Government’s conservation priorities in the marine environment. This in turn will assist industry to better focus its mitigation and impact avoidance efforts. The second key objective is to fulfil the Government’s commit-
ment to establishing a representative network of marine reserves in Commonwealth waters by 2012.

While the Government is committed to meeting these important objectives, it recognises the potential for adverse impacts on a range of marine industries. The oil and gas, commercial fishing and pearling are important industries in Australia’s North-west. In achieving its marine bioregional planning objectives, the Government will significantly improve the long-term outlook for marine conservation and biodiversity. In doing so, it will ensure that its decisions are informed by a thorough understanding of the implications for marine based industries and communities, and that any impacts resulting are necessary to achieve the desired long-term conservation outcomes.

(2) Marine bioregional plans are being developed for waters under the Commonwealth’s jurisdiction. Management of activities in state and territory waters are in general the responsibility of the relevant state or territory. Where effective management requires cross-jurisdictional cooperation, mechanisms exist to facilitate this. The Marine and Coastal Committee of the Natural Resource Management Ministerial Council is one such mechanism.

In 1998 the Commonwealth and the States agreed to establish a National Representative System of Marine Protected Areas in Australian waters by 2012. Each government agreed to undertake the process in its own waters on the basis of guidelines jointly agreed by them. The Australian Government is meeting its undertaking though the marine bioregional planning process. While focused on developing options for marine reserves in the North-west Marine Region, officers of my department are also working with their state counterparts to achieve complementary outcomes across Commonwealth and state waters where possible.

Broadband, Communications and the Digital Economy: Program Funding

(Question No. 1066)

Senator Abetz asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 3 December 2008:

(1) Given that spending on individual programs is not reported in either the budget papers or annual reports, did any program in the minister’s portfolio:
   (a) have underspends for the 2007-08 financial year; if so, for each underspend: (i) in what program did it fall, (ii) how much was the underspend, and (iii) what was the reason for the underspend; and
   (b) have overspends for the 2007-08 financial year; if so, for each overspend: (i) in what program did it fall, (ii) how much was the overspend, and (iii) what was the reason for the overspend.

(2) Will any agencies and/or departments in the Minister’s portfolio return money in the 2008-09 Budget as a result of underspends for the 2007-08 financial year; if so how much

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) (a) The following three programs had underspends in the 2007-08 financial year:
   • Telecommunications Service Inquiry: underspend of $0.350m as funding was not required;
   • Telstra Social Bonus 2: underspend of $4.408m – please see the Hansard for Senate Standing Committee on Environment, Communications and the Arts, Monday 20 October 2008 from ECA 17 for further information; and
   • Program Other: underspend of $35.309m – the variance is largely driven by underspends in Australian Broadband Guarantee and Television Blackspots - Alternative Technical Solutions. Please see the Hansard for Senate Standing Committee on Environment, Communications and the Arts, Monday 20 October 2008 from ECA 10 and 15 for further information.
There was a small overspend of $0.034m for the International Organisations Contributions, a component of Program Other, which resulted from fluctuating foreign currency exchange rates, affecting the annual membership contribution which is paid in Swiss Francs.

(2) The following agencies in the Broadband, Communications and the Digital Economy Portfolio will return the specified amounts in the 2008-09 financial year, as a result of underspends in the 2007-08 financial year:

- The Australian Broadcasting Corporation: $7.5m
- The Special Broadcasting Service: $1.4m

In addition, the Minister for Finance and Deregulation lapsed a total of $358.5m in administered appropriations for the Department of Broadband, Communications and the Digital Economy and the former Department of Communications, Information Technology and the Arts on 4 December 2008.

### Innovation, Industry, Science and Research: Program Funding

(Question No. 1067)

Senator Abetz asked the Minister for Innovation, Industry, Science and Research, upon notice, on 3 December 2008:

1. Given that spending on individual programs is not reported in either the budget papers or annual reports, did any programs in the Minister’s portfolio: (a) have underspends for the 2007-08 financial year; if so, for each underspend: (i) in what program did it fall, (ii) how much was the underspend, and (iii) what was the reason for the underspend; and (b) have overspends for the 2007-08 financial year; if so, for each overspend: (i) in what program did it fall, (ii) how much was the overspend, and (iii) what was the reason for the overspend.

2. Will any agencies and/or departments in the Minister’s portfolio return money in the 2008-09 Budget as a result of underspends for the 2007-08 financial year; if so, how much.

**Senator Carr**—The answer to the honourable senator’s question is as follows:

1. (a) In the 2007-08 financial year, my portfolio had 21 programs which had an underspend compared to their estimated actuals as disclosed in the Portfolio Budget Statements (PBS) 2008-09. Of these, 16 had underspends of less than $1 million and 5 programs had underspends of over $1 million.

   The programs with underspends of less than $1 million are:

<table>
<thead>
<tr>
<th>Program Name</th>
<th>$’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Entrepreneurship in Small Business Program</td>
<td>688</td>
</tr>
<tr>
<td>Textile, Clothing and Footwear (Post 2005)</td>
<td>641</td>
</tr>
<tr>
<td>National Competitive Grant Program (ARC)</td>
<td>609</td>
</tr>
<tr>
<td>Science Connections Programme</td>
<td>317</td>
</tr>
<tr>
<td>National Collaborative Research Infrastructure Strategy</td>
<td>314</td>
</tr>
<tr>
<td>Cooperative Research Centres</td>
<td>121</td>
</tr>
<tr>
<td>International Science Linkages</td>
<td>61</td>
</tr>
<tr>
<td>Research Training Scheme - Higher Education</td>
<td>50</td>
</tr>
<tr>
<td>Other administered programs*</td>
<td>2,145</td>
</tr>
</tbody>
</table>

   * Within the Whole of Government Finance system, the Central Budget Management System, a number of programs are consolidated under the title, ‘Other administered programs’.
The reasons for the above underspends are mainly due to customers not meeting contractual obligations within the agreed timeframe resulting in the delay of payments or customers terminating or varying contracts. There were also a number of minor variances between the estimate and the actual which are not considered material.

