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SITTING DAYS—2009

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RADIO BROADCASTS

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FORTY-SECOND PARLIAMENT
FIRST SESSION—FOURTH PERIOD

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

Senate Officeholders

President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Hon. Alan Baird Ferguson
Temporary Chairs of Committees—Senators Guy Barnett, Cory Bernardi,
Thomas Mark Bishop, Carol Louise Brown, Patricia Margaret Crossin,
Michael George Forshaw, Gary John Joseph Humphries, Annette Kay Hurley,
Stephen Patrick Hutchins, Gavin Mark Marshall, Julian John James McGauran,
Claire Mary Moore, Stephen Shane Parry, Hon. Judith Mary Troeth and Russell Brunell Trood

Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Leader of the Opposition in the Senate—Senator Hon. Nicholas Hugh Minchin
Deputy Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator 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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<td>Abetz, Hon. Eric</td>
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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) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Christopher Martin Ellison, resigned.
(4) 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**

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<tr>
<td>Prime Minister</td>
<td>Hon. Kevin Rudd, MP</td>
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<tr>
<td>Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion</td>
<td>Hon. Julia Gillard, MP</td>
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<td>Treasurer</td>
<td>Hon. Wayne Swan MP</td>
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<td>Minister for Immigration and Citizenship and Leader of the Government in the Senate</td>
<td>Senator Hon. Chris Evans</td>
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<tr>
<td>Special Minister of State, Cabinet Secretary and Vice President of the Executive Council</td>
<td>Senator Hon. John Faulkner</td>
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<tr>
<td>Minister for Finance and Deregulation</td>
<td>Hon. Lindsay Tanner MP</td>
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<td>Hon. Simon Crean MP</td>
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<td>Minister for Foreign Affairs</td>
<td>Hon. Stephen Smith MP</td>
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<td>Minister for Defence</td>
<td>Hon. Joel Fitzgibbon MP</td>
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<tr>
<td>Minister for Health and Ageing</td>
<td>Hon. Nicola Roxon MP</td>
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<tr>
<td>Minister for Families, Housing, Community Services and Indigenous Affairs</td>
<td>Hon. Jenny Macklin MP</td>
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<td>Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House</td>
<td>Hon. Anthony Albanese MP</td>
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<td>Senator Hon. Stephen Conroy</td>
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<td>Minister for Innovation, Industry, Science and Research</td>
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<td>Minister for Climate Change and Water</td>
<td>Senator Hon. Penny Wong</td>
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<td>Hon. Peter Garrett AM, MP</td>
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<td>Minister for Human Services and Manager of Government Business in the Senate</td>
<td>Hon. Robert McClelland MP</td>
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<td>Minister for Agriculture, Fisheries and Forestry</td>
<td>Senator Hon. Joe Ludwig</td>
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<td>Minister for Resources and Energy and Minister for Tourism</td>
<td>Hon. Tony Burke MP</td>
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<td>Hon. Martin Ferguson AM, MP</td>
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[The above ministers constitute the cabinet]
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<tr>
<td>Minister for Home Affairs</td>
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<tr>
<td>Assistant Treasurer and Minister for Competition 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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<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>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>
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<td>Parliamentary Secretary for Defence Support and Water</td>
<td>Hon. Dr Mike Kelly AM, MP</td>
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<td>Parliamentary Secretary for Regional Development and Northern Australia</td>
<td>Hon. Gary Gray AO, MP</td>
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<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 Pacific Island Affairs</td>
<td>Hon. Duncan Kerr MP</td>
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<td>Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Trade</td>
<td>Hon. Anthony Byrne MP</td>
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<td>Parliamentary Secretary for Government Service Delivery</td>
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</table>
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]
SHADOW MINISTRY—continued

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

Shadow Assistant Treasurer
The Hon Tony Smith MP

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

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

Shadow Minister for Housing and Local Government
Mr Scott Morrison

Shadow Minister for Ageing
Mrs Margaret May MP

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

Shadow Minister for Veterans’ Affairs
Mrs Louise Markus MP

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

Shadow Minister for Justice and Customs
The Hon Sussan Ley MP

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

Shadow Parliamentary Secretary for Northern Australia
Senator the Hon Ian Macdonald

Shadow Parliamentary Secretary for Roads and Transport
Mr Don Randall MP

Shadow Parliamentary Secretary for Regional Development
Mr John Forrest MP

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

Shadow Parliamentary Secretary for Energy and Resources
Mr Barry Haase MP

Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector
Senator Mitch Fifield

Shadow Parliamentary Secretary for Water Resources and Conservation
Mr Mark Coulton MP

Shadow Parliamentary Secretary for Health Administration
Senator Mathias Cormann

Shadow Parliamentary Secretary for Defence
The Hon Peter Lindsay MP

Shadow Parliamentary Secretary for Education
Senator the Hon Brett Mason

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

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

Shadow Parliamentary Secretary for Immigration and Citizenship and Shadow Parliamentary Secretary Assisting the Leader in the Senate
Senator Concetta Fierravanti-Wells
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Tuesday, 17 March 2009

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

BUSINESS

Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (12.30 pm)—I move:

That consideration of the business before the Senate on Tuesday, 17 March 2009 be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Back to make his first speech without any question before the chair.

Question agreed to.

EMISSIONS TRADING SCHEME

Return to Order

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector) (12.31 pm)—by leave—

The government notes the additional mechanisms included in Senate motion No. 375 aimed at minimising the likely commercial harm previously identified by the government under the order of the Senate No. 27 of 4 February 2009. However, the government continues to believe that the provision of the proprietary model code and data related to the modelling conducted for Australia’s low pollution future: the economics of climate change mitigation would cause commercial harm to organisations that were contracted to assist Treasury.

The Centre for Global Trade Analysis provides the global trade analysis project database from which the database for the global trade and environment model—the GTEM—has been derived. Disclosure of the GTEM database by the Australian government to a third party would have the effect of disclosing a substantial portion of the private, confidential information of the Centre for Global Trade Analysis. The government notes the correspondence between Purdue University and the Senate Select Committee on Fuel and Energy in which Purdue University identifies that if the committee, or its consultant, would like access to the database they would be required to purchase a licence. The Senate order does not identify if such a purchase has occurred. If the government were to provide proprietary data to the committee this would directly deprive Purdue University of funding. In addition, the committee, or its consultants, by purchasing a licence would be directly liable for all confidentiality clauses contained in the GTAP data licence.

In the case of the Monash multiregional forecasting model, the MMRF model, provision of the model codes and database could cause substantial commercial harm to Monash University—in particular, to the Centre of Policy Studies at that university.

The Centre for Global Trade Analysis provides the global trade analysis project database from which the database for the global trade and environment model—the GTEM—has been derived. Disclosure of the GTEM database by the Australian government to a third party would have the effect of disclosing a substantial portion of the private, confidential information of the Centre for Global Trade Analysis. The government notes the correspondence between Purdue University and the Senate Select Committee on Fuel and Energy in which Purdue University identifies that if the committee, or its consultant, would like access to the database they would be required to purchase a licence. The Senate order does not identify if such a purchase has occurred. If the government were to provide proprietary data to the committee this would directly deprive Purdue University of funding. In addition, the committee, or its consultants, by purchasing a licence would be directly liable for all confidentiality clauses contained in the GTAP data licence.

The model codes and databases for this model are the private, confidential information of that organisation. They are sold as a commercial product by Monash University. The government notes the correspondence between Monash University and the Senate Select Committee on Fuel and Energy which discusses the possibility of making unspecified arrangements with regard to a suitable confidentiality and non-disclosure deed. The Senate order does not identify if these arrangements have been put in place and agreed with Monash University. In addition, the correspondence does not identify if all financial considerations of Monash University have been resolved. If the government were to provide the proprietary model code and data to the committee, this could directly deprive Monash University of funding. Until these serious matters of commercial harm are resolved to the documented satisfaction of
the external consultants, the government will not consider this matter further.

Senator CORMANN (Western Australia) (12.34 pm)—by leave—As Chair of the Senate Select Committee on Fuel and Energy, I note the government’s persistence in refusing to provide the requested information, based on a claim of likely commercial harm to parties contracted by Treasury to assist them in modelling on the Carbon Pollution Reduction Scheme. The committee will consider the government’s further statement and advise the Senate. I do note, though, that the government, in making this continuing claim of commercial harm, still has not addressed the fact that there is a lot of information that was asked for in this order which is not covered by the government’s claim of commercial harm. The government has made no statement in any of the explanations provided to the Senate so far as to why it is persisting in not complying and conforming with the order of the Senate in relation to all of that other information, which includes, for example, information documents generated by the government for the purposes of the composition of the information covered and a whole range of other information, which is covered in part (3)(b) of the order which was successfully passed by the Senate last week. I ask that the government consider the comments I have just made and consider making a further statement explaining on what basis they are persisting with their refusal to comply with the order of the Senate, given they have not provided any explanation whatsoever of the basis on which they have refused to do so far in relation to part (3)(b).

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12.36 pm)—by leave—There is a very simple issue at stake here, and that is the right of the nation to be informed through its Senate committee system as against so-called commercial rights. We are here in the service of the nation. I did not hear in the government’s statement, if there is a commercial component, if there is money to be lost by the people who hold this information, an offer to facilitate the matter by paying so that the Senate can get the information. This time-honoured falling back on commercial-in-confidence as a reason for depriving Senate committees, of all things, of information that is crucial to their deliberations does not wash. The Senate committees should have that information made available, and if the government believes that there is a commercial consideration in the way it should facilitate the payment of whatever that commercial consideration is to ensure that the Senate gets the information that it requires; otherwise, it should support the committee getting that information instead of obstructing it, as we have heard here today.

CUSTOMS TARIFF AMENDMENT (2009 MEASURES No. 1) BILL 2009

EXCISE TARIFF AMENDMENT (2009 MEASURES No. 1) BILL 2009

In Committee

Consideration resumed from 16 March.

The TEMPORARY CHAIRMAN (Senator Marshall)—Order! The committee is considering the Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 and a related bill. The question is that the bills be agreed to, subject to requests.

Senator FIELDING (Victoria—Leader of the Family First Party) (12.38 pm)—Before I move on to the requests by Family First on sheet 5755, senators will recall that last night a request was made to ensure that the money collected through the alcopops tax over the last year is legally able to stay with the government and not go back to the industry. Family First had a position, which was the same position as making sure that the money received for the full year for which it was collected does not go back to the indus-
try, plus an additional six months, as a sunset clause. I would like to test that position in the chamber this afternoon and extend it by moving amendment (1) on sheet 5755, which says that schedule 1A apply for six months after the act receives royal assent. That basically means that the government can legally keep the money from the alcopops tax not just for the last 12 months but also for the next six months. Given that last night the Senate agreed to allow the government to keep the money collected over the last year, I am still honouring my view that I think it should go for another six months to give the government even more time to put in place real measures. I am just testing the will of the chamber here by moving this first request. If this motion fails, there is no use in my moving the rest of the requests for amendments by Family First. I move amendment (1) on sheet 5755 in relation to the Customs Tariff Amendment (2009 Measures No. 1) Bill 2009:

That the House of Representatives be requested to make the following amendment:

(1) Clause 2, page 2 (after table item 2), insert:

2A. The latest of:
   (a) 6 months after this Act receives the Royal Assent; and
   (b) 6 months after the Excise Tariff Amendment (2009 Measures No. 1) Act 2009 receives the Royal Assent.

However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.

Statement pursuant to the order of the Senate of 26 June 2000

These amendments are framed as requests because they are to a bill which imposes taxation within the meaning of section 53 of the Constitution. The Senate may not amend a bill imposing taxation.

Statement by the Clerk of the Senate pursuant to the order of the Senate of 26 June 2000

As this is a bill imposing taxation within the meaning of section 53 of the Constitution, any Senate amendment to the bill must be moved as a request. This is in accordance with the precedents of the Senate.

Senator CORMANN (Western Australia) (12.40 pm)—The opposition understand very much where Senator Fielding is coming from because he has identified the same flaws in the government’s legislation that we have identified. We will not be able to support Senator Fielding’s amendment because it goes beyond what the Senate agreed to only last night. In fact, last night the Senate agreed to a request for an amendment that will put in place a sunset clause. We moved to validate the revenue collected by the government as a result of the increased tax on RTDs since 27 April last year until royal assent is given for this bill. Senator Fielding, on behalf of Family First, is proposing to add a further six months to that, but the coalition is very satisfied with the decision made by the Senate last night. Moving forward, the requests for amendments that were passed by the Senate last night will reduce the level of taxation on RTDs that have below 10 per cent alcohol content back to where they would have been if the government had not implemented its 70 per cent tax hike last year.

The reason we are here having this argument is that the government tried to sell a tax grab as a health measure. It was a sham from the start. The reality is that the government wanted to raise $3.1 billion in cash to keep the pretence going that it was able to keep a surplus. Those were the days of the Prime Minister trying to sell himself as a fiscal and economic conservative, so the government looked around for some easy targets. ‘What is the best possible spin? Let’s tell everyone that this is really about fixing binge drinking. Let’s just try and pretend that we are trying
to fix a serious problem when really what we are trying to do is raise some more cash.’

The best guide to what a government truly want to do rather than what they are saying they want to do is in the budget papers. If you want to find out what the government are actually trying to achieve with this bill, have a look at the budget papers. There is no public health target attached to this measure in the budget papers. There are no public health outcome performance measures. During the Senate inquiry, I asked questions of the general manager from the Department of the Treasury about whether the Treasury, the Department of Health and Ageing or anybody in government had put in place any performance measures that would help us to assess whether the measure had been effective in reducing binge drinking, in addressing at-risk levels of alcohol consumption or indeed in reducing alcohol abuse related harm in the community. The answer was no.

There is only one target in the budget papers, and that is a fiscal target. There is a target to raise $3.1 billion in new revenue. There is no public health policy target, just a fiscal target. When the government fail to meet that target, guess what happens? The government say: ‘Isn’t it great? We failed to meet our fiscal target. Isn’t it a great success?’ We turn around and we hear the government say: ‘This proves that the measure is working. This is what we wanted all along. We didn’t want to raise $3.1 billion.’ As if! This has been an absolute sham.

Believe it or not, the government actually came along and tried to tell us that the failure to meet their targets in the budget papers was exhibit A. That was their ‘evidence’ that their measure was working and that they were able to achieve an objective—one that was not written up anywhere in the budget papers—by failing to meet the targets that were there. They said, ‘In the budget papers we say we want to raise $3.1 billion—nothing else. The fact that we have not got there proves that that we are achieving our real objective.’ Senator Fielding is quite right: the government are not serious about addressing the binge-drinking problem. This measure does not demonstrate seriousness about addressing the binge-drinking problem. All this measure does is demonstrate a government that is intent on and serious about raising additional revenue.

After this had subsided and people were not really buying the argument anymore that the government’s failing, by $1.5 billion, to reach the $3.1 billion revenue target was evidence that the government’s measure was working, what was the next piece of evidence? It was exhibit B: sales of RTDs have gone down, so binge drinking must be being addressed effectively. The argument goes like this: that sales are down means consumption is down, which means binge drinking is down. But there is no evidence to make the link between sales down, consumption down and binge drinking down. If you say sales down equals consumption down equals binge drinking down, does that mean, if sales go up and consumption goes up, that binge drinking goes up, because that is exactly what the government are expecting to happen? If you look at the fine print in the MYEFO 2008-09, you will see that as of 1 July 2009 the government expect sales of RTDs to go up by 7.8 per cent every year from here on in—so sales up equals consumption up equals binge drinking up in the government’s logic. This just shows that tax measures, in the absence of a comprehensive strategy and in the absence of a strategic approach to the serious issue of alcohol abuse, are just not a serious way of going about this and the government have been found out.

Let us be very clear about this: from the outset this was a tax measure which the government, for political reasons, sought to
dress up as a health measure. They have not been able to present one piece of evidence that it is an effective tax measure to address a health problem. Not even the Labor senators on the committee were prepared to sign up to the proposition that this measure had achieved a reduction in binge drinking or had achieved reduced alcohol consumption or reduced alcohol abuse related harm in the community. Not even the government’s own senators were prepared to sign up to that proposition, yet the minister and her propaganda machine keep saying, with a straight face, ‘We have the evidence. The evidence is there. This measure is working.’ Well, this measure is not working and this is not the way to go about it.

In closing, I refer to Senator Fielding’s amendment. We understand where he is coming from. We understand that he shares the coalition’s view that this is not an effective way of addressing the binge-drinking problem across Australia. We understand that he would like to see the measure in place for another six months. But the coalition are very happy with the decision that was made by the Senate last night to establish, in effect, a sunset clause at the time of royal assent and to reduce the applicable tax back down to the level it would have been at if the government had not implemented their 70 per cent tax hike in the first place.

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (12.48 pm)—I indicate on behalf of the government that we will not be supporting Senator Fielding’s amendment—and I do not think that you would be surprised by that, Senator Fielding. It is the view of the government that this measure is reducing the drinking of alcopops. According to Professor Tanya Chikritzhs, it is therefore good common sense that it is having an impact on the inappropriate use of alcohol particularly by young people—and our concern here is its use particularly by those who are under age.

I have been concerned about some of the messages that have come out of this chamber in the last 24 hours. I have been told repeatedly by public health sector leaders that the experience of the past 12 months is that finally in this country there has been a focus on the drug which is causing the second-most serious impact on the health and social fabric of our community. So alcohol is finally being talked about. Many of the public health officials have complimented our Prime Minister on, for the first time in a very long time by a leader, having the leadership and the courage to talk about the impact of alcohol broadly and also, most particularly, on our young people.

Many people in this chamber have talked about their observation of increased abuse of alcohol by very young people and teenagers. This measure is part of our comprehensive approach to having, as Senator Fielding has requested, a change in culture in our society. Senator Siewert has repeatedly talked about the need for a comprehensive approach. I put to Senator Siewert, to Senator Fielding and, more importantly, to those who sit on that side that this government has a comprehensive approach to dealing with the inappropriate use of alcohol and this tax measure is but one element of it. Early in the time of the Rudd Labor government, we established the National Preventative Health Taskforce. One of the issues that it was asked to deal with was the use of alcohol that was detrimental to our society. That was the first plank. We have also allocated, as of last year—and I acknowledge that Senator Xenophon has said it is not enough—$53.5 million to a range of measures under the National Binge Drinking Strategy. That cannot be sneezed at. It is a good piece of work that, along with the other measures, will change the culture around the inappropriate use of alcohol.
We have heard in this chamber of the number of people who are appalled at the culture of young people who say they drink to get drunk. We have to turn that around. That is why the focus of the Binge Drinking Strategy is at a personal level, through early interventions; at a community level, through the community level initiatives and the Good Sports program; and at a national level, where the Prime Minister said we needed to make people aware of what was happening out there on the street at 2.30 in the morning—at a time when many of us who sit in this chamber are not out there. I found those ads very confronting, because I am not on the street at 2.30 in the morning and I do not see it. The message that I heard out of that process was focus group responses from young people who said, ‘Where is the hidden camera?’ They know that that is what it is like out there. We have got to turn that around. So we have the Preventative Health Taskforce and we have the work we are doing through the National Binge Drinking Strategy.

Last week Minister Roxon announced $872 million for a comprehensive range of measures—not only in alcohol, but these things are so intertwined that you cannot separate them. That work is in progress, and $872 million cannot be sneezed at. I think the commitment of this government to tackling that fundamental problem—changing the culture around alcohol, particularly amongst young people—is something that we need to mark. It is not an insignificant commitment. We will receive the report of the Preventative Health Taskforce in June of this year.

The cross-party senators are saying we need to do more. We know we have got to do more, but it needs to happen in an organised and planned way. There have been negotiations and discussions with the crossbench senators, because the Liberal and National parties will not acknowledge that we need to do something about binge drinking in this country.

**Senator Cormann**—But not the wrong thing

**Senator McLUCAS**—We need to do the right thing, and when you know that the intake of alcopops by young people has in fact reduced, you have got to acknowledge we are doing something.

**Senator Cormann* interjecting—*

The **TEMPORARY CHAIRMAN** (Senator Marshall)—Senator Cormann!

**Senator Cormann* interjecting—*

The **TEMPORARY CHAIRMAN**—Senator Cormann, cease interjecting, please!

**Senator McLUCAS**—The opposition talk about evidence, but the selective quoting of evidence that I heard during speeches in the second reading debate last night was appalling. Let us be honest and frank with our community. We know that there is one sector of the alcohol industry that is suffering—the distillers. They have spent a lot of time, money that we will never find out about, Senator Siewert, and energy working very hard against this measure. Why? Because it is working. Because alcopop sales have gone down by more than 35 per cent—

**Senator Cormann**—This year.

**Senator McLUCAS**—Alcopop sales have gone down 35 per cent.

**Senator Cormann**—This year.

**Senator McLUCAS**—There has been an increase in straight spirits—oft quoted by those on the other side, of 17 per cent. But the most important fact about distilled spirits sales that so many of the people on that side refuse to include in their commentary is that the overall consumption of spirits has fallen.

**Senator Cormann**—What about next year and the year after?
Senator McEwen—Chair, I cannot hear!

Senator McLUCAS—Senator Cormann interjects repeatedly, ‘Will it go up next year?’ I will tell you what: if this does not get passed it will go up a long way, and if this does not get passed the number of people who will be drinking these spirits will increase again, those people under the age of 18—

Senator Cormann—Do you have evidence on that?

The TEMPORARY CHAIRMAN—Order! Senator Cormann, please! You have had your opportunity to contribute to the debate.

Senator McLUCAS—There has been a calculated misuse of statistics in this argument, particularly from those who sit on the other side. It is time for a little bit of honesty with the Australian community about what is happening out there on the streets. I also think that the effort that has occurred in the last 15 months around the question of alcohol by our government has been overlooked. We are committed to working hard with communities and with individuals to ensure that we change the culture around alcohol use in this country. We have to do it for the health of our children. We have to do it to ensure that the finances of police departments are not continually whittled away by their running around cleaning up our streets, pulling children out of brawls and pulling injured children out of cars as a result of the abuse of alcohol.

We know we have to do something, and part of that measure is to address the tax loophole that was intentionally created by the Liberal Party in 2000. That loophole was intentionally created. It will be interesting some 10, 20 or 30 years down the track when the history of alcohol in this country is actually written if we can peel back how that occurred, because we certainly know that very early in the 2000s warning bells were being rung. The Australian Divisions of General Practice in, I think, around 2002 wrote an article in their journal about the concerns with the increase in growth in alcopops.

Those from the other side and the distilled spirits industry say that it is not only young people who drink alcopops. I can tell you where the growth in the market has been: it has been in the white spirit, pretty coloured alcopops designed particularly for young girls. Why are they so sweet? They are sweet for a good reason. They are sweet so that a child who is used to drinking orange soft drink can then move on to orange and white spirit and she probably will not really know the difference. These products are designed to move girls particularly, but also others, straight from soft drinks into alcohol. It is despicable, but that is what we are dealing with and that is what we have to turn around.

We heard many people on the other side during the second reading debate talking about how they were parents too, and they were worried. I am a parent and I am worried. All parents of teenagers allow their 16- or 17-year-old a certain amount of pocket money, and that is it. If they have to pay for transport and buy their lunch at school, there might be a bit left over. Unfortunately, irrespective of the best parenting in the world, some of that money may be used for inappropriate purchases of alcohol. They might have $6 left over. If a teenager is going to the bottle shop or getting someone older than them to go the bottle shop, that is all they can buy. Price is the strongest lever we can pull on underage drinking.

We know—we are sure—that drinking is having an impact, particularly on those young brains. We had the National Health and Medical Research Council come out last week and tell us with no equivocation that
drinking alcohol under the age of 18 will affect the growing development of the brain. There is some evidence that says that drinking alcohol under the age of 25 can have a detrimental effect on the brain. We need to be telling our children that no alcohol is the way to go. This is not an appropriate thing for kids to drink. The old adage about letting your child have a little wine with you over dinner to teach them how to drink has been debunked. They should have no alcohol.

We know from the statistics that one in 10 12- to 17-year-olds are drinking at dangerous and risky levels—binge drinking—once a week. These are 12- to 17-year-olds. Any kid under the age of 18 drinking to binge drinking levels—to falling over levels—is damaging their developing brain. We simply have to make sure that the message is strongly getting to them and their parents. Most importantly, we have to make sure that we have the strategies in place to deliver a change in culture—as Senator Fielding has repeatedly said—in this country, particularly among underage drinkers.

There is a lot of work to do. We have started on the road to changing that culture. Please acknowledge the work that the government have done in a vacuum of activity over the last 10 years. We know that we have to keep working. It has to be a comprehensive approach. That is the language of Senator Siewert and it is the same language that our government are using.

I thank those from the public health advocacy groups who have made commentary on this and expressed their concern about what happened here in the Senate last night. I acknowledge Michael Moore from the Public Health Association, who is in the gallery. I thank you for the work that you have done to try and debunk the myths that have been perpetuated by those who sit on that side and the distillers. Your work is balanced, researched and accurate. Along with the work of many of your colleagues, it has been an important contribution to this debate.

Finally, I indicate to Senator Fielding that we cannot support your amendment. We need to have this measure as it is. It is the right thing to do for the country. It is the right thing to do for our children. It is the right thing to do to change the culture of binge drinking in this country.

Question negatived.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.03 pm)—I should inform the Senate that the Greens are talking with the government about a resolution of the disagreements that we have had over this legislation, the $1.6 billion over four years that the tax measure raises and the expenditure of some of that, through hypothecation, on the problem of alcohol abuse. That process is not yet concluded, but we are hopefully moving towards an agreement on our part. I cannot speak for the other senators. But I should inform the committee that we are moving in that direction.

It would be good if we could clarify that progress before the committee reports back to the full Senate. In the absence of the negotiators, who are working on that at the moment, I would like to point to some of the matters that are currently being negotiated with the government. Yesterday, we spoke about the need for alcohol advertising and alcohol containers to have warning signs on them. Senator Fielding has been talking to the government, as have we, on both those matters. The government is moving on both those matters.

It is important that advertising—especially that aimed at young folk—has warning signs on it so that people are able to recognise from the outset that drinking alcohol is not a carefree matter; that there are penalties if it is
abused and that it needs to be done in a rea-
soned and sensible way where those who partake in it are aware of the health risks. This is especially so for young people. We have heard in this debate that at the worst end of that is destruction of one’s mental and physical health and a tendency to move to crime. There is also an increase in road acci-
dents and the death toll from them. And there is a massive economic penalty on society.

We have also been calling for the govern-
ment to consider the matter of a so-called hotline. These days that is much more than a telephone number but it allows people who are in trouble and recognise they are in trou-le to very effectively and easily reach out and get help. The more motivated they are, the more likely they are to get help, to re-
spose to that help and to get themselves out of a round of alcohol abuse. That is what binge drinking, for example, is about, but alcoholism is much more than binge drink-
ing. A hotline seems to be a sensible direc-
tion to be going in and one that the Greens are keen on, but it does have costs attached to it.

Senator Siewert has been putting strongly to the government—and I think my fellow crossbenchers would all be in agreement— that we ought to be looking at how to substi-
tute sports sponsorship which is currently coming from alcohol based industries, whether they be distillers or other producers of alcohol. This has been debated in this committee as well. It is very clear, not least with young people, that the advertisers pick on sports because it is effective. The purvey-
ors of alcohol are not spending their money on advertising for the community good; they are spending it to increase their sales, and effectively so, and they are targeting sports.

Everybody knows that alcohol damages your sporting ability. Everybody knows you are going to run slower, swim slower and perform with less alacrity on the tennis court, the football field or in any other sport, in-
cluding motor vehicle racing, if you take alcohol. Yet we have alcohol sponsorship of these very sports, as if it were going to im-
prove excellence. It is a lie. It is just a straight-out l-i-e lie. However, the advertisers recognise that they are on to a deceptive but profitable path through promoting sport as part of their sales pitch. The proposals that the Greens and, I think, fellow crossbenchers have been coming up with and putting to the health minister have been a first step along the road to substituting alcohol advertising for public funding when it comes to sporting organisations. That will no doubt be an ex-
cellent thing.

So I am hopeful, at least on the part of the Greens—and we have had very good talks with Senator Xenophon, but I will let him speak for himself—that we are moving mov-
towards an end to the impasse which arose last night. The details of that we will put to this committee as soon as they become available, but the prospects of a resolution to that impasse, to allow the government’s legislation to prevail while at the same time ensuring that there is increased hypothecation against the scourge of alcohol abuse, have become brighter this morning and as we go into the early part of the afternoon. We will report on that to the committee as soon as possible.

Senator CORMANN (Western Australia) (1.10 pm)—On behalf of the opposition, I indicate that we will not support any moves to report progress. We think it is time that the government got on with it. It has now been nearly a year that the government has col-
lected revenue without the support of the parliament. The government left it until the last minute before introducing this legisla-
tion. We thought perhaps it was because the government was intent on proving its case that this measure works from a public health point of view. Perhaps, just perhaps, the gov-
The government wants to spend the 11 months proving its case that a 70 per cent increase in tax on a comparatively lower alcohol content product will help reduce risky levels of alcohol consumption and alcohol abuse related harm.

We already knew that they had not put any performance measures in place. We knew that there were no public health targets. We knew that this was just a tax grab, but after the event, given that the Minister for Health and Ageing had been out there claiming that this was aimed at reducing binge drinking and addressing alcohol abuse related harm, perhaps somebody out there in a department or in a university or a health lobby group was going to do some academic work, some proper research and some proper surveying to prove the case that this measure has actually helped reduce risky levels of drinking and binge drinking. But when we asked the government to provide us with any information they had, any evidence at all that this measure had reduced risky levels of consumption, this is the answer I got from Treasury as a result of an order of the Senate passed on 4 February: ‘Since the 2007 National Drug Strategy Household Survey—which was before this measure came into effect—the Australian government has not collected any additional national consumption data on the reduction of risky or high-risk and/or at-risk behaviour since the introduction of the RTD excise increase in April 2008.’

The government has not collected any additional national consumption data on the reduction of risky, high-risk and/or at risk behaviour. Senator McLucas is in this chamber and she keeps saying, ‘Sales have gone down.’ Well, they will go up next year, and do not take my word for it—that is a Treasury assumption. Sales will go up the year after that and the year after that. Do not take my word for it—that is a Treasury assumption. Unless you are telling us in this chamber here today that that assumption is wrong, that your revenue estimate is wrong and that your revenue is going to collapse further, your government expects sales of alcopops to go up next year, the year after and the year after that.

That in itself is not a bad thing. I do not subscribe to the theory that Senator McLucas is putting forward that growth is necessarily a bad thing. Growth is only a bad thing if it is growth in consumption by the wrong people. If it is growth in consumption by problem drinkers, if it is growth in consumption by underage drinkers, then it is a very bad thing. But growth in consumption by responsible drinkers in a responsible fashion is not in itself a bad thing. The problem we have with this debate is that the government keeps running this line that increased sales equals increased consumption equals increased harm. This is the argument that the government is running: a reduction in sales proves that there is a reduction in consumption, which proves that there is a reduction in binge drinking and a reduction in alcohol abuse related harm. That is not true, because you have not been able to provide any data, any evidence, as to who is drinking less.

I see you shake your head, Senator McLucas. You point me to the government’s evidence of who is drinking less as a result of the drop in sales of RTDs. There is no evidence, and not even your own senators on the Standing Committee on Community Affairs were prepared to say that there was. If you can point me to some evidence, please table it here today. During two days of the community affairs inquiry no-one was able to provide any evidence that demonstrated that the reduced sales of alcohol were to binge drinkers or to people drinking at problem levels and that that had resulted in a reduction in alcohol abuse related harm.
This debate has gone on for long enough. This debate has been going for nearly the last 12 months. We have had two Senate inquiries. We have had estimates hearing after estimates hearing. The government knows very well what everybody’s criticisms are of this legislation. Whether those criticisms are from the opposition or the crossbenches, the government is very well aware of the criticisms of this legislation, one of which is that it does not address the actual problem of binge drinking that the government has identified. The government should have done its homework earlier. It is time that this matter was brought to a vote in the chamber. It is time that the chamber was given the opportunity to express its view, and then the government can go back to the drawing board and see whether it can do better next time.

Senator SIEWERT (Western Australia) (1.16 pm)—Following on from the statement made by Senator Brown a short while ago that we were in discussions with the government, I am able to report to the chamber that I have received a letter from the Minister for Health and Ageing, Minister Roxon, outlining the basis of an agreement with the Greens and Senator Xenophon and also addressing the issues that we have raised with her and that we have put on the agenda. I can confirm that the minister has agreed to spend an additional $50 million on a range of measures designed to tackle binge drinking. These measures include establishing a fund to provide sponsorship to local community organisations that provide sporting and cultural activities as an alternative to other forms of sponsorship. I am aware that Senator Xenophon will address these community level initiatives in a moment, such as enhancing telephone counselling services and alcohol referrals and addressing social marketing campaigns. We have been advocating these measures since this debate began.

It is very clear that we need to tackle alcohol sponsorship of sport. A study released in America a week ago has again highlighted the association between risky drinking by teens and alcohol branded merchandise and sponsorship. We are very pleased that the government has agreed to this additional funding, because it is essential to have a comprehensive approach. We have maintained this position all along; we have never wavered. We have indicated throughout this debate that price was a mechanism to address alcohol related harm. As I said, we indicated that this was our position but that it needed to be part of a comprehensive approach because the research shows that that is what is required. So we are very pleased that the government is supporting these measures and has committed to an additional $50 million in funding to tackle binge drinking.

Senator FIELDING (Victoria—Leader of the Family First Party) (1.18 pm)—Let us just be reminded here that alcohol is a significant problem in Australia. Minister McLucas said before that alcohol has the second most serious impact on the fabric of our society. The cost of mopping up after excessive alcohol consumption is $15.3 billion. That is what it costs this nation; it is huge. Forty per cent of police work is alcohol related. One in five road deaths is alcohol related. Alcohol is a significant problem, and we should not treat it trivially with a blatant tax grab and then hide behind it, saying that we are really getting on with the job.

It is the eleventh hour, and the government has had over 11 months to deal with this issue. Back in September 2007, Family First put forward three significant proposals: (1) to restrict alcohol advertising and not to link it with sports in the way that we do; (2) to put health warning labels on all alcohol products; and (3) to get the ads out of the hands of the industry and into those of a regulatory body.
A fistful of dollars is not going to solve this problem. It is a genuine issue that we need to change the culture of binge drinking to one of responsible drinking. I drink and most Australians drink, but we have a problem with alcohol in Australia. We need to address this problem rather than hide behind a blatant tax grab. This proposal has come at the eleventh hour and we are squabbling over a few dollars—a fistful of dollars. We have to get serious.

One of the ways of standing up and getting serious about this issue is to de-hook alcohol advertising from sport. I will be very clear about this: there is already an agreed position that alcohol advertising in Australia should be on late at night. Whether you agree or disagree with that, it has already been agreed to. Yet an exemption allows alcohol ads to appear at any time of the day because of sports programming. Wake up! Isn’t that linking alcohol advertising with sport? There is no use in your spending a fistful of dollars on replacing sponsorship of sport when you are going to allow alcohol ads on television any time of the day because of sports. That is a clear link between the two. You would be wasting your money by taking alcohol sponsorship from sport when you are going to keep your foot flat to the floor on the accelerator by allowing alcohol ads to be tied to sports through a special exemption. It is a loophole that should be closed.