The programs with underspends of more than $1 million are:

<table>
<thead>
<tr>
<th>Program Name</th>
<th>$'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Ready Programme</td>
<td>(24,274)</td>
</tr>
<tr>
<td>Industry Cooperative Innovation Program</td>
<td>(1,319)</td>
</tr>
<tr>
<td>Other administered programs*</td>
<td>(9,678)</td>
</tr>
</tbody>
</table>

* Within the Whole of Government Finance system, the Central Budget Management System, a number of programs are consolidated under the title, ‘Other administered programs’.

The reasons for the above underspends are as follows:

**Commercial Ready** – the program experienced a higher level of slippage in customer expenditure than originally anticipated, this combined with the closure of the program to new applications after 28 April 2008, generated an underspend compared to the estimated actual.

**Industry Cooperative Innovation Program** – the underspend is due to a large decommitment as a result of a project terminating.

**Other administered programs** – the underspends for these programs are due to less demand for demand driven grant programs, delays in establishing some of the projects and uncommitted funds not being utilised as a result of the Government’s decision to cancel the program.

(b) The following 3 programs had overspends in the 2007-08 financial year compared to their estimated actuals:

<table>
<thead>
<tr>
<th>Program Name</th>
<th>$'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>LPG Vehicle Scheme</td>
<td>2,836</td>
</tr>
<tr>
<td>COMET</td>
<td>3,716</td>
</tr>
<tr>
<td>Pharmaceuticals Partnerships Programme</td>
<td>8,204</td>
</tr>
</tbody>
</table>

The reasons are as follows:

**LPG Vehicle Scheme** – this is a demand driven entitlement program which experienced higher than anticipated demand throughout the year.

**COMET** – this program had a payment from a prior period that had been treated as a prepayment. This payment was subsequently expensed and has created an overspend in accrual terms.

**Pharmaceuticals Partnerships Programme** – this program recorded an overspend due to a change in methodology in the calculation of the estimated actual in the PBS 2008-09. There is no overspend when compared to actual available appropriation for this program.

(2) The Department and IP Australia will be returning money to budget in 2008-09 that relates to underspends in the 2007-08 financial year. The amounts are $69,287,028 and $22,102 respectively.

**Broadband, Communications and the Digital Economy: Program Funding**

*(Question No. 1102)*

**Senator Abetz** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 3 December 2008:

(1) (a) for a period 1 December 2007 to 30 June 2008, what funds has the Government committed to spending under Regulation 10 of the *Financial Management and Accountability Act 1997*(the Act)
(1) From 1 December 2007 to 30 June 2008, spending proposals totalling the following amounts were authorised under Regulation 10 of the *Financial Management and Accountability Act 1997* for the following applicable agencies:

- The Department of Broadband, Communications and the Digital Economy: $187.3m authorised by the Department.
- The Australian Communications and Media Authority: $2.9m authorised by the agency.

(2) (a) Accurate records relating to depreciation funding are not held since the implementation of accrual accounting and the Machinery of Government changes to the structure of departments.

(b) The depreciation expense for each agency, as outlined in their 2007-08 Annual Report, is

- the Department of Broadband, Communications and the Digital Economy: $4.9m
- the Australia Broadcasting Corporation: $86.9m
- the Special Broadcasting Service: $6.4m
- the Australian Communications and Media Authority: $4.2m

(c) The budget is allocated to priorities on the basis of need and the Government does not try to allocate funding from particular sources to particular expense items.

**Innovation, Industry, Science and Research: Program Funding**

*(Question No. 1119)*

*Senator Abetz* asked the Minister representing the Minister for Small Business, Independent Contractors and the Service Economy, 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 Carr*—The Minister for Small Business, Independent Contractors and the Service Economy has provided the following answer to the honourable senator’s question:

Please refer to the answers provided for Parliamentary Question number 1103.

**Attorney-General’s: Program Funding**

*(Question No. 1167)*

*Senator Brandis* asked the Minister representing the Attorney-General, upon notice, on 5 December 2008:

With reference to the department’s annual report for 2007-08:
(1) Why did the department report an operating loss of $11.7 million in the 2007-08 financial year?
(2) Why did employee expenses for the department rise from 2007 to 2008?
(3) Why did the total expenses for the department rise from 2007 to 2008?
(4) Given that the department’s annual report states that the write-down and impairment of assets for the 2007-08 financial year was $4.737 million: (a) which assets were written down; and (b) why were these assets written down?

Senator Wong—The Attorney-General has provided the following answer to the honourable senator’s question:

(1) The Department’s reported operating loss arose from impairment charges in relation to the write-down in the value of assets and expenditure on programs for which an appropriation was received in a prior financial year.
(2) Employee expenses increased from 2007 to 2008 as a consequence of:
   (a) an net increase in staffing levels associated with new policy proposals,
   (b) the transfer of functions to and from the Department, in particular a transfer of functions from the Department of Infrastructure, Transport, Regional Development and Local Government, and
   (c) an increase in remuneration in accordance with the Department’s workplace agreement and performance appraisal advancement
(3) The Department’s expenses increased in 2008 as a consequence of:
   (a) Employee expenses – as explained above,
   (b) Suppliers – additional new policy proposals and the increased costs associated with the transfer of functions from the Department of Infrastructure, Transport, Regional Development and Local Government, and
   (c) Depreciation – increase in the value of assets acquired during the year through purchase and a result of the transfer of functions from the Department of Infrastructure, Transport, Regional Development and Local Government
(4) (a) Asset write downs relate to the Auscheck IT System ($4.595m), and minor adjustments and write offs for debtors ($0.142m).
   (b) The Auscheck IT system is used to co-ordinate the background checks of individuals working in the Aviation and Maritime industries. The value of the asset was written down to its fair value as a consequence of a portion of this asset being deemed unusable due to an inadequate security structure. Stocktake adjustments were the result of stock price adjustments and the write off of obsolete assets. Debtors relating to Commonwealth entities were written off.

Kakadu Plum: Australian Patent Applications
(Question No. 1172)

Senator Siewert asked the Minister for Innovation, Industry, Science and Research, upon notice, on 16 December 2008:

(1) Is the Minister aware that Amway, Mary Kay and Mannatech currently have Australian patent applications pending for processes to extract vitamin C from the Gubinge tree (also known as Billy Goat Plum and Kakadu Plum) that occurs across tropical Australia and has the highest concentration of vitamin C of any fruit on the planet.
(2) Is the Minister aware that if these patents are successful then the current development plans for this plant for commercialisation by Indigenous communities will be stopped.
(3) What steps are being taken to provide legal recognition of traditional knowledge for the purpose of giving Indigenous people the capacity to participate in the economic development of Australia, thereby generating income and wealth for them which will be independent of Government.

Senator Carr—The answer to the honourable senator’s question is as follows:

(1) IP Australia is not aware, to the best of its knowledge, of any published Australian patent applications from AMWAY which relate to the Kakadu Plum. Nor is IP Australia aware, to the best of its knowledge, of any published Australian patent applications which are directed to processes to extract Vitamin C from the Kakadu Plum.

IP Australia is aware of an Australian patent application from Mary Kay Inc., which is to a skin care composition comprising Kakadu Plum extract; and a patent application from Coradji Pty Ltd being to a method of removing the seed of the Kakadu Plum. There are also three Australian patent applications from Mannatech Inc. to dietary supplements which may contain Kakadu Plum extract, but which are not directed to the Kakadu Plum specifically. There is an Australian patent application for a food composition which contains rose hips and (among several options) Kakadu Plum concentrate. There are two other Australian patent applications which describe the Kakadu Plum in the description as being one of a wide range of components in a dietary supplement composition.

There is a granted US patent to a method for preparing dried powder from the Kakadu Plum, and two granted US patents for anti-allergy compositions which may contain Kakadu Plum and methods of using the composition. There is also a US patent application for an ice cream kit, where the ice cream may be flavoured with Kakadu Plum. These do not have equivalent Australian applications.

None of the eight Australian patent applications has been granted and none have lapsed. (A list of relevant patent documents is attached below).

(2) The fact that a patent may refer to, claim compositions of, or be to a method involving the Kakadu Plum does not necessarily mean that such a patent would prevent commercialisation by Indigenous communities. The breadth and value of patents varies greatly, and hence interpretation and understanding of each patent is required. It may mean that advice should be sought by Indigenous communities as to which aspects of the use of the Kakadu Plum may become, or are, under patent. Commercialisation may be able to occur and co-exist with patented aspects of the Kakadu Plum – much depends on what is to be commercialised, and the breadth of any patented uses or extracts.

(3) Traditional knowledge can be protected under the Patents Act 1990, Trade Marks Act 1995, Plant Breeder’s Rights Act 1994 and Designs Act 2003 provided the standard legislative requirements for protection are met. Trade practices, confidential information and unfair competition laws may also have a role in the protection of traditional knowledge.

More specifically, the existing Patent system includes provisions that may be used by any party, including Indigenous people, to pursue their interests. For example, any party may notify the Commissioner of reasons why an invention is not patentable because it is not novel or inventive. This may occur under Section 27 of the Patents Act and may include notification of evidence of any traditional knowledge. This may modify the scope of a granted patent should such information be shown to predate the application, or may prevent the grant of the patent all together. Similarly Section 59 allows any interested person to oppose the granting of a patent.

Attachment: Relevant Patent Documents
Australian Patent application 2007205838 by MARY KAY, INC. relates to a skin care product comprising Kakadu plum extract or acai berry extract. (Claim 1)

Australian Patent application 2004268233 by MANNATECH, INC. relates to a dietary supplement which may contain Australian bush plum (Claims 33 – 41)
Australian Patent application 2005328670 by MANNATECH, INC. relates to a modified release dietary supplement comprises polysaccharides which is compressed at a pressure of greater than 100psi. (Claim 1) It may contain a vitamin C source extracted from wild Australian Bush Plum. (page 5 – 6, 8, 27, 28 29)

Australian Patent application 2006237559 by MANNATECH INC., relates to a modified release dietary supplement which comprises polysaccharides which is compressed at a pressure of greater than 100psi. (Claim 1) It may contain a vitamin C source extracted from wild Australian Bush Plum. (page 6, 31 – 32)

Australian Patent application 2004203276 by CORADJI Pty Ltd relates to a method of removing the seed from the fruit of the *Terminalia ferdinandiana* (ie bush plum) (Claim 1)

Australian Patent application 2007231781 by EXIST MARKETING PTY LTD. to a method and compositions of treating bursitis which may contain Kakadu Plum. (page 14)

Australian Patent application 2007249801 by INTERLEUKIN GENETICS, INC. is to a food composition comprising rose hips and optionally Kakadu concentrate, from the Kakadu Plum. (Claim 1)

Australian Innovation patent application 2008100919 by GREENTASTE Pty Ltd. is to a herbal composition which optionally may contain Kakadu Plum (page 26)

US Patent 7175862 assigned to ACCESS BUSINESS GROUP INTERNATIONAL LLC is to a method of preparing dried powder from the Kakadu Plum. This application does not have an Australian equivalent.

US Patent 7384654 assigned to ACCESS BUSINESS GROUP INTERNATIONAL LLC is to an anti-allergy composition which may contain Kakadu concentrate. This application does not have an Australian equivalent.