The government talks about a loophole—well, there is one. You cannot justify why you would not break the link between alcohol advertising and sport. You cannot justify it publicly. You skirt around the issue. You are not fronting up to the Australian public. You cannot justify it. To say you need more time is an absolute insult to Australian families. Do not treat Australian families so stupidly. They are smarter than you think. At the eleventh hour you are trying to pull a few things together here to sway people. This is about creating a culture of responsible drinking, not some cocktail that you are dreaming up to put together to pass this legislation with a few dollars. Do not pay lip-service to the Australian public. Stand up to the alcohol giants in the industry and de-hook alcohol advertising from sport. Do it now!

Do not hide behind a blatant tax grab and a fistful of dollars—a few dollars to please some of the crossbenchers. Get serious with the Australian public. Do not muck around. You have taken this long to even consider a few things. What a joke; what a basket case. This is just a joke. Before the last election, in September 2007, Family First genuinely went to the Leader of the Opposition, now the Prime Minister, with these issues. He has known about this for a heck of a long time.

Then you wake up after a few sleeps and say: ‘Ah, revenue. Let’s pull the pokie handle on alcopops tax and see how much more money can come in.’ Do not hide behind it. Do not treat the Australian public with such contempt. They are smarter than this. They see through it and you are turning them off. Work with the Australian people. We are smart. We know we have a problem but we are looking for leadership, not cheap shots and pulling tax revenue in the door on one product. Come on, be serious! Be open and frank. Explain now why you will not de-hook alcohol advertising from sport. Explain it. Stand up here and explain it to the Australian public. Today is a broadcast day. Do it now!

Explain why you will not close that crazy loophole that allows alcohol ads to appear at any time of day because of sports programming when you are proposing to say: ‘We understand the problem with alcohol and sports. We’re going to give a few dollars to replace sponsorship.’ It is a good idea but why leave the foot on the accelerator with advertising alcohol at any time of day? You
try to apply the brake to alcohol sport sponsorship with your left foot and then you put your right foot on the accelerator flat to the floor with alcohol advertising. Stand up to them. Come on, be serious! Immediately look at implementing a restriction on alcohol advertising so that it is not linked with sport and you can close the loophole now.

**Senator XENOPHON** (South Australia) (1.25 pm)—In a similar vein to Senator Siewert and Senator Bob Brown, I have had discussions with the Minister for Health and Ageing and I am pleased to say that the health minister has made a number of undertakings. In due course, I will seek to table a letter which I and Senators Bob Brown and Siewert have received from the health minister in relation to this matter. I confirm that I am prepared to support this measure on this basis over a four-year period. Firstly, there will be an additional $50 million invested in a range of measures designed to tackle binge drinking, including a $25 million fund to provide sponsorship to local community organisations which provide sporting and cultural activities as an alternative to other forms of sponsorship. Secondly, there will be $20 million for community initiatives designed to tackle binge drinking, and we already have the structure in place in respect of that—I refer to a media release by the Minister for Health and Ageing and Senator McLucas of 17 November 2008 in relation to those local community campaigns. That would enhance significantly the level of direct campaigns which make a difference in local communities with respect to tackling binge drinking specifically. That amount is in addition to the $7 million already committed as a part of the $53.5 million National Binge Drinking Strategy. It is a significant improvement. Further, there would be $5 million to enhance telephone counselling services and alcohol referrals with an expansion of existing social marketing campaigns. I am grateful for the discussions I have had with Senator Siewert in relation to that. These are targeted awareness campaigns. Given the way the media operates online nowadays, I think there is real scope to target young people in a way that would be very cost-effective and also socially effective. I believe that is a quantum leap of improvement on what we have had to date.

With respect to advertising, on which I know Senator Fielding has been outspoken, I have been very supportive of his moves to push this issue to ensure that there is reform. The government has also indicated—and I would appreciate confirmation from Senator McLucas—that there will be a new regime of alcohol advertising, but it will be a move from self-regulation to the government playing a formal role for the first time. That will significantly strengthen government and public health representation in the oversight of advertising so that no longer will it simply be a form of self-regulation by the industry. Most importantly, there will be a vetting of ads through this new structure. That to me is a significant improvement. Of course we should go further. Of course there is more to be done, but I believe we are seeing a real shift here from the business as usual approach to alcohol advertising, sponsorship and local community campaigns. I believe these important measures are the shape of things to come in tackling alcohol abuse in this country, particularly binge drinking. I am satisfied that this is a significant step forward which will have very appreciable social benefits. For those reasons I support this legislation.

I also would like to pay tribute to Senator Fielding for his work on his bills and for his advocacy on the issue of advertising. I believe that we will see those changes with respect to advertising. Having a system of pre-vetting of ads and having health and government representation in the pre-vetting
process of alcohol advertising is quite significant.

On the issue of advertising, I note from information I have received from my office that today the spirits industry has volunteered to have a year-long ban on all television advertising of alcohol products if the alcopops bill does not go through. If they were fair dinkum about it, you would think they would have said, ‘This is the sort of thing we need to do,’ and not make it conditional upon this legislation. I would say to the industry: if you are fair dinkum about it, do it anyway; do it because it is the right thing to do. I think it is interesting that there has been a shift on the part of the industry. This is a last-ditch, desperate measure to try to block this legislation. If the industry is willing to have a one-year ban, why not just stretch it indefinitely? The fact that they are willing to have a ban for one year indicates the lack of integrity in their current position, where there is open-slather television advertising. These are matters that need to be considered down the track.

If I could urge honourable senators: I believe this is a significant step forward. I am grateful for the discussions I have had with my crossbench colleagues in relation to this and for the undertakings given by the minister. I am looking forward to confirmation from the government that we will see a significant shift, a quantum leap, in alcohol advertising away from self-regulation to what many would see as coregulation. I seek leave of the Senate to table the letter from the Minister for Health and Ageing, dated 17 March, addressed to Senators Brown and Siewert and me.

Leave granted.

Senator CORMANN (Western Australia) (1.32 pm)—To place it on the record, the opposition agrees with Senator Fielding: this government is not serious about addressing the challenge of alcohol abuse in the community. It is not serious about addressing binge drinking through effective measures. This government is only serious about one thing—that is, tax. It is tax, tax, tax. Why is it that, whenever there is a challenge, whenever there is a problem, the only thing the Labor government can come up with is a new tax or a tax hike? I note the comments made by Senators Siewert and Xenophon on having been able to extract a further $50 million out of the government. I guess from the government’s point of view $50 million for $1.6 billion is not a bad return. I draw the attention of the Senate to the fact that what Senator Xenophon describes as a significant step forward is a step well short of what the Senate agreed to only last night. The Senate last night passed a motion calling on the government:

… to appropriate all revenue collected as a result of the increased tax on ready-to-drink alcoholic beverages between 27 April 2008 and the date of commencement of these bills towards genuine measures to address binge drinking, including an alcohol abuse prevention, research, education, treatment and other measures package.

By 28 February 2009, that was $290 million. By the time this measure comes into effect, it will be in excess of $300 million—not $50 million. I remind the Senate that only last night we called on the government to appropriate all of the revenue it has collected so far and to demonstrate that this is not about tax, that this is not about increasing consolidated revenue and that this is not about propping up the pretence of a surplus that Labor was never going to be able to preserve. Labor has a history of what it describes as ‘temporary’ deficits. All Labor has got is a plan to get into deficit; it never has a plan to get out of deficit, which is why it pursues measures like this one. It pursues a tax grab on people it thinks it can target because politically it is going to get away with
it, as long as the rhetoric, the propaganda and the spin are aggressive enough to pretend there is a case.

I place on record those comments on behalf of the opposition. Our position, you would not be surprised, remains unchanged. We think that this is a tax. It is a tax grab. It is not an effective way of addressing the issues the government says it wants to address. The government has never made any attempt to try and prove that it is an effective way to address the problem it has said it wants to address. In the absence of any evidence that a 70 per cent increase in the tax on RTDs is an effective measure to help reduce at-risk levels of consumption and alcohol abuse in the community, we will not support it.

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (1.35 pm)—The measures that have been gained in the crossbench discussions with the government include $50 million in added spending. That is on top of some half a billion dollars being spent on the problem of alcohol by the government—and by governments generally—over the next four years. It is a further $50 million which will enable a start on substituting for alcohol based sports advertising. It will enable data collection so that we can much better understand and therefore effectively address the problem of alcohol abuse. It will also include the enhanced telephone counselling services with alcohol referrals that have been pursued by the Greens—and Senator Siewert in particular—and community level initiatives designed to tackle binge drinking. These are very considerable efforts which will translate into a reduction in not just binge drinking but alcohol abuse in the community.

But let us not forget—and I think it is a really major breakthrough in the impasse there has been with governments in this country for many decades on even touching the problem of alcohol drinking and abuse—that under this agreement there will be mandatory safe-drinking warnings on the bottles, cans and whatever other containers alcohol comes in and also in alcohol advertising. This is a massive industry with massive advertising clout that has been able to present itself clear and free of any of the encumbrances of the damage done by alcohol abuse. For the first time, the government and the crossbenches have achieved a breakthrough which will put warning signs on all advertising for alcohol in this country as well as on the alcohol containers that people are drinking from. The impact of that is going to be huge.

Let me come back to the government’s other point, which is the fact that the tax itself has reduced binge drinking; it has reduced alcohol abuse. We now have the figures in and they are not coming from the industry. The industry had figures in quite the opposite direction, and I would have expected it from this industry, but we now have the facts, which are that this tax itself has reduced the abuse of alcohol through a reduction in the consumption of alcohol in the country. I notice that Senator Cormann said that, for responsible drinkers, there should be room for growth in the industry of alcohol consumption. I would remind him that all growth is exponential. At the end of the day, you simply cannot keep growing an industry because advertisers are making money out of it without there being added health consequences across the community. For the first time, we are going to have mandatory warnings on all advertising, whether it is on the container or in the magazine that you pick up. The question is whether we are going to have that endorsed by the Senate, have this legislation progress and have, for the first time, warnings on advertising right across Australia and think about the impact that will have on reducing the huge, untoward effects
of alcohol consumption. Are we or are we not going to have increased spending on community campaigning and substitution, for the first time ever, through public funding of sporting organisations? Are we or are we not going to have the potential for telephone, internet and other forms of hotline counselling for people who are in trouble and motivated to get out of trouble with alcohol?

I have been in here long enough to know that progress in these areas does take years—sometimes decades. We have seen that with the abuse of tobacco and the abuse of gambling. This package is a major breakthrough in confronting the abuse of alcohol in this country, and we ought to be endorsing it. Our alternative is to say no to it. Sure, we might be able to come back and argue in the budget that the budget should not pass unless we get an end to alcohol advertising. I am totally in agreement with Senator Fielding on this. Why should we have alcohol advertising? If the product is good, let people buy it. We all know that this is a massive profit-making industry which has huge suasion on governments. But today we have here a package that is a very big breakthrough and a big advance. It is not getting us where we want to go, but it is a big step in that direction. We have to decide whether or not we are going to endorse that. The Greens are endorsing it.

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (1.41 pm)—First of all, I thank crossbench senators for the way that discussions have occurred over the last few days. Senator Fielding, you were concerned that those discussions were not occurring earlier. The work of the government, which I have enunciated in this chamber, has been ongoing since day one of the government. I will not repeat the work that we have been doing over the last 14 months, but you can read it, if you want to, in my previous contributions. We have been working on changing the culture of binge drinking in this country through a range of measures. The letter, of which the Senate has a copy, between Senators Brown, Siewert and Xenophon confirms the agreement between those senators. I thank them, first of all, for their understanding of the necessity for this measure to proceed and, secondly, for understanding the need for a comprehensive approach to tackling binge drinking.

I remind senators that this is only part of a range of measures that our government is undertaking. We have established the Preventative Health Taskforce. The Ministerial Council on Drug Strategy has a range of measures that it is investigating and addressing, including some of the concerns that have appeared in this document today. Some $872 million over six years will be spent on a comprehensive and broad-ranging preventative health agenda for not only alcohol but also tobacco, obesity, healthy lifestyles—a whole range of measures. Alcohol and the National Binge Drinking Strategy will be a part of that.

The agreement today between senators and the government goes to another investment of $50 million. I suggest Senator Fielding could have a very good look at that because it does address some of the questions that he is concerned about. Senator Brown has covered that already. Some $50 million will be invested in a range of measures designed to tackle binge drinking, including a fund to provide sponsorship to local community organisations who provide sporting and cultural activities as an alternative to other forms of sponsorship. Senator Brown is right: changing the public health space is incremental. This is a step along the road that Senator Fielding would like to travel. I do not think he can sneeze at what has been achieved in that agreement. There will now be a fund that sporting organisations can apply to that will provide sponsorship for
probably junior football, junior cricket, junior soccer and junior netball as a start. But Senator Brown is right: changing public health policy is incremental. Just look at what happened over time with tobacco.

The second agreement is the community level initiatives designed to tackle binge drinking. We have already undertaken that. The infrastructure is in place and the community is very keen to be part of this process. That will be partially funded. Enhancing the telephone counselling services and alcohol referrals is part of the agreement, as is a possible expansion of the existing social marketing campaigns. We are now in a situation where the government can indicate that we agree with those proposals but not if the measure is not passed. That is the reality. We cannot agree to the measures that have been identified in this letter if the legislation is not passed unamended. We will only agree to these measures if the legislation is passed in an unamended form. I hope that has been made perfectly clear to the chamber and to those who are interested.

Finally, Senator Xenophon has an interest in the advertising regime and he and I acknowledge that Senator Fielding also has an interest in that. The letter says:

These would be in addition to the proposals on mandating ‘safe drinking’ content in alcohol advertising and significantly strengthening current data collection arrangements that we have already discussed—again which will only proceed if the legislation passes unamended.

For Senator Xenophon, the ABAC proposal—

Senator Cormann—it’s not in the letter!

Senator McLUCAS—I can confirm to Senator Xenophon—you’ve never been here, have you Senator Cormann?—that we will strengthen the regulation through the Alcohol Beverage Advertising Code so that the government will have a more formal role in regulating the electronic advertising sector. It will significantly strengthen the government and public health representation in the process of electronic advertising pre-vetting and all electronic advertising will be pre-vetted on a mandatory basis prior to publication. It is an area that I have been working on with the ABAC for some time and I think that this is a good move in the right direction.

I say to Senator Fielding that there is no one silver bullet in dealing with this. There is a comprehensive range of measures; it is not just breaking the nexus between advertising and sport. We have started down that road. The work that has been done will make an impact in the areas that you are, I believe, very passionate about. We will continue to try to convince you of the benefits of this additional investment of $50 million in tackling the binge drinking culture in this country. I encourage you to continue discussions so we can pass this legislation that will deliver the health benefits I think you particularly are keen to achieve. Given the time, I commend the agreement to the Senate so we can proceed to Senator Fielding’s motion.

Senator FIELDING (Victoria—Leader of the Family First Party) (1.48 pm)—A well-crafted answer, but it failed to explain to the Australian public why the Australian government will not take steps to de-hook alcohol advertising from sport. That was the question that was put plainly before the minister and it has not been answered. The minister also mentioned tobacco. When we did the tobacco toll we did not raise the tax on the most popular cigarette; we went after the advertising. It seems odd that you like to draw analogies and then all of a sudden they do not work. We did not just take the most popular brand of cigarettes and up the tax on that one and stop there. We knew there would be substitution.
The other thing you said in your speech was that there is no silver bullet. But, gee, you do not want to fire a whole lot of blanks either. I have been consistent on this issue for a long time. Yes, there has been some movement on labelling—and hopefully there are health warning labels on all alcoholic products. That makes sense. That is a tick. Most Australians agree. Getting the ads out of the hands of the alcohol industry and into a regulatory body is another tick. But the third one is the big one. Given that Australia has a serious issue with alcohol and sports, you have got to not fire a blank in that area but fire a bullet that will actually make sure we de-hook alcohol from sport. This is a major issue and for some reason you tap dance around it but will not address it with the Australian people. This is a really important issue. It is a pity it has come down to the eleventh hour. You have had more than 11 months—since September 2007—to take this issue on board and genuinely deal with it. So do not say you do not have time; you have had time. This is a really important issue.

Senator BIRMINGHAM (South Australia) (1.51 pm)—I have one question for the minister, and this will not come as a surprise, as she promised in her second reading concluding remarks to address this issue. It relates specifically to beer definitions. Minister, could you please give your response to the commitments that you promised to give during the committee stage.

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (1.52 pm)—I acknowledge that I did say I would answer those questions. Minister Roxon has committed publicly to determining if there will be any unintended consequences from the proposed changes to the taxation definitions of beer and wine. As a consequence, over the last two weeks Treasury has consulted with around 100 beer and wine importers and some domestic microbrewers on the proposals. Those who have responded to date have been supportive of tightening the beer and wine definitions and they consider that they are robust.

The government will continue to consult on the issue. We must ensure that we do not create further loopholes that would undermine the intent of the legislation. Given your background, Senator Birmingham, I think you would agree that in developing legislative definitions you can unintentionally cause more confusion.

The consultations have indicated that one ginger beer product that is currently taxed as a beer may be taxed as an alcopop under the revised definition of beer. The producer of this product claims the proposed definition should be altered to allow the product to continue to qualify as a beer. I note that the product has a sugar content of around 10 per cent, which accords with the sugar content of many alcopops. The producer is asking for an eight per cent international bitterness unit comparator for beers that have a dominant presence of ginger. Any change to allow ginger beer to have a higher sugar content or a lower international bitterness unit requirement could open the opportunity for ginger based alternatives, which is something we are not keen to encourage. But I understand the producer is concerned that the changes to the taxation definition of beer may prevent the product from being called a beer. I can assure the producer that the way in which it is labelled or classified under the Australia New Zealand Food Standards Code does not depend on whether a beverage is taxed as beer for the purposes of excise law.

We are in continuing discussions with your constituent. We are very keen that we do not open up a loophole. We understand that he is producing a product legitimately and it is a quality product. He is not trying to
get through a loophole as some of the other producers have tried to do. But we are very keen not to produce an unintended consequence that becomes another loophole that less-respectable manufacturers could slip through.

**Senator BIRMINGHAM** (South Australia) (1.55 pm)—I urge the government to continue those discussions, not just on the terminology used but also on the tax rate that is applied.

**The TEMPORARY CHAIRMAN** (Senator Hutchins)—The question is that the bills be agreed to, subject to requests.

The committee divided. [2.00 pm]
(The Temporary Chairman—Senator SP Hutchins)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>39</th>
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<tr>
<td>Noes</td>
<td>28</td>
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**AYES**
Abetz, E.  
Barnett, G.  
Birmingham, S.  
Brown, B.J.  
Cash, M.C.  
Coonan, H.L.  
Eggleston, A.  
Fierravanti-Wells, C.  
Fisher, M.J.  
Heffernan, W.  
Johnston, D.  
Kroger, H.  
Macdonald, I.  
McGauran, J.J.J.  
Minchin, N.H.  
Parry, S.  
Ronaldson, M.  
Scullion, N.G.  
Troeth, J.M.  
Williams, J.R.  
Collins, J.  
Crossin, P.M.  
Farrell, D.E.  
Furner, M.L.  
Hurley, A.  
Ludwig, J.W.  
Marshall, G.  
O’Brien, K.W.K.  
Pratt, L.C.  
Stephens, U.  
Wong, P.  

**NOES**
Arbib, M.V.  
Bishop, T.M.  
Cameron, D.N.  
Abetz, E.  
Back, C.J.  
Bernardi, C.  
Boyce, S.  
Bushby, D.C.  
Colbeck, R.  
Cormann, M.H.P.  
Fielding, S.  
Fifield, M.P.  
Hanson-Young, S.C.  
Heffernan, W.  
Joyce, B.  
Ludlam, S.  
Mason, B.J.  
Milne, C.  
Nash, F.  
Payne, M.A.  
Ryan, S.M.  
Siewert, R.  
Trood, R.B.  
Arbib, M.V.  
Bilyk, C.L.  
Brown, C.L.  
Carr, K.J.  

**The TEMPORARY CHAIRMAN** (Senator Hutchins)—The question is that the bills be agreed to, subject to requests.

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (2.02 pm)—by leave—I will in 15 seconds explain that the Greens voted as we did to keep these bills alive so that they may go to the House of Representatives, come back here and be passed, hopefully, by the parliament.

**Senator FIELDING** (Victoria—Leader of the Family First Party) (2.02 pm)—by leave—I voted for the bills to make sure that money does not go back to the alcohol industry.

Bills reported with requests; report adopted.

**CONDOLENCES**

**Death of an Australian Soldier**

**Senator CHRIS EVANS** (Western Australia—Minister for Immigration and Citizenship) (2.04 pm)—by leave—All Australians will be deeply saddened to learn that an Australian soldier was killed yesterday in Afghanistan. At the request of the soldier’s family, his name will not be released at this time, but I can inform the Senate that he was serving as a member of the Mentoring and Reconstruction Task Force. He died while
his patrol and their Afghan National Army colleagues came under attack by Taliban insurgents. The government has been advised that no other Australians were wounded in the engagement.

As a result of this incident, nine Australian soldiers have now, tragically, lost their lives in Afghanistan. Afghanistan remains a highly dangerous place, but it is a central part of our ongoing fight against extremism. We should always remember that, in the past, international terrorism found a safe haven in Afghanistan under the Taliban. We cannot allow this to happen again. The government remains committed to confronting the ongoing threat from international terrorism and bringing greater stability to Afghanistan. It is a very sad day and we are again reminded that some who wear Australia’s uniform make the ultimate sacrifice on our behalf. I would like to extend our best wishes to those still serving in Afghanistan and to their families, who, I know, will be worrying about their safety.

I am sure all senators join me in extending our thoughts and best wishes to the soldier’s family at this very, very difficult time. On behalf of the Australian government, I extend my condolences to the soldier’s family, his friends and of course all his ADF colleagues, who will feel the loss very deeply.

Senator MINCHIN (South Australia) (2.05 pm)—by leave—The opposition fully supports the remarks of Senator Evans, on behalf of the government, about the tragic death of an Australian soldier in Afghanistan overnight while serving with the Mentoring and Reconstruction Task Force. As Senator Evans properly said, we are again reminded of the significant dangers that our Australian defence personnel do face serving in Afghanistan, where they are performing a vital role in endeavouring to bring peace and stability to that very troubled country. It is tragic that we are here today sending our condolences to the family of the ninth Australian soldier killed serving our country in Afghanistan since 2001. Our thoughts and prayers are with the family and friends of this soldier as they come to terms with his tragic death while serving his country. We also fully appreciate why his family would want to keep their privacy at this difficult time.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (2.07 pm)—by leave—I would like to concur with the remarks of both Senator Evans and Senator Minchin. This soldier from the Mentoring and Reconstruction Task Force has paid the supreme sacrifice for our nation. We will keep him and his family in our thoughts and prayers. He shall never be forgotten. Lest we forget.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (2.07 pm)—by leave—We concur with the other speakers and all senators in sending our condolences to the family, the friends, the colleagues and everybody associated with this soldier who tragically died in a foreign land. We Greens do not agree with the deployment of Australian troops to Afghanistan, but we totally and unreservedly support our service men and women, wherever they might be on the globe, in the service of this nation. We are thinking of those who are grieving now. We add our words of strength and condolence and thankfulness that such an Australian was in the service of this country. There are many more of them serving this country and they are true patriots.

Senator FIELDING (Victoria—Leader of the Family First Party) (2.08 pm)—by leave—On behalf of Family First, it is with great sadness that I acknowledge the death of an Australian soldier who was killed yesterday serving his country in Afghanistan. I
express my condolences to his family and friends. At the request of his family, the personal details of the soldier remain private, but we still know much about him. We know that he was someone prepared to put his life on the line for his fellow soldiers and for his country. We know that he was courageous and we know that he paid the highest price for his courage, loyalty and commitment to the ideals of freedom. We know that he had a family who loved him and were no doubt enormously proud of him. We know that all Australians now honour his memory. We know that he was the ninth Australian to die serving in Afghanistan.

It is very important that the Senate recognise the death of this soldier and the death of each and every Australian killed serving their country. This soldier’s life was not lost in vain. The thoughts and prayers of Family First are with his family at this very difficult time.

Senator XENOPHON (South Australia) (2.09 pm)—by leave—I too endorse and wish to be associated with the remarks made by the government in relation to this tragic death. I extend my condolences to the soldier’s family, to his friends and to his colleagues in the field in Afghanistan.

QUESTIONS WITHOUT NOTICE

Emissions Trading Scheme

Senator BOSWELL (2.09 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. I refer to the 2,700 jobs already lost in the Queensland coal industry. Has the minister done any modelling or received any further advice on how many more jobs will be lost when a carbon emission charge of $2.4 billion is placed on the Queensland coal industry?

Senator WONG—I thank Senator Boswell for his question. One of the issues that Senator Boswell obviously never seems to turn his mind to is the number of jobs that will be lost if we fail to act on climate change. It is interesting to note the number of people employed in agriculture in the Murray-Darling Basin. I was of the understanding that the National Party were the defenders of agriculture. I remind the good senator of the Garnaut projections about the effect on agriculture in the Murray-Darling Basin if emissions are not reduced and if climate change—

Senator McGauran—You should talk to the CSIRO.

Senator Boswell—Mr President, I rise on point of order. I asked a question on coal, not agriculture. Could you ask the minister to be relevant, because she is not being relevant. I ask you to direct her to be so.

The PRESIDENT—The minister has one minute and 22 seconds in which to complete the answer to the question.

Senator WONG—The agricultural sector in the basin employs about 90,000 people. I would hope that, as a good senator from Queensland, Senator Boswell would have some regard to the many thousands of people—60,000 people, based on one Queensland government publication—who are supported by tourism and the industries associated with the Great Barrier Reef. These are the sorts of issues that Senator Boswell, who is a well-known climate change sceptic, does not wish to address. I note the interjection previously from Senator McGauran, which confirms yet again that the sceptics are on the ascendancy on the other side. We have designed the Carbon Pollution Reduction Scheme very carefully so as to ensure support for industries in this nation.

Senator Boswell—Mr President, I rise on a point of order. Mr President, the Senate voted for you to direct ministers to be relevant. I am asking you to be relevant, because you are not being relevant by letting the minister not answer the question. I asked a ques-
tion on coal and the minister has not mentioned coal once in her answer.

The PRESIDENT—Senator Boswell, that is not a point of order. There are 27 seconds remaining. Minister, I draw your attention to the question.

Senator WONG—As I was saying, we have designed this scheme so as to support jobs in industries today whilst investing in the jobs of the future. The good senator should consider the white paper, which provides some three-quarters of a billion dollars of assistance to the coalmining industry—that is, $750 million which was specifically put in place to recognise some of the transitional assistance that that industry and other industries need. (Time expired)

Senator BOSWELL—Mr President, I ask a supplementary question. Why was the coal industry deliberately excluded from receiving free permits, despite the fact that the coal industry qualified for permits, under the green paper, which would have helped to maintain jobs in the industry?

Senator WONG—I again say that the coal industry, the coalminers, were provided under the government’s white paper with some three-quarters of a billion dollars worth of assistance. The senator asked in his earlier question about modelling. I would invite him to consider the Treasury modelling, the largest modelling exercise in the nation’s history, which talks about the fact, amongst other things, that the value of output in coalmining, gas extraction, metal products et cetera will increase by 2050 even with the introduction of the scheme—and I would emphasise that was assuming a less generous set of assistance to industry than the government in fact implemented. In other words, the modelling demonstrates that these sectors can continue to grow. However, this government, because it is responsible and it is serious about supporting jobs today as well as the jobs of tomorrow, provided more assistance than was set out in the green paper.

Senator BOSWELL—Mr President, I ask a further supplementary question. Minister, you did not model the white paper. How can the Queensland coal industry be competitive against China, Indonesia, Colombia and other countries when no other country in the world places a tax on fugitive emissions? Won’t Queensland miners be noncompetitive with a charge of $2.4 billion and be forced to shed more jobs?

Senator WONG—Well, really, the question the Australian people will ask is: how can we take the opposition seriously on climate change? The position Senator Boswell has just articulated is a more hardline position than they executed Mr Nelson for. It is the position that you did not like your then leader, Mr Nelson, putting out as your public position. But what you are retaining now, it appears from Senator Boswell’s question, is a position that says, ‘We don’t want to act.’ We know that you are the do-nothing party when it comes to jobs; we saw that on the $42 billion stimulus package—do nothing; sit on your hands. It is the same when it comes to climate change.

Senator Boswell—Mr President, I rise on a point of order. My point of order is relevance. I asked a question about a $2.4 billion carbon charge on the Queensland mining industry. The minister has not addressed it once. If the minister will not play the game, you are in this house as the umpire and you should make her play the game, because you are not the senator for the Labor Party, you are the senator for the chamber. We have all voted for you, including me. Now pull her into order, please.

Senator Ludwig—Mr President, can I say that that was a disgraceful interjection by Senator Boswell in taking a point of order. If you are going to raise a point of order then,
with all respect, stay relevant to the point of order when you raise it. In this instance the minister has been relevant to the question, has been answering in relation to—

Honourable senators interjecting—

The PRESIDENT—Order! Resume your seat, Senator Ludwig. When there is quiet we will proceed. Senator Ludwig.

Senator Ludwig—Mr President, I have made the point that there is no point of order and I would ask Senator Boswell to consider the reflection that he made on the chair.

The PRESIDENT—There is no point of order. Senator Wong, you have 20 seconds in which to answer the question that has been asked by Senator Boswell.

Senator WONG—As I was saying, apparently what Senator Boswell is putting is that we should not take action on climate change in this nation at all unless the rest of the world acts first. That is the same position that John Howard held. It is a harder line than Mr Nelson held before he was moved on, shall we say, by those on the other side. We are serious about not only supporting today’s jobs but supporting the jobs of tomorrow. (Time expired)

Pakistan

Senator MARK BISHOP (2.18 pm)—My question is to the Minister representing the Minister for Foreign Affairs, Senator Faulkner. Can the minister update the Senate on the importance of developments in Pakistan in more recent days—both the political conflict surrounding the march on Islamabad and the reinstatement of the chief justice. What impact might these developments have on the security of both Pakistan and Afghanistan?

Senator FAULKNER—I thank Senator Bishop for his question. As the foreign minister, Mr Smith, told the House of Representatives on 23 February, Pakistan is one of the most strategically important countries in the world. Australia is committed to assisting Pakistan tackle its many internal security, economic and social challenges. Not only is Pakistan important in its own right but in Australia we recognise that the acute problems in the Pakistan-Afghanistan border area have adverse implications for Afghanistan. In addition, the threat of terrorism and extremism in Pakistan itself has become so grave that it is, as President Zardari himself has acknowledged, a threat to Pakistan’s very existence.

Australia condemns the most recent terrorist outrage in Pakistan when, yesterday, eight people were reportedly killed in a bomb attack in Rawalpindi. While we condemn this latest terrorist atrocity, Australia welcomes the news overnight that Senator Bishop referred to: that the government of Pakistan has decided to reinstate Chief Justice Chaudhry and that former Prime Minister Nawaz Sharif has called off the long-march protest against the government.

Australia’s strong view remains that democracy and the rule of law are essential parts of achieving peace and stability in Pakistan. We welcome signs that political parties in Pakistan can resolve their differences peacefully and lawfully. Australia does not underestimate the challenges facing Pakistan’s political leaders at this time and we now urge those leaders and the Pakistani people to work together to tackle that country’s internal challenges. (Time expired)

Senator MARK BISHOP—Mr President, I ask a supplementary question. Minister, what assistance is the Australian government offering to the government of Pakistan to support its government?

Senator FAULKNER—I can inform the Senate that Australia is a founding member of the Friends of Democratic Pakistan group, the first meeting of which Mr Smith attended
at the UN General Assembly last year. In this task, the international community, including Australia, will work with Pakistan. Mr Smith made this point directly to Pakistan’s leaders during his visit last month and on a number of occasions since. In addition, Australia is strongly committed to working with the government of Pakistan to reduce poverty, particularly in the border regions with Afghanistan where some of the poorest and most marginalised populations live. Improving basic services such as health and education is one of the best strategies to contribute to building a stable and democratic Pakistan. Australia is significantly increasing development assistance to Pakistan, focusing on health and education as well as support, of course, for democratic institutions. (Time expired)

Senator MARK BISHOP—Mr President, I have a further supplementary question to the minister arising out of his response. Minister, what impact do the events in Pakistan have for the security of Afghanistan?

Senator FAULKNER—It is clear that the international community faces a serious ongoing threat from terrorism in both Afghanistan and Pakistan. While taking into account their distinctive histories and circumstances, the challenges that face these two countries need to be treated together. Mr Smith will be working with other governments on these challenges at a UN meeting on Afghanistan in The Hague on 31 March and this meeting will bring together all countries which have an interest in Afghanistan, not just International Security Assistance Force countries like Australia but also some of Afghanistan’s key neighbours, including Pakistan. Mr President, despite the risks and difficulties, despite the tragic sacrifices, the Australian government remain committed to our role—(Time expired)

Emissions Trading Scheme

Senator BOYCE (2.23 pm)—My question is to the Minister for Climate Change and Water, Minister Wong. Does the minister agree with the genuine concerns expressed by the mayors of Mount Isa, Gladstone, La trobe and Newcastle that federal Labor’s proposed emissions trading scheme will destroy thousands of jobs in these important regional communities and cause untold damage to local economies?

Senator WONG—In relation to the industries which are represented in those locations, I have visited a number of them. I remind the senator—and it is a pity because I thought Senator Boyce actually had a slightly more realistic and progressive position on climate change than some others, but obviously I was wrong—that, for example, regarding the aluminium smelting and refining, which is an industry represented in Gladstone, as she would know, the government have made clear in the white paper that we would anticipate, obviously subject to the provision of information about emissions, that aluminium smelting would receive 90 per cent free permit allocation.

Senator Ian Macdonald—Why don’t you talk to them and find out how many jobs will be lost?

Senator WONG—Senator Macdonald says I have not talked to them. I have actually visited that factory, Senator Macdonald, and I have met with that company on a number of occasions. Senator Macdonald might want to talk to some of the scientists who actually talk about climate change, but that would not be something that would enter his ken—

Opposition senators interjecting—

The PRESIDENT—Order! Senator Wong, address your comments to the chair. Those on my left, cease interjecting.
Senator WONG—Thank you, Mr President. In terms of aluminium refining, there was an indication that that was likely, again subject to the information being provided, to receive 60 per cent free permits. We have also made clear, for example, that copper smelting is likely to receive emissions-intensive trade-exposed assistance in the form of free permits.

Senator Ian Macdonald—What about the workers?