US Patent 7384656 assigned to ACCESS BUSINESS GROUP INTERNATIONAL LLC is to a method of inhibiting an allergic response by administering a composition which may which may contain Kakadu concentrate. This application does not have an Australian equivalent.

US patent application 2008/0305218 by GZB CORPORATION is to an ice cream kit where the ice cream may contain Kakadu plum flavouring. This application does not have an Australian equivalent.

**Wonthaggi Region Desalination Plant**

(Question No. 1174)

**Senator Bob Brown** asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 16 December 2008:

With reference to the desalination plant proposed for the Victorian coastline near Wonthaggi:

(1) Does the Victorian Environment Effects Statement (EES) for the desalination plant adequately account for the effects on endangered marine animals, such as whales and Great White Sharks, that live or pass through the area; if so, what are the measures that will be put in place to protect these animals.

(2) Has the department received a response to its letter dated 9 October 2008 to the Victorian Department of Planning and Community Development regarding its concerns with the EES; if so, what was the response; if not, when is a response expected.

(3) On the department’s website there is a fact sheet about whales and noise dated 2 May 2008 that states the department is ‘currently reviewing the guidelines aimed at avoiding or minimising impacts from seismic activity on whales’: has this review finished; if so, what were its findings; if not, will the Minister delay considering approval for the desalination plant until the review is finished.

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**QUESTIONS ON NOTICE**
Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) The Victorian Government’s assessment of impacts of the proposed Victorian desalination plant on matters of national environmental significance, which was accredited under the Environment Protection and Biodiversity Conservation Act 1999, has recently been completed. The assessment report of the Victorian Minister for Planning is still under consideration by officers in my Department.

The coastal marine environment in the vicinity of the proposed intake/outlet structures is not known to provide important habitat for any EPBC-listed fauna species. Listed species that may occur in the area are widespread and pelagic and most of them would visit inshore coastal areas infrequently.

My decision on whether to approve the proposed desalination plant will be based on the Victorian Government’s assessment report, but I may request additional information on any matters that are inadequately addressed. If specific mitigation measures are required, the option to impose conditions on the project is available to me.

(2) No formal response to the letter from my Department to the Victorian Department of Planning and Community Development, dated 9 October 2008, has been received. It is normal practice that the issues identified by the Department would be addressed during the Victorian Government’s assessment of the proposed action and would be reflected in the assessment report of the Victorian Minister for Planning, which is currently under consideration by officers in my Department.

If the information provided in the assessment report is not adequate to inform my decision under the EPBC Act, the Victorian Government will be requested to provide further information. This has in fact occurred, with my Department requesting further information from the Victorian Government on the 23 January 2009. This information was provided on 4 February 2009.

(3) Yes, the review has finished. The review finalised the revised Guidelines for interaction between offshore seismic exploration and whales. The revised guidelines provide clear guidance on legislative requirements, considerations for survey planning and implementation of operational procedures.

Exercise Talisman Saber 2009
(Question No. 1176)

Senator Ludlam asked the Minister representing the Minister for Defence, upon notice, on 16 December 2008:

(1) What environmental impact studies have been conducted in relation to the planned Exercise Talisman Sabre 2009, which will involve the movement of tens of thousands of troops, with associated tanks and other military hardware, on the fragile ecosystems of the Shoalwater Bay Military Training Area in Central Queensland.

(2) Has the possible impact from Exercise Talisman Sabre 2009 on the Great Barrier Reef been assessed.

(3) (a) Will Exercise Talisman Sabre 2009 be compliant with the Environment Protection and Biodiversity Conservation Act 1999, and compatible with the Commonwealth Heritage listing of Shoalwater Bay, both of which the Minister cited in his recent rejection of the rail line and coal port proposal due to the area’s unique biodiversity values; and (b) in particular, how will local fauna be protected from the effects of live firing exercises.

(4) What impact will the 2009 exercise have on the Shoalwater Bay Ramsar wetlands.
QUESTIONS ON NOTICE

(5) Will the Government give a guarantee that no depleted uranium (DU) weapons will be used by forces of either the United States of America or Australia during the 2009 exercises.

(6) Has any DU been used in any previous Exercise Talisman Sabre.

(7) (a) What military chemicals does the Government anticipate will be left in the land and marine environments as a result of the 2009 exercise; and (b) what are the human health impacts of these chemicals.

(8) Will nuclear-powered and/or nuclear weapons-capable vessels take part in the planned 2009 exercise; if so: (a) what preparations have been made for the event of a nuclear accident on one of these vessels; and (b) which government would bear the enormous financial cost of a clean-up in the event of such an accident.

(9) Has the economic impact of such an accident on tourism been considered in the decision to conduct the 2009 exercise at Shoalwater Bay.

Senator Faulkner—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) TALISMAN SABER 2009 is the latest in a series of biennial military exercises in which Australia and the United States participate. Previous exercises of this scale included TANDEM THRUST 2001, CROCODILE 2003, TALISMAN SABER 2005 and TALISMAN SABER 2007. All of these exercises have been the subject of an open and transparent process of environmental impact assessment, including community consultation. For TALISMAN SABER 2009 the environmental impact assessment process is being undertaken by professional environmental consultants Sinclair Knight Merz (SKM). A public environment report on the exercise was released for comment on 13 October 2008 and concluded on 19 November 2008. During October 2008, SKM and Defence representatives also attended community meetings in Rockhampton, Yeppoon, Townsville and Darwin. No significant environmental impacts have been identified.

(2) Yes.

(3) (a) Yes.

(b) Live firings will be conducted at Shoalwater Bay Training Area (SWBTA) in Queensland, Bradshaw Field Training Area (BFTA) and Delamere Range Facility (DRF), both in the Northern Territory.