Senator WONG—The point about the workers is that free permits are about the transition. I will take that interjection from Senator Macdonald. He supported the job-destroying Work Choices laws and is still probably one of those people who cannot bring himself to make it die. He dares to come in here and tell the Labor Party that they do not care about working families!

Honourable senators interjecting—

The PRESIDENT—Order! Senator Wong, resume your seat. Order! I will call you, Senator Boyce, when there is quiet on both sides. Senator Boyce.

Senator Boyce—I rise on a point of order on relevance, Mr President. The question was about how many more companies have indicated to the government that they will have to slash their workforces and stop investment because of the scheme.

The PRESIDENT—Senator Wong, there are 24 seconds left and I draw your attention to the question.

Senator WONG—I am asked about Alcoa and I again remind the good senator that we have indicated in the white paper that aluminium is likely to receive 90 per cent free permits. I also note that the Alcoa response to the draft legislation was to welcome it and indicate that they would work through the detail over the coming weeks. The reality is that we are ensuring a substantial amount of assistance today whilst driving the incentives for the clean jobs of tomorrow. Those opposite never talk about the jobs that are lost or forgone.

Honourable senators interjecting—

Senator BOYCE—Mr President, my second supplementary question is regarding modelling. Has the minister modelled the impact on jobs of the emissions trading scheme in industry-intensive Australian re-
gions such as Newcastle, Gladstone and Mount Isa? When will the government listen to the concerns of Australian communities, employers and industry and acknowledge that the emissions trading scheme is flawed and will destroy jobs in Australia?

Senator WONG—As I previously said, the government has modelled through the Treasury—the same people who advised Peter Costello—the impact on the economy, which shows not only continued growth but a very substantial increase, some 30 times, in renewable energy. The reality is that those opposite do not—

Honourable senators interjecting—

The PRESIDENT—Order! Resume your seat, Senator Wong. If senators wish to debate the issue there is time at the end of question time to take note of the answers that have been given. Senator Wong, you have 38 seconds left.

Senator WONG—The fact is those opposite do not want to talk about the jobs that will be lost if we do not act on climate change.

Senator Minchin interjecting—

Senator WONG—Senator Minchin laughs. The Australian people should be aware that Senator Minchin laughs at that.

Honourable senators interjecting—

The PRESIDENT—Order! Resume your seat, Senator Wong. Senators on both sides, Senator Wong is entitled to be heard in silence. Senator Wong.

Senator WONG—Those opposite do not wish to talk about the jobs that will be lost if we do not act on climate change in this country. They are happy to continue to duck that challenge, as they did for 12 years in government. Those opposite do not want to talk about the jobs forgone. They do not want to talk about the fact that we need to prepare this nation for a time where there is a global carbon constraint and we have to compete in that world. (Time expired)

Economy

Senator WORTLEY (2.31 pm)—My question is to the Minister for Superannuation and Corporate Law, Senator Sherry. Can the minister update the Senate on actions the Rudd Labor government is undertaking to stimulate Australia’s economy during the global financial crisis, and can the minister outline any alternative views that are hindering the government’s actions?

Senator SHERRY—I thank Senator Wortley for the question. I think most are aware that the world faces the worst financial system and economic crisis since the Great Depression and, of course, Australia is not immune from the impact of the various fallouts that we have seen right around the world. The federal Labor government has acted decisively to protect Australia’s economic interests. If we look at the range of actions that have been taken around the world that, in many cases, are coordinated internationally they relate to improving the regulatory and financial services system and, in some cases, particularly in the US and Europe, they relate to bailouts of financial institutions, although, fortunately, not in Australia’s case. Also there are a range of stimulus packages to cushion the economy and to underpin jobs in this very difficult period.

In the Australian government’s case we have announced the $42 billion Nation Building and Jobs Plan, which is to help stimulate the Australian economy and protect all Australians from the impacts of the global financial and economic crisis. It is not unintentional that the word ‘jobs’ is in the title of this plan. The Rudd Labor government is moving forward decisively in a number of areas in order to cushion and underpin the economy and jobs in the economy. Regretta-
bly the Liberal-National Party of those oppo-
site have taken the very negative approach of
opposing almost every measure at this time
of global recession. We know the global re-
cession is causing massive job losses all
around the world. It is estimated that up to
eight million jobs will be lost over the next
two years across many economies. (Time
expired)

Senator WORTLEY—Mr President, I
ask a supplementary question. Can the minis-
ter update the Senate on how the Rudd gov-
ernment is assisting working families in
these turbulent economic times?

Senator SHERRY—As I have said, the
Rudd Labor government has acted decisively
and I have referred to our latest stimulus
package. It is important to act decisively and
in the best interests of Australians. As we
speak, the first of the stimulus payments are
being delivered. Centrelink, from last week,
started to deposit the $900 single-income
family bonus for those families with a single
income, which Centrelink calls family tax
benefit B. This will benefit approximately
1.5 billion families across Australia. In addi-
tion Centrelink has started to process the
$950 back-to-school bonus designed to sup-
port 2.8 million school-aged children. Fur-
ther, the government has started to roll out
the farmers hardship bonus for farmers re-
ceiving exceptional circumstance incomes
support. This is yet another measure that the
Liberal-National Party opposes—and I draw
the attention of the Senate to the National
Party opposing additional support to
drought-stricken farmers—(Time expired)

Senator WORTLEY—Mr President, I
ask a further supplementary question. Can
the minister update the Senate as to who is to
next benefit from the government’s eco-
nomic stimulus package?

Senator SHERRY—I correct my earlier
statement to ‘doormats in the National Party’

Honourable senators interjecting—

The PRESIDENT—Order! Resume your
seat, Senator Sherry. Senator Joyce is enti-
tled to be heard in silence.

Senator Joyce—I raise a point of order,
Mr President. As was the case yesterday with
the same minister, I refer you to standing
order 193(3) and ask you to have him with-
draw that statement.

The PRESIDENT—Order! When there is
quiet on both sides we will resume.

Senator Ludwig—On what I consider
may have been a point of order, Mr Presi-
dent—or it may have been a disorderly sena-
tor standing up in his place—it is important
in this place that if the opposition are going
to take a point of order they make it plain
what the point of order is so that we can re-
spond to it accordingly.

Honourable senators interjecting—

The PRESIDENT—Order! Resume your
seat, Senator Ludwig. I am not going to have
debate across the chamber from either side.

Senator Ludwig—Mr President, in rela-
tion to that point of order, you may want to
consider looking at the transcript to see what
was actually said.

Honourable senators interjecting—

The PRESIDENT—Order! Just one mo-
ment, Senator Joyce, I will give you the call
but you are entitled to be heard in silence.

Senator Joyce—Thank you very much,
Mr President. On the point of order, relating
to standing order 193(3), I draw your atten-
tion to the language that was used. It is un-
parliamentary, especially coming from a
minister of the government.

Government senators interjecting—

The PRESIDENT—Order! Senator
Joyce, resume your seat. I want to hear your
argument in full. On my right! Senator Joyce is entitled to be heard, and those on my left also should not interrupt.

Senator Joyce—Thank you, Mr President. I ask for your judgment regarding standing order 193(3) and the use by the minister of the term ‘doormat’. I do not think it is becoming of a minister of the Crown. It might be all right for someone to cast it from the back benches, but for a minister of the Crown to use that phrase I think is below him.

The PRESIDENT—Order! There is no point of order.

Senator SHERRY—Thank you, Mr President. As I mentioned earlier, there are a variety of approaches around the world. I particularly want to draw the Senate’s attention to the positive and decisive actions that this Labor government has taken to underpin the economy and underpin jobs. I think what has been telling in this debate is that the Liberal-National Party have only been able to put forward one policy. When it comes to bailouts, they want to bail out the liquor industry. That is the only positive policy they can come up with in these very, very serious economic circumstances. If you look around the world, while there are bailouts of financial institutions in many other countries, the Liberal-National Party is unique in the world in wanting to bail out the liquor industry. Nowhere will you find such a policy advanced anywhere else in the world. (Time expired)

QUESTIONS WITHOUT NOTICE

Emissions Trading Scheme

Senator MASON (2.39 pm)—My question is also to the Minister for Climate Change and Water, Senator Wong. I refer to the renewable energy company Envirogen, which saves approximately 1.6 million tonnes of CO2 each year by generating energy from waste coalmine gas. Is the fact that Envirogen’s renewable energy business will be penalised by the emissions trading scheme either an unintended consequence of Labor’s flawed policy or a deliberate attempt by the Rudd Labor government to hamper a viable green sector industry?

Senator WONG—Perhaps Senator Mason is unaware of the government’s commitment to renewable energy, which is four times greater than ever was delivered under his government. We have a commitment to a renewable energy target of 20 per cent by 2020. The legislation on that is to come into the parliament this year and will be discussed at COAG prior to that. That will deliver a fourfold increase in renewable energy from the levels that we currently see as a result of the Howard government’s failure to invest in this sector.

In addition, we have a half billion dollar Renewable Energy Fund, which those opposite may recall the Prime Minister brought forward to the current financial year to enable renewable energy proponents to put in applications for that fund this year. That fund is within the portfolio of my colleague Mr Ferguson.

So it is incorrect to suggest in any way that this government does not understand the importance of renewable energy and the renewable energy sector. In fact, I remind those opposite that under the Carbon Pollution Reduction Scheme renewables are projected to expand by some 30 times. If those opposite believe that they are friends of the
renewable energy sector, the saner minds on the opposition benches who are not so ideologically opposed to any action on climate change might actually suggest that ensuring we drive the investment in renewable energy is a good policy and a policy that should be supported by the opposition.

Senator MASON—Mr President, I ask a supplementary question. Is the minister also aware that the company states that the government’s ETS will risk 100 current jobs and 300 future jobs in Queensland and New South Wales?

Senator WONG—I am not sure to what Senator Mason is referring. I believe he was referring to the issue of transitional arrangements under a New South Wales scheme. That may be the tenor of his question. Again what I say to him, through you, Mr President, is that we have an unprecedented level of commitment to renewable energy.

Senator Mason—What about this company, Penny?

Senator WONG—As opposed to those on the other side, who failed to invest in renewables, we have a very substantial investment through the half billion dollar Renewable Energy Fund.

Senator Brandis—Is that why you’re driving this renewable energy company out of business?

The PRESIDENT—Order! Constant interjection is disorderly. If you want to debate the issue, there is a period at the end of question time, which I draw to the attention of all senators, when you can participate in the debate and argue the merits of the case.

Senator WONG—Again I make the point: if those opposite are serious about supporting renewable energy, we look forward to their support for the renewable energy target legislation. We look forward to them changing their policy so they actually support an increase in renewable energy. And we look forward to their support for a scheme that puts a price on carbon, which is one of the key ways in which you can drive investment and growth in renewables.

Senator MASON—Mr President, I ask a further supplementary question. As evidenced by Envirogen, doesn’t the fact that businesses in the renewables sector will be seriously damaged by the emissions trading scheme prove that the proposed emissions trading scheme is fatally flawed?

Senator WONG—The fact is that those in the renewables sector understand the importance of a scheme which places a price on carbon and which recognises the costs of climate change for the first time. It may have escaped those opposite, but I again say: what this scheme will do is drive investment in renewable energy. That is why that sector of the economy is projected to grow by 30 times. It is interesting—isn’t it?—that they want to be both green and brown, depending on what they think suits them. The reality is that you have to have a consistent policy position, and the only thing consistent about your policy position is that it is all about Mr Turnbull shoring up his job ahead of Peter Costello.

Murray-Darling River System

Senator HANSON-YOUNG (2.45 pm)—My question is to Senator Wong in her capacity both as Minister for Climate Change and Water and the interrelated portfolio as Minister representing the Minister for the Environment, Heritage and the Arts. Firstly, I would just like to acknowledge that sitting in the President’s gallery today is a delegation of locals from the Lower Lakes and Coorong communities—

The PRESIDENT—Order!

Senator HANSON-YOUNG—Given that not one of the current proposals relating to the Lower Lakes—that is, weirs and flooding
the lakes with salt water—sitting currently in Minister Garrett’s in-tray does anything to save the Lower Lakes or to ensure that we do not have the Lower Lakes delisted on the Ramsar listing, what is the government doing to ensure we do not lose this Ramsar listing? What is the plan to save the Lower Lakes?

Senator WONG—I thank Senator Hanson-Young for her question and acknowledge Ms Bell, I think, and others who are in the gallery today.

Opposition senators interjecting—

Senator WONG—It is unfortunate that those opposite think the courtesy of acknowledging people from one’s home state is something—

The PRESIDENT—Senator Wong, just address the chair. Ignore their disorderly interjections.

Senator WONG—I assume from Senator Hanson-Young’s question, where she says—somewhat dismissively, if I may say so, through you, Mr President—‘currently in Minister Garrett’s in-tray’, she is referring to applications under the EPBC Act which South Australia has lodged and which Minister Garrett is considering, I am sure, in accordance with his statutory discretion under the legislation. I am sure Senator Hanson-Young and other members of the Greens would want to ensure that he undertook his consideration of any application—whether it is about the Lower Lakes or otherwise—carefully and prudently, and I have no doubt Minister Garrett will. We are absolutely clear on this side of the chamber about the difficult situation in the Murray-Darling Basin, of which the Coorong and Lower Lakes are a part. The reality is we remain at historically low levels of inflow and storage, particularly in the southern Murray-Darling, and there are environmental pressures across that region, particularly in the southern part of the basin. The federal government and state governments are seeking to manage what is an extremely difficult situation.

For example, it is the case that we have put a substantial amount of funding on the table to assist the South Australian government in determining a long-term solution for the Lower Lakes. The good senator would be aware that we have committed $200 million for the long-term plan for the Lower Lakes. We have committed some $120 million to piping to ensure—(Time expired)

Senator HANSON-YOUNG—I thank the minister. Mr President, I ask a supplementary question. In order to save the Lower Lakes we actually need fresh water released downstream. Why does the government continue to flatly refuse to purchase temporary water that is available on the market to save the Lower Lakes and get it through this 12-month period so that, when the government’s long-term plan does come into effect, it has something to save?

Senator WONG—I am reminded of a press release from Mr Turnbull, who said he did not want us to purchase water, except he wanted temporary water for the Lower Lakes. The point is this: we have a $3.1 billion investment to purchase entitlement to reduce the ongoing extraction from the river. As Senator Hanson-Young knows, we have pressures across the basin. We also know that where we are likely to end up in terms of the Murray-Darling will demonstrate that our extraction levels are significantly above what a sustainable cap will be. So the policy question is: how do we reduce that? The fact is that purchasing entitlement is the best way to reduce that. If we purchased temporary water, I am sure that the Greens would also be critical of the government for not reducing extraction at other parts of the river. We have to think long term, we have to reduce how much we are extracting, we have to achieve maximum environmental benefit for that
money, and the government is focused—
(Time expired)

Senator HANSON-YOUNG—Mr President, I ask a further supplementary question. Can the minister please answer: who is footing the bill for the construction and operation of the Wellington weir? Is any federal money going to it or being earmarked for it?

Senator WONG—What I have approved is a $10 million acceleration of the $200 million to South Australia to undertake a feasibility study into the long-term management options for this Ramsar listed site. To my recollection, that is the only expenditure to date approved under the $200 million. Of course, there is the additional funding, of which the senator is aware, for pipelines to supply irrigation water and potable water to communities who are doing it tough. There is also an additional $10 million for bioremediation, which the senator knows was one of the matters sought by the Greens.

Senator Bob Brown—Mr President, on a point of order: it was a specific question from Senator Hanson-Young about funding of the Wellington weir. The minister should address that particular question before her time is up.

The PRESIDENT—Senator Wong, you have 17 seconds to address the question that has been asked by Senator Hanson-Young.

Senator WONG—It might be that Senator Brown was not clear about what I said. The only investment out of the $200 million that I can recall having approved is the $10 million for the feasibility study—

Senator Bob Brown—No, on the Wellington weir.

Senator WONG—No, the feasibility study—


Senator WONG—No, not on the Wellington weir, Senator Brown, and perhaps you should get your facts right. (Time expired)

Queensland Oil Spill

Senator IAN MACDONALD (2.51 pm)—My question is to the Minister representing the Attorney-General, Senator Wong, and also in her capacities as the Minister for Climate Change and Water and the Minister representing the Minister for the Environment, Heritage and the Arts. In view of the severity of the oil spill off Moreton Island in South-East Queensland last Wednesday and the loss of containers of ammonium nitrate, and in view of what appears to have been the delay and mismanagement by the Queensland and Australian governments in responding to this catastrophe, would the minister consider a royal commission to investigate all aspects of the spill, including its cause, the recovery effort, the national contingency plan and needed improvements for the future?

Senator WONG—It is a multiheaded question, I think. I will provide an answer on the basis of advice I have been provided as Minister representing the Minister for the Environment, Heritage and the Arts. Australia does have a national plan: Australia’s National Plan to Combat Pollution of the Sea by Oil and Other Noxious and Hazardous Substances. To enable effective responses to marine pollution incidents, the Australian Maritime Safety Authority, within Minister Albanese’s portfolio, manages this national plan and works with state and Northern Territory governments in the shipping, oil exploration and chemical industries and with emergency services to respond to marine pollution incidents. I am advised that Maritime Safety Queensland is the lead agency under the plan and has the full backing of the plan’s other participants, including the Aus-
talian and state governments and the petroleum industry. Officers of Minister Garrett’s department are in regular contact with AMSA regarding the response to the spill and are providing any assistance as requested.