   At all of Defence’s training ranges the the use of high explosive munitions is restricted to clearly gazetted impact areas. These impact areas are very small and are surrounded by extensive areas of land conserved to maintain the natural landscape. For example, there are three High Explosive Impact Areas at BFTA. The total area of these sites represent .03 per cent of the total range area. These areas have been chosen in consultation with, and with the consent of, the traditional owners. They are located to minimise any impact on sensitive areas of habitat or species. The risk of local fauna at any Defence sites being significantly impacted as a result of the conduct of exercise TALISMAN SABER 2009 is considered to be extremely low.

(4) Through monitoring, Defence has confirmed that the Ramsar wetlands of SWBTA remain in good to excellent condition. SWBTA Standing Orders limit the types of Defence exercise activities that can occur in sensitive areas including wetlands. These limitations will apply to TALISMAN SABER 2009. The entire suite of potential environmental impacts arising from exercise TALISMAN SABER 2009 have been considered and no significant impacts, including to Ramsar listed wetlands such as those at Shoalwater Bay, have been identified.

(5) ADF does not possess any Depleted Uranium munitions and United States forces have been advised that the use of Depleted Uranium munitions in Australia is strictly prohibited.

(6) No.
(7) (a) Defence does not anticipate that there will be any significant risk that chemical residues may arise from the conduct of TALISMAN SABER 2009. Environmental monitoring is routinely undertaken at Defence training areas. At SWBTA for example, water quality is monitored and testing has not detected any traces of chemicals attributable to the conduct of military activity.

(b) Not applicable.

(8) Yes. A nuclear powered aircraft carrier will participate in TALISMAN SABER 2009 operating in the Arafura Sea. Additionally a nuclear powered submarine will operate in the Coral Sea well away from the Great Barrier Reef.

(a) All preparations associated with the safety of nuclear powered warships are considered by and are the responsibility of, the Visiting Ships Panel (Nuclear) on which Defence, Emergency Management Australia and the Australian Radiation Protection and Nuclear Safety Agency are represented (among others). The risks are considered very low and the procedures that would apply in the event of an incident are well known, and well rehearsed.

(b) The United States Government.

(9) No.

Aged Care Facilities
(Question No. 1188)

Senator Cormann asked the Minister representing the Minister for Ageing, upon notice, on 17 December 2008:

(1) As at 17 December 2008, how many Victorian state-owned aged care facilities have: (a) received unannounced spot checks in 2008; and (b) been sanctioned since the announcement of increased unannounced spot checks.

(2) How many Victorian state-owned aged care facilities were sanctioned in 2005, 2006 and 2007.

(3) Can a list be provided of the names of the Victorian state-owned aged care facilities that have been sanctioned since November 2007.

Senator Ludwig—The Minister for Ageing has provided the following answer to the honourable senator’s question:

(1) (a) Of the 179 aged care facilities identified (as at 30 November 2008) as belonging to the Victorian State Government, 142 of these aged care facilities has had an unannounced support contact visit from the Aged Care Standards and Accreditation Agency (ACSAA) in the period between 1 January 2008 to 31 December 2008. The Department of Health and Ageing also conducted 27 unannounced visits to Victorian State Government aged care facilities in 2008.

(b) There have been no Victorian State Government aged care facilities that have had sanctions imposed since the announcement of increased unannounced spot checks on 22 March 2008.

(2) One Victorian State Government aged care facility had sanctions imposed by the Department of Health and Ageing in 2006. There were no sanctions imposed by the Department of Health and Ageing on Victorian State Government aged care facilities in 2005 or 2007.

(3) There have been no Victorian State Government aged care facilities sanctioned since November 2007.
Aged Care Facilities
(Question No. 1189)

Senator Cormann asked the Minister representing the Minister for Ageing, upon notice, on 17 December 2008:
Is the department aware of whether the Queensland State Government is selling its aged care facilities; if so, what plans are in place for its bed licences.

Senator Ludwig—The Minister for Ageing has provided the following answer to the honourable senator’s question:
The Department of Health and Ageing understands that the Queensland State Government is considering the future use of some of its 20 residential aged care facilities.

Aged Care
(Question No. 1190)

Senator Cormann asked the Minister representing the Minister for Ageing, upon notice, on 17 December 2008:
How many high and low care places which were allocated 5 or more years ago are still not operational.

Senator Ludwig—The Minister for Ageing has provided the following answer to the honourable senator’s question
Nationally, as at 31 December 2008, there were 112 high care and 278 low care places allocated five or more years before this date that were not operational.

Aged Care
(Question No. 1194)

Senator Cormann asked the Minister representing the Minister for Ageing, upon notice, on 17 December 2008:
Why did the Department audit back 18 months under the Aged Care Funding Instrument (ACFI), when prior to the ACFI the Department only audited back 3 months.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:
Claims for Government funding are made by approved providers based on their own assessments of residents’ care needs.
To validate a claim, documentation relevant to the appraisal of the resident is examined. The documentation reviewed covers the timeframe in which the approved provider’s appraisal of the resident was conducted. This is usually three months worth of material and would not generally be more than 12 months old as previously Resident Classification Scale (RCS) classifications expired annually.
In the last six months of 2008, the Department of Health and Ageing conducted additional reviews targeted at ‘grand parented’ rates. In these cases, a new Aged Care Funding Instrument (ACFI) appraisal has been completed for a resident, but the funding is maintained at the previous RCS level, and as such it was the documentation supporting the RCS that was reviewed. In these situations, material considered could have been dated 18 months prior to the visit.
Aged Care Facilities
(Question No. 1199)

Senator Cormann asked the Minister representing the Minister for Ageing, upon notice, on 22 December 2008:

(1) How many facilities have had their licences revoked because of serious risk since the introduction of the Aged Care Act 1997.

(2) Can the names be provided of the two services who have had their licences revoked following findings by the Aged Care Standards and Accreditation Agency of serious risk since 1 July 2006.

(3) Since 1 July 2006, 37 services have had sanctions imposed on them because of serious risk findings by the agency: (a) can a list be provided of those 37 services; and (b) for each service, can a copy be provided of the review audit major findings—assessment information.

Senator Ludwig—The Minister for Ageing has provided the following answer to the honourable senator’s question:

(1) There are four facilities that have had their approved provider status or allocated places revoked by the Department of Health and Ageing.

(2) Belvedere Park Nursing Home had its approved provider status and allocated places revoked. Rosden Private Nursing Home had its allocated places revoked.

(3) (a) A list of the 37 services that had sanctions imposed on them by the Department of Health and Ageing since 1 July 2006, because of serious risk findings by the Aged Care Standard and Accreditation Agency is below.

(b) Copies of review audit major findings—assessment information may be obtained by contacting the Chief Executive Officer, Aged Care Standards and Accreditation Agency, on (02) 9663 1711.

ATTACHMENT A

Aged care services that had sanctions imposed on them by the Department of Health and Ageing since 1 July 2006, because of serious risk findings by the ACSAA

Service Name
Curie Nursing Home
Glenwood Gardens
Hetti Perkins Homes for The Aged
Ngooderi House
Star of the Sea / Torres Strait Home for the Aged, Thursday Island
Dija Meta Aged & Disabled Hostel (Hartley Street)
Hibiscus House Nursing Home
Mudgeeraba Nursing Centre
Yaralla Place
Albany Gardens Nursing Centre
Rockingham Cardwell Shire Home for the Aged
Sir James Terrace
Regency Green Multi-Cultural Aged Care Service
Brighton Aged Care (formerly St Catherines Nursing Home)
Ridge Park Health Care Centre
Senator Cormann asked the Minister representing the Treasurer, upon notice, on 19 December 2008:

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:

(1) 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.

(2) 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.

Senator Conroy—The Treasurer has provided the following answer to the honourable senator’s question:

(1) and (2) Budget estimates are prepared over the forward estimates period. Any impact of the INPEX project on PRRT revenue is unlikely to occur until well beyond the current forward estimates period. That said, it cannot be assumed that locating the onshore gas processing operations in Darwin will necessarily result in a delay in PRRT revenue, or lower PRRT revenue, relative to locating the onshore operations in Western Australia.
Australian Workplace Agreements
(Question No. 1207)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 23 December 2008:

With reference to the answer to DEEWR question no. EW631 09 taken on notice on 3 June 2008 during the 2008-09 Budget estimates hearings of the Education, Employment and Workplace Relations Committee:

(1) Can a copy be provided of the signatory page of the document referred to as ‘document labelled as an Australian Workplace Agreement’.

(2) Does this page disclose the signature of the employer.

(3) On what basis is it claimed in the answer provided that ‘this document was not signed by the employer’.

(4) Whilst it is acknowledged that the claimant stated in an interview that she had not seen an Australian Workplace Agreement, was she ever presented with a copy of the ‘document labelled as an Australian Workplace Agreement’, which purportedly had the claimant’s signature attached to it.

(5) Was the claimant asked to verify or deny that it was her signature attached to that ‘document labelled as an Australian Workplace Agreement’.

(6) Given the date that appeared on the ‘document labelled as an Australian Workplace Agreement’ and the claimant’s commencement of employment, was any further verification or information sought from the claimant in relation to the document and her previous sighting of it.

(7) (a) On what dates did Ms Healy make back pay payments; and (b) were three of those payments made during 2007; if so, on what dates were those payments made.

(8) On what date was Ms Healy officially charged.

(9) On what basis was it reported in the Hobart Mercury that Mr Wilson had advised that Ms Healy ‘had not voluntarily complied with the Ombudsman during the investigation’.

(10) Is it acknowledged that payments for the underpaid staff were in fact made prior to Ms Healy being officially charged?

(11) Is voluntary payment prior to being charged considered to be voluntary compliance; if so, why did Mr Wilson assert Ms Healy had not voluntarily complied during the investigation.

Senator Ludwig—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) No.

(2) No.

(3) The Document was not signed by the employer.


(5) Please refer to the Workplace Ombudsman’s response to DEEWR Question No. EW631_09 of 3 June 2008.

(6) No. It was not operationally relevant to do so, as the investigation did not extend to making inquiries into the employer’s failure to lodge the Agreement with the Workplace Authority (as required by Part 8, Division 4 of the WR Act).

In his decision, Marshal J, (McIver V Healey [2008] FCA 2) indicates the parties agreed that Mrs Healey had breached eight terms of the award. They were:

(i) Clause 18, by failing to pay adult employees at the correct classification rate provided;

QUESTIONS ON NOTICE
(ii) Clause 15.2.2(a), by failing to pay a 25% loading for work performed on week days;
(iii) Clause 15.2.2(a), by failing to pay an allowance for work performed between 7 pm and midnight during week days;
(iv) Clause 15.2.2(a), by failing to pay an allowance for work performed between midnight and 7 am on week days;
(v) Clause 15.2.2(b), by failing to pay a 50% casual loading for work performed on Saturdays;
(vi) Clause 15.2.2(c), by failing to pay a 75% casual loading for work performed on Sundays;
(vii) Clause 15.2.2(d), by failing to pay a 175% casual loading for work performed on holidays prescribed in the award; and
(viii) Clause 15.5.1, by failing to pay junior employees at the correct classification rate.

(7)  (a) A schedule detailing when payments were made by Theatre Royal Hotel was provided by the Workplace Ombudsman in response to DEEWR Question No. EW632_09 of 3 June 2008. In addition to the payments outlined in this answer, two further employees have since collected their outstanding entitlements from the Collector of Public Moneys.
(b) All three payments made in relation to outstanding employee entitlements were made in 2007.