**Senator IAN MACDONALD**—Mr President, I ask a supplementary question. My question was principally to the Minister representing the Attorney-General: does she agree that a royal commission would be useful? I repeat that question. Does the minister agree that immediate action was required to contain the impact of the oil spill, that this did not occur and that a royal commission would be able to make recommendations to ensure a better response to any future similar large-scale environmental disasters? Would the minister believe that, as of 30 minutes ago, 100 Brisbane City Council employees are sitting on Bulwer Island, where they have been for four hours, simply because they cannot get the personal protective equipment needed to address the oil spill? This demonstrates the inefficiency of the Queensland government in addressing this environmental disaster.

**Senator WONG**—I am invited to indicate what the proposition demonstrates. I think what the question demonstrates is that Senator Macdonald is seeking to campaign for the Queensland election in the states chamber. I think what the proposition demonstrates is that Senator Macdonald is seeking to campaign for the Queensland election in the states chamber.

**Honourable senators interjecting**—

**Senator WONG**—And maybe, if Senator Macdonald thinks he will do a bit better politically by standing for the state parliament in Queensland, that is where he should seek preselection. I have made it clear—

**Honourable senators interjecting**—

**The PRESIDENT**—Order! Senator Wong, resume your answer. You have 38 seconds.

**Senator WONG**—As I have indicated, AMSA is within Minister Albanese’s portfolio and is responsible for the national plan. I can provide some advice about EPBC Act matters and I can also indicate to Senator Macdonald that I am advised that the Queensland Parks and Wildlife Service is coordinating responses to oil affected wildlife. A number of threatened or endangered migratory marine mammals may be affected by the spill. We are also aware—(Time expired)

**Senator IAN MACDONALD**—Mr President, I ask a further supplementary question. Is the minister seriously suggesting that my concern—and the concern of four million other South-East Queenslanders—about an environmental disaster is simply a political game? The minister needs to wake up to herself. I further ask the minister: is the Rudd government’s reluctance to consider a royal commission part of a cover-up they have been involved in with the Queensland government to help hide the facts before the Queensland election next Saturday?

**Senator WONG**—That is a disgraceful imputation.

**Senator Ian Macdonald**—You said it!

**Senator WONG**—If people are going to take you seriously—

**Senator Ian Macdonald**—Mr President, on a point of order going to relevance: Senator Wong is accusing me of disgraceful conduct. I was repeating the words she used—that the spill was nothing more than a political ploy.

**Senator Chris Evans**—Mr President, on the point of order: Senator Macdonald accused the government of involvement in a cover-up. We accept robust debate in this chamber and are not overly precious like some, but I do not think the senator can then expect not to get a bit back, having made such outrageous claims, and he ought to grow up and toughen up.
Honourable senators interjecting—

The PRESIDENT—Order! We will not proceed with question time until there is order. Senator Wong has been answering the question for eight seconds. Senator Wong, you have 52 seconds to answer the question that has been raised.

Senator WONG—As I have said, AMSA, in Minister’s Albanese’s portfolio, is the relevant federal agency. I understand that it has been engaged in ongoing work in the way I have described. Obviously all of us are deeply concerned about this incident, and it is unfortunate that senior members on the other side have simply permitted Senator Macdonald to behave in this way today on an issue that is of importance and of concern to all Australians. I have indicated the position in terms of who is responsible—(Time expired)

Workplace Relations

Senator PRATT (2.59 pm)—My question is to the Minister representing the Minister for Employment and Workplace Relations. I would like Senator Ludwig to explain to the Senate how the government’s workplace policy, and particularly the unfair dismissal rights it contains, balances rights in providing greater security for employees and flexibility for employers.

Senator LUDWIG—I thank Senator Pratt for her excellent question. What the Rudd government stands for are fairness and flexibility for Australian workers and employers, unlike those opposite. We are balancing the needs of employees, unions and employers to ensure that Australia is as competitive and prosperous as possible during these difficult economic times without compromising workplace rights. Work Choices was all about AWAs; it was all about individual agreements. Work Choices allowed agreements to slash safety nets and Work Choices slashed unfair dismissal laws and—

Honourable senators interjecting—

The PRESIDENT—There should be order on both sides of the chamber when the senator is answering the question.

Senator LUDWIG—As I was saying, Work Choices slashed unfair dismissal rights for employees. This government is putting unfair dismissal rights back on the table. Before the election, the Prime Minister and the Deputy Prime Minister released the Forward with Fairness: policy implementation plan for the government’s new workplace relations system. We outlined Labor’s approach to unfair dismissal rights, covering—

Senator Ferguson—Mr President, I rise on a point of order. I would draw your attention to standing order 194(1) and (2), for that matter—and suggest that perhaps this question is out of order.

The PRESIDENT—Order! Senator Ferguson has raised 194(1) and 194(2) in respect of the question that has been asked. I rule that there is no point of order. I refer you to the previous rulings that have been given by the chair on this matter. You will find that my predecessors have ruled consistently that there is a fairly liberal approach—if you read Odgers, you will find that—to the way in which this has been interpreted. There is no point of order.

Senator LUDWIG—As I was outlining, the Labor government’s approach to unfair dismissal rights includes covering small businesses with fewer than 15 employees, an extended period of 12 months before small business employees can make an unfair dismissal claim and, of course, the development of a small business fair dismissal code. We reject the Howard government’s definition of a ‘small business’—100 or fewer employees—because we are getting the balance right. We are getting the balance right with Forward with Fairness. We are getting the right balance to ensure that employees do
have flexibility and fairness in the employment sphere. On 24 November 2007—

Honourable senators interjecting—

The PRESIDENT—Debating time starts after question time.

Senator LUDWIG—As I was saying, on 24 November 2007, the Australian people voted Work Choices out. For months we thought that those opposite had accepted the decision, but it looks like those opposite have not accepted the decision. They are still hanging on to Work Choices. (Time expired)

Senator PRATT—Mr President, I ask a supplementary question. Can Senator Ludwig inform the Senate of how the Rudd government’s comprehensive plan for unfair dismissal, including committing to special arrangements for small businesses with fewer than 15 employees, is in the best interests of workers?

Senator Ian Macdonald—Mr President, I rise on a point of order. Can Senator Ludwig inform the Senate of how the Rudd government’s comprehensive plan for unfair dismissal, including committing to special arrangements for small businesses with fewer than 15 employees, is in the best interests of workers?

Senator Faulkner interjecting—

The PRESIDENT—Order! Senator Faulkner, Senator Macdonald is still on his feet taking his point of order. He is entitled to finish it.

Senator Ian Macdonald—Thank you, Mr President, for your courtesy. If this standing order does not prevent that question, what on earth does it mean and why do we bother to refer to these standing orders at all?

Senator Faulkner—Mr President, on the point of order: in relation to standing order 194, you and your predecessors have consistently ruled, in relation to a matter on the Notice Paper, if it relates to legislation—and I assume, though it is only an assumption on my part, that that is what both Senator Ferguson and Senator Macdonald are referring to—that particular legislation would need to be identified and that provisions of the legislation would have to be addressed. There has never been any intention—

Senator Ronaldson—Come on!

Senator Faulkner—This is a very important point. There has never been any intention that a piece of legislation on the Notice Paper would in any way mean that a matter relating, for example, to industrial relations or unfair dismissals, as in this case, would not be subject to questioning at question time. What is off limits—and you and your predecessors, including former distinguished President Senator Ferguson, have consistently ruled this—is such matters specifically being addressed. It has always been interpreted liberally—that is, with a lowercase l, Senator Macdonald, not an uppercase L—as long as specific legislation and its provisions have not been referred to. I respectfully suggest that if Senator Macdonald does not know that, and I rather think he would, Senator Ferguson certainly does, because he consistently ruled that for the whole time he occupied the chair which you are occupying now.

The PRESIDENT—On the point of order, I make no different a ruling than I did before. My predecessors have consistently ruled on this matter that it is in order for such questions to be asked. And the anticipation rule, if you read Odgers, you will find has been interpreted liberally over a long period of time. Those words are specifically out of Odgers. You will find that it is where questions go to specific clauses of the matter that is before the chamber that those questions
will be ruled out of order. But, in this instance, it is a general question and I will allow the question to remain.

Senator LUDWIG—I thank Senator Pratt for her supplementary question. Before the 2007 election Labor published a comprehensive workplace relations policy. We sought and received a mandate for this policy, and now the Liberal Party is opposing it. The Liberal Party does not seem to be able to come to grips with the fact that the mandate provided ensured that we could pursue unfair dismissals. Under Work Choices employees at businesses with up to 100 workers could be dismissed for any reason without any right to challenge their sacking. Now those opposite want to reject that, want to ignore the mandate that was given to Labor to be able to pursue fairness and flexibility in the workplace. The Liberals’ definition of a small business as one with 25 full-time employees, and the Family First definition of a small business as one with 20 full-time employees, would significantly disadvantage thousands of—(Time expired)

Senator Abetz—Mr President, I rise on a point of order. I would ask you to take this matter away and come back with a ruling to the Senate. The minister just then in his answer specifically canvassed an amendment that has been circulated in the chamber, which highlights the points that my colleagues Senator Ferguson and Senator Macdonald made—that the supplementary question was on a specific issue in relation to unfair dismissals. The minister has now canvassed a specific amendment. Surely, that must be out of order, even on Senator Faulkner’s analysis.

The PRESIDENT—I will review the Hansard. If there is a need to come back to the chamber, I will. I stress: if there is a need.

Senator PRATT—Mr President, thank you for acknowledging that I have been referring to plans and policies and in no way reflecting on the Notice Paper. Mr President, I ask a further supplementary question. My last supplementary question to the minister is: can he please address criticisms of Labor’s plans to apply unfair dismissal protection to workers in enterprises with 15 or fewer employees, changing it from the Work Choices minimum of 100 employees? Is it too low?

Senator LUDWIG—I thank Senator Pratt for her second supplementary question. Those opposite are stuck with Work Choices. They want to continue it. They do not recognise that it is dead.

Senator Abetz—Mr President, I rise on a point of order. The second supplementary deals with a specific provision that is in the bill before us, which is on the Notice Paper. Nothing could be plainer, and it should be ruled out of order.

The PRESIDENT—Senator Abetz, I have undertaken to review the questions that have been asked on this matter at the end of question time and, if necessary, come back to the chamber.

Senator LUDWIG—Those opposite are extremely delicate about this. One day they say Work Choices is dead; the next day they are calling for extreme changes to the framework that the Australian people decided on. The people gave Labor a clear mandate to get rid of Work Choices to ensure that we do have fairness and flexibility in the workforce. I remind the Senate of one of the things that the member for Higgins told Insight magazine in 2005. The alternative opposition leader said:

You could have an exemption for everyone. There is no magic in the 100 limit.

… … … …

I can’t tell you there is any magic in the number 100. If this were to work well and people were to say well in the years to come it should be
extended to all companies I would be very open to the idea.

Of course, what was really happening was that Mr Costello—*(Time expired)*

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

**QUESTIONS WITHOUT NOTICE:**
**ADDITIONAL ANSWERS**

**Queensland Oil Spill**

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) *(3.12 pm)*—Mr Deputy President, I seek leave to incorporate a response to a question on notice from Senator Macdonald yesterday in relation to the Maritime Emergency Response Commander and the maritime pollution controller.

Leave granted.

*The document read as follows—*

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Question on notice from Senator Macdonald on Monday 16 March 2009.

Question:
Has the Maritime Emergency Response Commander or the maritime pollution controller exercised their powers of intervention in light of the slow response and underestimation of the size of the spill by the Queensland Government?

Answer:
The National Plan for Combating Oil Pollution was activated shortly after the incident on Wednesday and all its oil spill response resources have been made available to the Queensland authorities.

The National Emergency Response Commander was not required to exercise his powers in this situation.

The Maritime Pollution Controller is a position under the National Plan for Combating Oil Pollution.

**Whaling**

Senator WONG (South Australia—Minister for Climate Change and Water) *(3.13 pm)*—Mr Deputy President, I seek leave to incorporate some additional information in relation to a question asked of me by Senator Bob Brown yesterday.

Leave granted.

*The document read as follows—*

**FREEDOM OF INFORMATION REQUESTS FOR MONITORING DATA**

The delay in releasing information to Senator Brown was a Departmental error that was rectified as soon as it was discovered.

I am informed that on 28 January 2009 DEWHA provided to Senator Brown a number of documents relating to an FOI request seeking information on Japanese whaling in the Southern Ocean gathered by the Oceanic Viking in the course of the Summer of 2007-08.

Not all the documents covered by the FOI application were released and a Statement of Reasons was provided to Senator Brown detailing the reasons for any exemptions.

I understand that the Australian Customs and Border Protection Service (Customs and Border Protection) has responded to a small number of FOI requests concerning Japanese whaling activities.

I understand one of these requests was transferred to Customs and Border Protection by DEWHA for response.

I am also informed that Customs and Border Protection was consulted on the FOI request made by Senator Brown.

As you would be aware, responsibility for the release of documents under the FOI Act lies with the Departmental Secretary or their delegate.

Importantly, under the Act, one agency’s decision on a FOI application does not bind another agency in relation to the same subject matter. Each FOI decision-maker must make a separate decision based on the law and all the facts of the case.
QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Emissions Trading Scheme

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.13 pm)—I move:

That the Senate take note of answers given by the Minister for Climate Change and Water (Senator Wong) to questions without notice asked by Senators Boswell, Boyce and Mason today relating to the proposed emissions trading scheme.

It is interesting today, and I thank the President for telling us, that ‘doormats’ is not a term that is of any consequence in here. I want to reflect, in my speech taking note of answers, to the doormats that are now in Queensland—doormats to Labor Party environmental policy. The ETS is the ‘employment termination scheme’ for the many people in Queensland who will lose their jobs because of this political gesture.

Let us talk about who the doormats to this Labor policy will be in Queensland. Let us talk about the people in Gladstone in the aluminium industry, who will become doormats to Labor’s emissions trading scheme—the employment termination scheme. Let us talk about the people in Gladstone who work in the coal industry, who will become doormats to the Labor Party’s environmental altar. Let us talk about the people in Gladstone involved with electricity generation and all those who rely on it, who will become doormats to the Labor Party’s employment termination scheme. Let’s talk about the people in Mackay in the coal industry, who will become doormats to the Labor Party’s gesture, which is completely without consequence to the environment. It is a political gesture that will put people out of work.

Queensland working families will be out of work for a political gesture. Queensland working families will become doormats to the Labor Party. Their jobs, their income, do not matter, as long as the Labor Party can have the credentials to waffle on at some international conference, as long as the Prime Minister, Kevin Rudd, can hold up and wave a flag about his magnanimous solo crusade.

Let us talk about the people of Mount Isa in the refining business, who will become doormats to the Labor Party’s emissions trading scheme. Apparently the fact that they live in the privations of western Queensland is of no consequence—they will be offered up at the Labor Party’s environmental altar. Let us talk about the people at Cloncurry who will become doormats because of the effect the Labor Party’s emissions trading scheme will have on the grazing industry—a 20 per cent increase in costs for an industry that only makes about a four per cent return.

Let us talk about the people of Cairns who will become doormats to the Labor Party’s policy—apparently the Labor Party do not care about the tourism industry. Apparently they do not care that aviation fuel is going to be picked up by the ETS—the employment termination scheme. They do not care that flights will be closed down. People will lose their jobs because of this political gesture, this political tokenism, this disgusting attack on Queensland working families by the Labor Party.

Senator Mason—It’ll look good in Geneva, though.

Senator JOYCE—Yes, they will look good in Geneva, they will look smarmy in Kyoto, but they will look disastrous if you have a job in Gladstone, in Mount Isa, in Rockhampton, in Mackay, in Cairns, in Townsville, in Cloncurry or in Toowoomba. All these places are to become doormats to the Labor Party because apparently their gesture is worth more than Queensland jobs,
more than the jobs of Australian working families.

How dare they come in here and say they support working families when they are the only party in the Western world coming up with a policy that will put people out of work for a token gesture. Some 50,000 abattoir workers, meat workers, could lose their jobs because of this gesture and the jobs of about 18,000 mining workers in Queensland are under threat, because of a gesture. They are willing to put these people down. They do not care about them any more. They have found themselves on the Treasury benches and now they can put these people aside for a gesture. The ETS, the employment termination scheme, is brought to you by the Australian Labor Party—who consider you to be no more than a doormat—for the Kyoto protocol and the whole environmental movement, even though it is not actually going to change the environment, even though it is not going to make one iota of difference to the climate. They are willing to put these people out of work, out on the street, and have the locks changed after their houses are repossessed because they no longer have jobs—because of the Labor Party. (Time expired)

Senator PRATT (Western Australia) (3.19 pm)—Senator Joyce, there is a great deal of stupidity in your remarks, because the greatest threat to jobs in Queensland in the long term is climate change. Indeed, you only need to look at the coral bleaching that is projected to take place, even under the existing projections of climate change. If we fail to mitigate climate change, as our ETS outlines that we should, we will be looking at a far more catastrophic scenario for the Great Barrier Reef. That is the real threat to jobs in Queensland.

Labor have done extensive work on this issue, unlike those opposite, who do not want to talk about the jobs that will be lost if we fail to respond to climate change. We must prepare this nation for a carbon constrained future, a future in which we will very much feel the impact of climate change on jobs—in the Western Australian rock lobster industry, for instance, through increased drought and coral bleaching.

The fact is that not taking action now would leave Australian jobs on an even more insecure footing. We need to put Australia on a footing that will create the jobs of the future and mitigate as much of the inevitable damage of climate change on our great nation as possible. We need to emerge from this economic downturn with a commitment to the jobs of the future. That is what is in the best interests of our nation. It makes good economic sense, and our economic modelling has told us so. We know that the less we do now the more it will cost later.

I hope senators in this place had a chance earlier this week to go to the CSIRO’s briefing on the latest science on climate change. The CSIRO made it very, very clear that what will prove most costly to the Australian community, environment and economy is unabated climate change. We must mitigate climate change and we must cooperate with the global community to reach that goal.