(8) The commencement of civil penalty litigation does not equate to the laying of a charge. The Workplace Ombudsman filed the original statement of claim in the Federal Court on 27 September 2007.

(9) In his media release of 14 April 2008, Mr Wilson advises that: ‘Although the underpayment was paid by Mrs Healy prior to the penalty hearing, voluntary compliance during the Workplace Ombudsman’s investigation proved unsuccessful’

(10) Civil penalty proceedings were commenced on 27 September 2007 after the final payment was made by Ms Healey on 13 September 2007.

(11) The Workplace Ombudsman exhausted all mechanisms available to the agency to rectify the underpayments before it considered initiating civil penalty proceedings. Further, the Workplace Ombudsman does not consider the recovery of underpayments at the 11th hour, just prior to the filing of proceedings as ‘voluntary compliance’.

Indonesia: Mining
(Question No. 1217)

Senator Bob Brown asked the Minister representing the Minister for Foreign Affairs, upon notice, on 15 January 2009:

Having yet to receive a response to questions taken on notice during the 2008-09 supplementary Budget estimates hearings of the Foreign Affairs, Defence and Trade Committee, can the Minister also provide answers to the following:

(1) Has BHP Billiton announced that it will not be going ahead with mining on Gag Island, Indonesia.
(2) What representations, direct or indirect, have been made to Indonesia by Australia or any Australian mining company regarding Gag Island or its inclusion on the World Heritage List.

Senator Faulkner—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

(1) BHP Billiton announced on 13 November 2008 that it had decided to end a study into integrated nickel development in Eastern Indonesia (Gag Island and at Buli in Halmahera). The announcement noted that the study had not been able to identify a business case to support the investment.
(2) There have not been Australian Government representations specifically relating to Gag Island since 20 June 2002 (representations on 20 June 2002 noted in answer to Senate Question on Notice No. 2145 of 19 September 2003—Senate Hansard, 10 February 2004, page 19761).

Australia’s representations to Indonesia on mining have focused on the general need for certainty, transparency and coordination between different regulatory regimes, in order to improve the investment environment.

The Minister is not in a position to provide details of representations that may have been made in Indonesia by Australian mining companies in relation to this issue.

Tasmania: Irrigation Projects
(Question No. 1218)

Senator Milne asked the Minister for Climate Change and Water, upon notice, on 15 January 2009:

Will the Commonwealth Government act to ensure the $140 million allocated to Tasmania for irrigation projects is not spent on projects such as the proposed Boobyalla Dam (otherwise known as the Waterhouse Dam) which would destroy Regional Forest Agreement (RFA) protected forest community types and state-and Commonwealth-listed threatened species and noted priority species for protection under the Tasmanian RFA; if not, why not.

Senator Wong—The answer to the honourable senator’s question is as follows:

An election commitment of up to $140 million was made to support more efficient irrigation in Tasmania, under the $12.9 billion water reform package, Water for the Future.

The Tasmanian Government has been asked to supply comprehensive business cases for each of the irrigation development projects it wishes to be considered for Commonwealth funding. The Commonwealth will conduct due diligence assessments of each business case prior to committing funding.

A core component of the Commonwealth due diligence process is an assessment of the environmental impact assessments (long and short term) undertaken for the projects.

The business cases must provide evidence:

- of compliance with all State and Local level environmental law, including environmental impact assessment processes; and

- that the project is environmentally sustainable (for example demonstrating that the project will not have an adverse impact on matters of National Environmental Significance as defined under the Environment Protection and Biodiversity Conservation Act 1999).

AusIndustry Branding
(Question No. 1221)

Senator Abetz asked the Minister for Innovation, Industry, Science and Research, upon notice, on 16 January 2009:

Further to the answer to question SI-13 taken on notice during the 2008-09 supplementary Budget estimates hearings of the Economics Committee:

(1) What is the ‘AusIndustry Branding’ campaign.

(2) What is the purpose of this campaign.

(3) Can full details of this campaign be provided, such as what was the cost of developing the campaign and website and what advertisements were run and where.
**Senator Carr**—The answer to the honourable senator’s question is as follows:

1. ‘AusIndustry branding’ is not a campaign. AusIndustry is the principal business program delivery division of the Department which delivers a suite of more than 30 programs. For the purpose of the response to question SI-13, the term ‘AusIndustry branding’ refers to single or multiple program promotions and advertisements planned from the date of that response. Details are as follows:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Promotion of AusIndustry Programs</td>
<td>$24,441.07</td>
</tr>
<tr>
<td>Promotion of the Small Business Advisory Services Program</td>
<td>$78,898.72</td>
</tr>
<tr>
<td>Promotion of the R&amp;D Tax Concession</td>
<td>$26,430.00</td>
</tr>
<tr>
<td>Promotion of the North East Tasmania Innovation and Investment Fund</td>
<td>$350.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$130,119.79</strong></td>
</tr>
</tbody>
</table>

2. ‘AusIndustry branding’ is not a campaign.

3. ‘AusIndustry branding’ is not a campaign.

**Proposed Pulp Mill**

(Question No. 1226)

**Senator Abetz** asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 16 January 2009:

With reference to the Minister’s announcement on Monday, 5 January 2009:

1. What was the purpose of the Minister’s telephone call to Mr Bob McMahon on 5 January 2009.
2. What time, to the nearest 15 minutes, was this call made.
3. What was the duration of the phone call.
4. Did the Minister advise Mr McMahon of his decision regarding the pulp mill approval during this phone call.
5. Did the Minister read Mr McMahon his press release, media conference statement or a portion thereof during this conversation.
6. Did the Minister personally telephone anyone from Gunns Limited to advise them of his decision prior to the announcement.
7. What time, to the nearest 15 minutes, did the Minister or his office contact Gunns Limited to advise them of his decision.
8. Did the Minister telephone, contact or in any other way notify anybody else of his decision before the announcement at 12.30 pm; if so, for each instance: (a) who was contacted; (b) what was the time (to the nearest 15 minutes) of the contact; (c) what was the duration of the discussion; and (d) what was the nature of the discussion.
9. Did the Minister’s office telephone, contact or in any other way notify anybody else of the Minister’s decision before the announcement at 12.30 pm; if so, for each instance: (a) who was contacted; (b) what was the time (to the nearest 15 minutes) of the contact; (c) what was the duration of the discussion; and (d) what was the nature of the discussion.

**Senator Wong**—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

1. The purpose of the Minister’s telephone call was to inform Mr McMahon of his decision in respect of the Gunns pulp mill Environmental Impact Management Plan.
2. The call was made between 11.30am and 12.30pm on 5 January 2009.
3. No record was kept of the duration of the phone call.
(4) Yes

(5) No

(6) No. On the Minister’s instructions, in the hour immediately prior to the press conference of 5 January 2009 the Department contacted Gunns Limited to advise them of the Minister’s decision, and simultaneously sent an electronic copy of the Minister’s letter.

(7) See response to question 6.

(8) In the hour immediately prior to the press conference of 5 January 2009 the Minister spoke to a number of persons who had previously made representations in relation to the Gunns Limited pulp mill. The exact time, duration and details of the discussion were not recorded. In all instances the persons telephoned were advised that the information was confidential pending the media conference at 12.30pm.

(9) Yes. In the hour immediately prior to the press conference of 5 January 2009 calls were made by a member of the Minister’s staff to senators and members with a particular interest in the matter to inform them of the decision. In all instances the persons telephoned were advised that the information was confidential pending the media conference at 12.30pm.

Registration of Coat of Arms

(Question No. 1234)

Senator Minchin asked the Minister for Innovation, Industry, Science and Research, upon notice, on 3 February 2009 (amended 11 February 2009):

For each year since 2000, how many applications for the registration of coat of arms, by individuals or non-government organisations, have been received and granted by Intellectual Property Australia?

Senator Carr—The answer to the honourable senator’s question is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Received (Lodgement Date)</th>
<th>Granted (Entered on Register)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>27</td>
<td>10</td>
</tr>
<tr>
<td>2001</td>
<td>26</td>
<td>30</td>
</tr>
<tr>
<td>2002</td>
<td>40</td>
<td>34</td>
</tr>
<tr>
<td>2003</td>
<td>29</td>
<td>32</td>
</tr>
<tr>
<td>2004</td>
<td>30</td>
<td>20</td>
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<tr>
<td>2005</td>
<td>47</td>
<td>27</td>
</tr>
<tr>
<td>2006</td>
<td>37</td>
<td>37</td>
</tr>
<tr>
<td>2007</td>
<td>37</td>
<td>31</td>
</tr>
<tr>
<td>2008</td>
<td>41</td>
<td>33</td>
</tr>
<tr>
<td>2009 (up to 4 February)</td>
<td>0</td>
<td>7</td>
</tr>
</tbody>
</table>

This table includes all applications and/or registrations that consist of or contain any official or non-official coat of arms.

Foreign Fishing Vessels

(Question No. 1271)

Senator Cash asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 4 February 2009:

Excluding vessels that are believed to be fishing legitimately in certain areas of the Australian Exclusive Economic Zone (AEEZ), such as the MoU Box, how many sightings of foreign fishing vessels were recorded by Australian Fisheries Management Authority vessels, Coastwatch and Australian Defence Force aircraft in AEEZ waters between the Western Australian coastline and the Indonesian archipelago, for each of the following financial years: (a) 2004-05; (b) 2005-06; (c) 2006-07; and (d) 2007-08.
Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

There are no Australian Fisheries Management Authority (AFMA) vessels employed to conduct patrols of Australia’s EEZ. AFMA relies on the Australian Customs and Border Protection Service and Defence vessels to conduct response taskings on behalf of AFMA.

Border Protection Command (BPC) maintains a database of FFV sightings reported by Customs and Border Protection and Defence aircraft in the Area of Interest.

Sightings of FFVs within West Australian AEEZ 18S to 129E not including Type 1s# and Type 2s# in the MOU Box (Does not include BPC Surveillance Area 9 - Cocos & Christmas Islands)

<table>
<thead>
<tr>
<th>Year</th>
<th>CW Aircraft</th>
<th>ADF Aircraft</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>631</td>
<td>220</td>
<td>851</td>
</tr>
<tr>
<td>2006-07</td>
<td>1216</td>
<td>90^</td>
<td>1306^</td>
</tr>
<tr>
<td>2005-06</td>
<td>2226</td>
<td>*</td>
<td>2226*</td>
</tr>
<tr>
<td>2004-05</td>
<td>1772</td>
<td>*</td>
<td>1772*</td>
</tr>
</tbody>
</table>

# Traditional sail powered vessels which can fish legitimately in the AEEZ MoU Box (map provided).
^ Defence sighting data not available prior to January 2007.
* Defence sighting data for this period is not available.

Foreign Affairs and Trade: Moncrieff Electorate
(Question No. 1287)

Senator Mason asked the Minister representing the Minister for Trade, upon notice, on 5 February 2009:

With reference to the Government’s funding of organisations and projects between 3 December 2007 and 20 January 2009: (a) which organisations and projects within the Moncrieff electorate received funding from the department’s Trade Branch; (b) how much funding did each organisation or project receive; and (c) for what purpose was each funding commitment made.

Senator Faulkner—The Minister for Trade has provided the following answer to the honourable senator’s question:

Any person who meets the relevant criteria is eligible to access departmental and portfolio agency programs and services. To provide the detailed information sought would entail a significant diversion of resources and, in these circumstances, I do not consider the additional work can be justified.