The impact on our local environment is already going to be severe, but, if unmitigated, it will be catastrophic. We will have more bushfires—and we only need to look at the nation’s recent experiences to see how terrible they can be. We will have more floods. Look at the impact on productivity in North Queensland of the floods that we have experienced. We will have less rain, more drought and more extreme weather events. This is not the future that we want for our nation.

On the other hand, the government is looking to provide substantial support and
assistance for the jobs of today to transition to the jobs of the future through the CPRS. We have allocated free permits to engage in emissions-intensive trade-exposed activities. We have an Electricity Sector Adjustment Scheme, and that is going to provide fixed allocations of permits to coal fired electricity generators worth about $3.9 billion over five years. We also have a $2.15 billion Climate Change Action Fund, which is providing further targeted assistance to businesses as well as community sector organisations, workers, regions and communities. We understand that what we are doing is difficult. This is no easy path, but the alternative that you would have us face is much worse. The CPRS will create the low pollution jobs of the future. The Carbon Pollution Reduction Scheme and our renewable energy target are creating the low pollution jobs of the future in industries like solar energy, on wind farms and in jobs using new technologies—clean coal and geothermal energy.

Senators will know that the Treasury modelling released last October shows that these measures are going to see the renewable energy sector grow to up to 30 times its current size by 2050, creating thousands of new jobs. But if we do not act Australia’s economy is going to be left behind. We will not have the opportunity to create the low pollution jobs of the future. We will have missed the boat. (Time expired)

Senator MASON (Queensland) (3.24 pm)—Let us have a quick look at the government’s record on jobs. Prior to Christmas there was a stimulus package and the government promised that 70,000 jobs would be created.

Senator Joyce—75,000.

Senator MASON—They promised that 75,000 jobs would be created by the first stimulus package. What is the evidence of any job creation? There is none—absolutely none. There have been no jobs created. So the language started to change. We learnt all about ‘create’ and then it changed.

Senator Jacinta Collins interjecting—

Senator MASON—The language changed from ‘create’ to ‘support’, Senator Collins. The second stimulus package came out—$42 billion—but it is now not about creating jobs any more; it is about supporting jobs. That is now the best the government can do.

Is there any evidence that the $42 billion stimulus package is actually supporting any jobs? No; once again there is not. We have had two stimulus packages but there were no jobs created before Christmas with the first stimulus package. And in the second stimulus package how many jobs have been supported? We are not sure if there are any. That is the government’s record, having spent billions of dollars on job support and job creation.

The government has failed to create any jobs and it has even failed the smaller test—the easier test, the lower benchmark—of supporting jobs. It has even failed to do that. But what is far, far worse than failing to create jobs and failing to support jobs is, as my friend Senator Joyce has pointed out, that the government policy is now costing jobs—thousands of jobs throughout our state of Queensland. We learnt today that Xstrata has said that they may have to retrench up to 1,000 employees and sacrifice 4,000 future jobs. Just to remind Senator Collins about how bad it is, this appeared on page 1 of the Courier Mail:

In other employment news, a survey of 40 businesses with turnover up to $250 million has found 60 per cent had already frozen, or planned to freeze, staff hiring this financial year.

So not only has there been no creation and no support, but now the government is actually costing jobs. That is why the opposition
does not support the government’s ETS. It has failed. The entire architecture of the government’s scheme is a failure. As far as jobs are concerned it has failed every single benchmark. On the front page of today’s *Australian* it said:

Modelling shows regional impact greater than forecast.

Labor heartland turns on ETS.

These are the workers of Gladstone and Mount Isa. The mayors are concerned that the towns will turn into ghost towns because there will be no jobs. Labor workers, who that lot opposite say they care about, will be without work. Real estate will fall and they will be without jobs. The mayors and the workers of those towns are petrified about the ETS.

No wonder the Labor heartland is falling apart; they know that this will cost jobs. Everyone throughout the country knows that, except, it seems, the Labor frontbench. Mr Rudd does not mind going to trendy conferences. That is great, but what about the people? What about the workers? What about the workers in Gladstone and Mount Isa? The one way the Labor Party will be able to win the seat of Gladstone in the state election is that there will be no-one left there. We are talking about a serious economic recession in Central Queensland because of these schemes.

And the hide of the Labor frontbench to come in here and preach to this side about working families! They are far more concerned about how they appear to the overseas set than they are about the workers of Central Queensland. That is the great failure of this government. Every time it comes to a choice between the latte set and the workers, they go with the latte set. That is the one thing that never changes about the Australian Labor Party: in a choice between workers and the latte set, the latte set wins every single time.

**Senator Jacinta Collins** (Victoria) (3.29 pm)—On the same matter, Senator Mason is right about one thing and one thing only: we are dealing with a serious economic recession. But what is of critical importance to all Australians and their jobs is not the regional recession, despite the fact that this weekend we have an election in Queensland; rather, it is the fact that we are dealing with a global financial crisis. If you listened to the opposition in question time today or to them taking note of answers after question time, there is one area only where the opposition are being quite consistent with their policy, and that is what I have characterised previously as scepticism and denial. Their scepticism and denial about the global financial crisis is astounding. We all know their long-standing scepticism about climate change; there is nothing new in that. There is nothing new that they could use today to focus debate on that issue. But what is shameless, what is outrageous, is the way they seek to utilise every shift in our labour market, as if it is a sign, to justify their scepticism and their denial.

The best example of that recently—and I will not harp on the comment ‘let’s just wait and see’ made by the previous shadow Treasurer, Julie Bishop, about the global financial crisis—is from their new shadow Treasurer, Mr Hockey, who used the Pacific Brands situation as a case in point on this issue. Quite aside from his claims that Pacific Brands have made their decisions due to factors well beyond the immediate, pressing, economic recession worldwide, he tried to claim that it was our labour policies that had generated that shift. The one simple fact that he should have been aware of, that he should have known—and that, certainly, Senator Mason was seeking to deny in this debate today—is that our first economic stimulus
package actually increased retail spending on socks and jocks. It increased retail spending. It was quite counterintuitive for the shadow Treasurer to even use that as a case in point. Labor’s package had increased pre-Christmas retail spending in Australia on socks and jocks. That is why I use that as perhaps the best example. He is the best person this opposition can come up with as shadow Treasurer, and he cannot understand the sheer economics of what was occurring in the Pacific Brands case.

But that is not the only example. If you look at the cases raised today in question time, in case after case after case, shifts in the labour market were used by the opposition to try and deny not only the global financial crisis but also that we should do something to drive investment in renewable energy. Why is it that this opposition cannot accept that we should do something in that area? Perhaps it is the same reason, this same scepticism and denial, that leads them to reject us doing anything to support investment in the commercial property sector. Again, this is a case of denial, but I thought it was an even better example, because if Mr Turnbull maintains his opposition in that area we are indeed looking at 50,000 people losing their jobs in that sector. Fifty thousand people, the estimates tell us, will lose their jobs in the commercial property sector if the opposition oppose yet another measure that is trying to support and sustain Australian jobs.

The opposition can continue to harp on the various examples that will occur in the future in the Australian labour market, because every Australian knows that we do suffer some level of vulnerability to the global financial crisis. The opposition may want to deny that and use every single case to try and argue that it is the Rudd Labor government’s fault, but Australians are not that stupid. It is no wonder that you are suffering in the polls in how well you are regarded as economic managers—because Australians are not that stupid. (Time expired)

Senator BOYCE (Queensland) (3.34 pm)—I would also like to take note of the answers—well, the almost answers, the semi-answers—given by Minister Wong to questions asked by coalition senators today regarding the emissions trading scheme and the effect that it will have on jobs. I think we have had quite enough of the big picture, as presented by Minister Wong, which has no detail about anything except that perhaps it will be okay some time in the future—that is, if there is anyone left to take the jobs that she hopes to be able to create in the future some time. Let us get away from that big picture and talk about what is actually happening on the ground right now in regional communities all over Australia—for example, in Gladstone and Mount Isa, which particularly concern me.

I have used in the past a story that was told to me in the Queensland country town of Roma, about what happened when they were having difficulty finding a bank manager for one of the local banks. When there was no bank manager in Roma, the 10 major accounts of that bank were transferred to the nearest large town, which was Toowoomba. Guess where those families went to shop, to have haircuts, to buy shoes and to buy clothes? They went to the major regional centre, not the local town. The effect on the economy of Roma of taking a key worker out of the system was dramatic, to the extent that the council got involved to try and ameliorate the problem. This is what we are looking at thousands and thousands of times over in centres like Gladstone and Mount Isa. Now vibrant regional towns, they are certainly not going to stay that way if Minister Wong can see only the big picture of the
future, not what is actually happening on the ground right now to Queenslanders.

It is worth noting the comments made by the mayors of Mount Isa and Gladstone in this regard. The Mayor of Mount Isa, John Molony, said:

… the ETS should be held in abeyance until the economic downturn is over …

He points out:

… smelting and copper refining in Mt Isa and Townsville … would be severely hindered—

if they had to trade carbon emission permits.

It is beyond thinking that the only response that the minister had to that was: ‘Oh well, it’ll be okay in years to come. They can all go and work in tourism on the Great Barrier Reef.’

The Mayor of Gladstone, George Creed, has also said that the ETS will damage the industrial viability of his community at the very time when they can least afford it. These mayors are interested, yes, in the long-term future of their communities. They are interested in ensuring that climate change has the least possible impact on their communities. But they are also interested in the plight faced by working families in those towns right now. They do not need the sorts of pie in the sky responses that we received from the minister during question time.

It was interesting to note that, despite the questions that were asked by my colleague Senator Boswell about the coal industry, the minister managed to never use the term ‘coal’ in her answer. She responded by talking about emission intensive industries and the like. These are real industries that are worked in by real people. What we need the government to do is to get real and care about what is happening now. Certainly they should pursue the long-term need to reduce emissions and ameliorate the effects of climate change, but they should not do it wholly and solely at the expense of Australian workers now.

Let us look just briefly at what the Queensland response to the cuts in jobs in Queensland will be. Where is Minister John Mickel? Nonexistent. Where is the Queensland Premier, Anna Bligh, and where are her attempts to save jobs? Not there. (Time expired)

Question agreed to.

Murray-Darling River System

Senator HANSON-YOUNG (South Australia) (3.39 pm)—I move:

That the Senate take note of the answer given by the Minister for Climate Change and Water (Senator Wong) to a question without notice asked by Senator Hanson-Young today relating to the Lower Lakes.

I would like to make some brief remarks in relation to Minister Wong’s answers to my question earlier. The minister seems not to understand that it is an important part of both her job and Minister Garrett’s job to do all that they can to protect the Lower Lakes, the Coorong and the communities that rely on them. The crisis in the area is devastating. We know that the lakes are dying before our eyes. We know that the Coorong is in such a state of disarray that there are question marks over the continued existence of species, particularly those that live in the southern lagoon. We know that we are putting at risk our agreements with countries like China, Japan and Canada to protect the habitats of migratory birds. These are things that the Minister for the Environment, Heritage and the Arts and the Minister for Climate Change and Water must have at the top of their agendas.

It was very clear from today’s answers from the minister that she does not see making decisions about the Lower Lakes as being a particularly important part of her role or the federal environment minister’s role.
These decisions need to be made urgently and action needs to be taken urgently. This is not an issue that should be tackled just by the local communities in the Lower Lakes. This is not just an issue for South Australia. This is an issue that should be taken on board and tackled immediately by the federal government. Does this Prime Minister want to be the only leader in Australian history to oversee the death of what is currently listed as an environmentally significant site? I do not think so. So he needs to step up and take some action.

We know what the answers are to saving the Lower Lakes: buying them some more time, giving them a lifeline to get through the next few months until we can have some type of plan brought forward by the government. The solution is fresh water. We know the water is there. We know it is available. The government could go and buy it on the temporary market now if they wished to. But the fact is that the political will is non-existent at the moment.

Currently, the state government in South Australia has a number of proposals that have been referred to the federal environment minister for his approval. They all relate to weirs, regulators and the flooding of the Lower Lakes with salt water. Not one of these options is about saving the Lower Lakes, protecting them from being delisted from the Ramsar wetlands listing. Not one of them does anything to make sure that the Lower Lakes are saved for the next 12 months, the next five years or future generations. Not one of the plans does that. The proposals are all individual and they are all about engineering solutions which do nothing to save the lakes. They only provide the state and federal governments with the opportunity to cut a ribbon with a nice expensive price tag.

My question to the minister was: what are the federal government going to do? Where is their acknowledgement of their responsibility in this issue? Senator Wong was not able to tell us what the plan is or to outline what she believed the government’s responsibility should be and what they would be doing about it. I asked who would be funding the Wellington weir. Is any federal money going towards the construction or operation of this proposed weir, for which the environment minister has just handed down an environmental impact assessment? We know that it is going to be disastrous for the environment of the Lower Lakes and will also have a significant impact on the water quality on the other side of the weir. Let me remind you that that is the water source from which Adelaide draws its drinking water. So who is funding the Wellington weir? Is it a combination of the state and federal governments? Is it just the state government? Is it just the federal government? The minister could not answer that question.

That in itself raises a question mark and concerns over whether the minister really has her eye on the ball regarding the proposals being put forward by the state government and her responsibility as the minister for water and the responsibility of the minister for the environment. Where is their commitment to saving these internationally significant wetlands? Where is the commitment from the federal government that they will do everything they can to protect what is an iconic environmental site in Australia? It is an important part of South Australia’s history and an important part of Australia’s history. We need a federal government that is willing to stand up and take action to protect the Lower Lakes.

Question agreed to.
NOTICES

Presentation

Senator Hurley to move on the next day of sitting:

That the Economics Committee be authorised to hold public meetings during the sittings of the Senate on Wednesday, 18 March 2009, and Thursday, 19 March 2009, from 6.30 pm, to take evidence for the committee’s inquiry into the exposure draft of the legislation to implement the Carbon Pollution Reduction Scheme.

Senator Ludwig to move on the next day of sitting:

That the government business orders of the day relating to the Appropriation Bill (No. 3) 2008-2009 and the Appropriation Bill (No. 4) 2008-2009, and the Appropriation Bill (No. 5) 2008-2009 and the Appropriation Bill (No. 6) 2008-2009, may be taken together for their remaining stages.

Senator Chris Evans to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the law relating to migration, and for other purposes. Migration Amendment (Abolishing Detention Debt) Bill 2009.

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

That the Senate—
(a) notes:
(i) the release of the Australian Human Rights Commission concluding paper of the sex and gender diversity project, and
(ii) this ‘sex files’ project focuses on the legal recognition of sex and gender diverse individuals as a fundamental human right, in all documents and government records;
(b) recognises the great work of the Australian Human Rights Commission in highlighting ways the Australian Government could better assist in promoting and protecting the human rights of people who are transgender, transsexual or intersex; and
(c) encourages the Australian Government to take steps to harmonise federal, state and territory policies, procedures and legislation relevant to the legal recognition of sex and gender diverse individuals in federal documents and records.

Senator Cormann to move on the next day of sitting:

That the Senate—
(a) Notes:
(i) The increasing occurrence of officers of departments or agencies appearing before Senate committees refusing to respond to certain requests for information or for documents from a Commonwealth department or agency;
(ii) That on a number of occasions, when challenged by a Senator that refusals to provide information or documents have to be based on a particular ground that disclosure of the information would be harmful to the public interest in a particular way and have to be made by ministers, that requirement was not complied with either by the officer concerned, the Minister at the table or the Chair of the Committee;
(iii) That this is contrary to well established Senate practice and the Government’s own guidelines;
(iv) Paragraph 2.28 of the Government Guidelines for Official Witnesses, which have been in place since 1989, which states that Claims that information should be withheld from disclosure on grounds of public interest (public interest immunity) should only be made by Ministers (normally the responsible Minister in consultation with the Attorney-General and the Prime Minister).

(b) Orders that the following operate as an order of continuing effect:
(1) If:
(a) a Senate committee, or a senator in the course of proceedings of a committee, requests information or a
document from a Commonwealth department or agency; and

(b) an officer of the department or agency to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee, the officer shall state to the committee the ground on which the officer believes that it may not be in the public interest to disclose the information or document to the committee, and specify the harm to the public interest that could result from the disclosure of the information or document.

(2) If, after receiving the officer’s statement under paragraph (1), the committee or the senator requests the officer to refer the question of the disclosure of the information or document to a responsible minister, the officer shall refer that question to the minister.

(3) If a minister, on a reference by an officer under paragraph (2), concludes that it would not be in the public interest to disclose the information or document to the committee, the minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.

(4) A minister, in a statement under paragraph (3), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as in camera evidence.

(5) If, after considering a statement by a minister provided under paragraph (3), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Senate.

(6) A decision by a committee not to report a matter to the Senate under paragraph (5) does not prevent a senator from raising the matter in the Senate in accordance with other procedures of the Senate.

(7) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraph (1) or (4).

(8) If a minister concludes that a statement under paragraph (3) should more appropriately be made by the head of an agency, by reason of the independence of that agency from ministerial direction or control, the minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraph (3).

Senators Joyce and Hurley to move on the next day of sitting:

That the following matter be referred to the Economics Committee for inquiry and report by 17 June 2009:

(a) the international experience of sovereign wealth funds and state-owned companies, their role in acquisitions of significant shareholdings of corporations, and the impact and outcomes of such acquisitions on business growth and competition; and

(b) the Australian experience of foreign investment by sovereign wealth funds and state-owned companies in the context of Australia’s foreign investment arrangements.
**Senators Bob Brown and Ludlam** to move on the next day of sitting:

That the Senate—

(a) notes:

(i) the unique national broadcasting service that the Special Broadcasting Service Corporation (SBS) provides to the Australian community,

(ii) the invaluable role that the SBS plays in promoting a multicultural Australia and the services it provides to Australians from non-English speaking backgrounds, and

(iii) that the inadequate funding provided to the SBS has resulted in the SBS having to undertake in-program advertising; and

(b) calls on the Government to ensure adequate funding and support for the SBS, free from political and commercial interference.

**Senator Ian Macdonald** to move on the next day of sitting:

That the Senate calls on the Government to establish a Royal Commission to investigate all aspects of the oil spill and loss of containers containing ammonium nitrate from the vessel Pacific Adventurer on the morning of Wednesday, 11 March 2009, including:

(a) the response of the Queensland Government and its agencies;

(b) the response of the Federal Government and its agencies;

(c) the operation of the ‘National Marine Oil Spill Contingency Plan’;

(d) the apparent delay in activation of the plan;

(e) the apparent delay in other remedial action; and

(f) possible recommendations for a change in procedures to more closely involve and fund local authorities in remedial action.

**BUSINESS**

**Rearrangement**

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

That the order of the Senate agreed to on 12 March 2009 be varied to omit paragraphs (2) (a) and (b), and substitute:

(a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 11.40 pm;

(b) the routine of business from 7.30 pm shall be government business only.

This is to ensure that there is a dinner break of one hour. The minor party and two Independents have signified that they would prefer that and we are just making sure that is the case.

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (3.47 pm)—The Greens will not support that motion and I indicate that I will be moving a motion for the Senate to sit an extra week, which is a much more sensible option.

Question agreed to.

**NOTICES**

**Postponement**

The following item of business was postponed:

Government business notice of motion no. 3 standing in the name of the Minister for Human Services (Senator Ludwig) for today, proposing a variation to the appointment of the Select Committee on Climate Policy, postponed till 18 March 2009.

**COMMITTEES**

**Foreign Affairs, Defence and Trade Committee:** Joint Meeting

**Senator O’BRIEN** (Tasmania) (3.49 pm)—At the request of the Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade, Senator Forshaw, I move:
That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Thursday, 19 March 2009, from 10 am, to take evidence for the committee’s inquiry into human rights mechanisms and the Asia-Pacific.

Question agreed to.

**Foreign Affairs, Defence and Trade Committee**

**Meeting**

Senator O'BRIEN (Tasmania) (3.49 pm)—At the request of the Chair of the Senate Standing Committee on Foreign Affairs, Defence and Trade, Senator Mark Bishop, I move:

That the Foreign Affairs, Defence and Trade Committee be authorised to hold an in camera hearing during the sitting of the Senate on Thursday, 19 March 2009, from 5 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.

Question agreed to.

**Community Affairs Committee**

**Extension of Time**

Senator O'BRIEN (Tasmania) (3.49 pm)—At the request of the Chair of the Senate Standing Committee on Community Affairs, Senator Mark Bishop, I move:

That the time for the presentation of the report of the Community Affairs Committee on the implementation of recommendations of committee reports on child migration and Australians who experienced institutional or out-of-home care as children be extended to 25 June 2009.

Question agreed to.

**Environment, Communications and the Arts Committee**

**Extension of Time**

Senator O'BRIEN (Tasmania) (3.49 pm)—At the request of the Chair of the Senate Standing Committee on Environment, Communications and the Arts, Senator McEwen, I move:

That the time for the presentation of the report of the Environment, Communications and the Arts Committee on the Water Amendment (Sav- ing the Goulburn and Murray Rivers) Bill 2008 be extended to 7 May 2009.

Question agreed to.

**Treaties Committee**

**Meeting**

Senator O'BRIEN (Tasmania) (3.49 pm)—At the request of the Deputy Chair of the Joint Standing Committee on Treaties, Senator McGauran, I move:

That the Joint Standing Committee on Treaties be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 17 March 2009, from 8 pm.

Question agreed to.

**BUSINESS**

**Days and Hours of Meeting**

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.50 pm)—I move:

That the Senate meet from Monday, 6 April, to Thursday, 9 April 2009.

Question put.

The Senate divided. [3.55 pm]

(Ab Ferguson—Senator the Hon. AB Ferguson)

Ayes............ 6
Noes............ 46
Majority....... 40

AYES

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

NOES

Arbib, M.V. Back, C.J.
Bernardi, C. Bilyk, C.L.
Birmingham, S. Bishop, T.M.
Boswell, R.L.D. Boyce, S.
I altered the motion yesterday and I sought leave to amend it in terms agreed to by the government, but now the Leader of the Nationals has moved the same motion. My motion was there yesterday. I am not going to be precious about this but there is some failure of process going on here. The motion is essentially a Greens’ motion. I do not mind if the Nationals want to take it over and look like they have got a mortgage on the territory. That is politics. However, it is very strange indeed for the government to oppose an agreed motion of this importance from the Greens, and that will be noted.

SWIFT PARROT

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.00 pm)—I move:

That the Senate calls on the Minister for the Environment, Heritage and the Arts (Mr Garrett) to prevent any deliberate action which would increase the prospect of Australia’s swift parrot going to extinction.

Senator LUDWIG (Queensland—Minister for Human Services) (4.00 pm)—by leave—The government does not support this motion, because it seriously undermines the role of the Minister for the Environment, Heritage and the Arts in protecting an endangered species such as the swift parrot. Under the EPBC Act the Minister for the Environment, Heritage and the Arts can do much more than prevent any deliberate actions which would increase the prospect of the swift parrot going to extinction. Under the EPBC Act the Minister for the Environment, Heritage and the Arts may seek or adopt and implement recovery plans for threatened fauna such as the swift parrot. The aim of a recovery plan is to maximise the long-term...
survival in the wild of a threatened species. Recovery plans set out the research and management actions necessary to stop the decline of and support the recovery of listed threatened species. Recovery plans state what must be done to protect and restore important populations of threatened species and habitat as well as state how to manage threatened species processes. Recovery plans achieve this aim by providing a planned and logical framework to key interest groups and responsible government agencies to coordinate their work to improve the plight of threatened species and ecological communities. A recovery plan for the swift parrot is in place.

**Senator Bob Brown** (Tasmania—Leader of the Australian Greens) (4.02 pm)—by leave—I guess that statement was preparatory to the Labor Party voting against its minister using the very powers that Senator Ludwig has outlined. I can give a commitment to the Senate that, if this motion to call on the minister to use powers—which Senator Ludwig just said he has—to prevent any deliberate action which would damage the swift parrot’s chances of escaping extinction does not pass, I will give notice of the motion tomorrow, enumerating all the things the government said that the minister can do to protect this endangered parrot. It is the fastest parrot on the face of the planet. This parrot should be protected and the minister should use his powers to prevent any deliberate harm. I will give a commitment to bring back the government’s own words in a motion tomorrow if the government votes against this motion today.

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

The Senate divided. [4.07 pm]

(The Deputy President—Senator the Hon. AB Ferguson)

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Question negatived.

**COMMITTEES**

**Economics Committee Reference**

**Senator Bob Brown** (Tasmania—Leader of the Australian Greens) (4.10 pm)—I hear the Leader of the Nationals saying he wants work to do—well, here we go. I earlier sought leave to amend this motion, which was denied. I move:

That the following matters be referred to the Economics Committee for inquiry and report by 17 June 2009:
(a) to review the Government’s obligations under the Foreign Acquisitions and Takeovers Act 1975 and under the Foreign Acquisitions and Takeovers Regulations 1989 to determine whether proposed foreign acquisitions by foreign government entities, for example the current bid for Chinalco to invest in Rio Tinto, are consistent with Australia’s national interests;

(b) to review the operations of the Foreign Investment Review Board with specific regard to their advisory role in direct investments by foreign governments and their agencies;

(c) to review the ‘Principles guiding consideration of foreign government related investment in Australia’ as outlined in April 2008 by the Treasurer;

(d) the international experience of sovereign wealth funds and state-owned companies, their role in acquisitions of significant shareholdings of corporations, and the impact and outcomes of such acquisitions on business growth and competition;

(e) the Australian experience of foreign investment by sovereign wealth funds and state-owned companies;

(f) examination of monitoring and regulation of foreign investment in Australia and the effectiveness of the current regulatory regime in supporting well functioning markets; and

(g) other related matters.

Question put.

The Senate divided. [4.12 pm]

(AB Ferguson)

Ayes............... 7
Noes............... 44
Majority......... 37

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

NOES
Arbib, M.V. Back, C.J.
Bernardi, C. Bilyk, C.L.
Birmingham, S. Bishop, T.M.
Boswell, R.L.D. Boyce, S.
Brandis, G.H. Cameron, D.N.
Cash, M.C. Collins, J.
Cormann, M.H.P. Eggleston, A.
Farrell, D.E. Feeney, D.
Ferguson, A.B. Fierravanti-Wells, C.
Fifield, M.P. Fisher, M.J.
Forshaw, M.G. Furner, M.L.
Humphries, G. Hurley, A.
Hutchins, S.P. Ludwig, J.W.
Lundy, K.A. Macdonald, I.
Marshall, G. Mason, B.J.
McEwen, A. Moore, C.
O’Brien, K.W.K. Parry, S.
Polley, H. Pratt, L.C.
Ronaldson, M. Ryan, S.M.
Sherry, N.J. Stephens, U.
Troeth, J.M. Trood, R.B.
Williams, J.R. * Wortley, D.

* denotes teller

Question negatived.

IRAN

Senator HANSON-YOUNG (South Australia) (4.16 pm)—I seek leave to amend general business notice of motion No. 396 standing in my name and the name of Senator Humphries relating to the practice of death by stoning in Iran.

Leave granted.

Senator HANSON-YOUNG—I move the motion as amended:

That the Senate—

(a) expresses its deep regret at the two stonings in Mashhad, Iran, in December 2008;

(b) notes:

(i) reports received by Amnesty International highlighting that as many as eight woman are at imminent risk of being stoned to death for adultery in Iran, and

(ii) that Iran has one of the highest execution rates in the world; and
(c) calls on the Australian Government to immediately urge the Iranian authorities to cease the punishment of death by stoning and halt all remaining executions of those sentenced to death.

Question agreed to.

CHILD CARE

Senator HANSON-YOUNG (South Australia) (4.17 pm)—I move:

That the Senate—

(a) notes that:

(i) the Government’s second prop-up of $34 million to keep ABC Learning operating until 31 March 2009, is due to expire in 2 weeks time, and

(ii) of the 241 failed centres due to be sold or closed, to date only 65 have been sold;

(b) recognises that this crisis represents an opportunity for child care in Australia to be transformed from a market-driven industry to a vital community service and a government-supported first step in lifelong learning; and

(c) calls on the Government to immediately make available capital grants funds and operational costs to assist not-for-profit child care providers in taking over the remaining centres.

Question put.

The Senate divided. [4.18 pm]

(The Deputy President—Senator the Hon. AB Ferguson)

Ayes…………… 7
Noes…………… 32
Majority……… 25

AYES

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

NOES

Arbib, M.V.  Back, C.J.
Birmingham, S.  Bishop, T.M.
Boswell, R.L.D.  Boyce, S.
Brandis, G.H.  Cameron, D.N.
Cash, M.C.  Farrell, D.E.
Feeney, D.  Ferguson, A.B.
Fornshaw, M.G.  Humphries, G.
Hurley, A.  Hutchins, S.P.
Ludwig, J.W.  Lundy, K.A.
Macdonald, I.  Marshall, G.
Mason, B.J.  McEwen, A.
Moore, C.  O’Brien, K.W.K. *
Parry, S.  Polley, H.
Ryan, S.M.  Sherry, N.J.
Stephens, U.  Troeth, J.M.
Trood, R.B.  Williams, J.R.

* denotes teller

Question negatived.

MATTERS OF PUBLIC IMPORTANCE

Queensland Economy

The DEPUTY PRESIDENT—I inform the Senate that, at 8.30 am today, Senator Brandis and Senator Hanson-Young each submitted a letter in accordance with standing order 75 proposing a matter of public importance for discussion. The question of which proposal would be submitted to the Senate was determined by lot. As a result, I inform the Senate that the following letter has been received from Senator Brandis:

Dear Mr President,

Pursuant to Standing Order 75, I propose that the following matter of public importance be submitted to the Senate for discussion:

The serious deterioration of the public finance of Queensland, and the collapse of the Queensland economy, under the Rudd and Bligh Governments

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

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

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

Senator BRANDIS (Queensland) (4.21 pm)—In Brisbane last Sunday morning, when Mr Lawrence Springborg launched the election campaign of the Liberal National Party, he posed a question. He said, ‘Usually in election campaigns people ask, “Where’s the money coming from?” but in Queensland today the real question is, “Where did all the money go?”’ As the people of Queensland go to a state election next Saturday, they go to vote at a time when the public finances of my state are in utter ruin as a result of 11 years of Labor state government. The budget projections show that the public debt of Queensland will be $74 billion in the 2011-12 financial year.

Senator Williams—That is a disgrace.

Senator BRANDIS—It is a disgrace, Senator Williams. Compare it with this: when the Howard government was elected in 1996, the Howard government inherited a $96 billion deficit. But that $96 billion deficit was a deficit for the entire Commonwealth of Australia. It was the equivalent of a debt of $4½ thousand per Australian. The Queensland deficit today is about 80 per cent of what the entire national deficit was 13 years ago. It is, per capita, four times as great as the debt that the Howard government inherited from the previous Labor government. That is not the whole story. The $74 billion figure is revealed if you drill down into the Economic and fiscal update published by the state Treasurer, Mr Fraser, five weeks ago on 20 February. This is what the state government’s own document says:

Given an update of the Public Non-financial Corporations Sector has not been undertaken—in other words, the government owned corporations—it is not possible to determine a borrowing for the State as a whole. However, assuming no change in the Public Non-financial Corporations Sector, Table 7 provides an indicative view of borrowing as a result of the latest General Government estimates.

That $74 billion figure itself vastly understates the aggregate debt position, because it leaves entirely out of account the possibility of any increase in the indebtedness of the government owned corporations sector—which, as we all know, has tracked the general government sector in expanding its liability. The state of Queensland itself cannot tell the people how great the public debt is today. In the words of Mr Fraser’s document, ‘it is not possible to determine a borrowing for the state as a whole’, but we know it is projected to be substantially in excess of $74 billion.

It is quite extraordinary that debt could have been racked up to such an extent in the good times, because until the global financial crisis—taking effect in Australia these days as the Rudd recession—first emerged in the second half of last year, Queensland had enjoyed nothing but good times. The 2007-08 and the 2008-09 Queensland state budgets brim with optimistic predictions of continued prosperity. The Bligh government and, before it, the Beattie government rode the economic prosperity of the minerals boom. How do you do that? How is it that you reduce the state’s finances to such a shambolic position in the good times? Senator Sherry, whom I see in the chamber, is very fond of lecturing the Senate about how in bad times it is necessary for governments to go into debt. That may or may not be true, but what is plainly true is that in good times you make provision. In good times you do not accumulate
In every year, in every budget for which the Beattie and then the Bligh governments were responsible, the level of state debt increased. In the 1999-2000 year, the first full fiscal year for which the Labor Party was responsible, the state debt was $10.123 billion. It increased the following year, 2000-01. It increased again in 2001-02. It increased again in 2002-03. It increased again in 2003-04. By 2004-05, it was up to $19.446 billion. The following year, 2005-06, it was up to $23.24 billion. In 2006-07, it had increased again to $26.68 billion. Now it is projected in the government’s own document to rise from $41.58 billion in 2008-09 to $56.65 billion in 2009-10, $66.452 billion in 2010-11 and $74 billion in 2011-12—and that excludes, as I said before, the debt of the government owned corporations. How do you do that in boom times?

As a result, the Queensland Treasurer, Mr Fraser, was on 20 February forced to bring down a minibudget. In that minibudget, he announced that there would be a budget deficit of $1.6 billion for that financial year. As a result of the accumulation of debt by the Beattie and Bligh Labor governments, the public debt interest paid by Queenslanders was at the start of this year approximately $2.4 billion per annum on that $74 billion figure.

But the news got worse, because, when Mr Fraser brought down the minibudget and placed on the public record the public debt projections of $74 billion, Moody’s, the credit-rating agency, slashed Queensland’s credit rating. Queensland was put on Moody’s watch list, and its credit rating was downgraded from AAA—the rating that any prosperous sovereign debtor ought to enjoy—to AA+. Imagine: Queensland, one of the two states, along with Western Australia, that has been propelled by a mining boom the likes of which Australia has never seen, has been put on the credit-rating agency’s watch list as a bad credit risk, and its credit rating has been downgraded from AAA status. What happened then? What happened as a result of the downgrading on 27 February of the Queensland credit rating is that, under the terms of the government bonds that had been issued, the interest rate went up by 0.4 per cent. In one stroke of a pen, Queensland is now paying about another $300 million a year in public debt interest. It is now paying about $2.7 billion a year in public debt interest.

How does that compare with what Queensland spends on other things? Well, Queensland spends about $600 million a year on child safety. We spend 4½ times as much on interest as we do on child safety. Queensland spends, in the current year, $8.3 billion on education. The public debt interest bill is fully one-third as much of every dollar the Queensland government spends on the entire Queensland education system. We spend about $941 million a year on emergency services. You will remember, Mr Acting Deputy President, Senator Ian Macdonald asking some very pertinent questions in question time today about how the response to the oil spill emergency in Queensland has been so badly handled. Could that have something to do with the fact that we spend three times as much on public debt interest as we do on our emergency services? We spend $8.6 billion on the Queensland hospital system. We spend fully a third as much on debt interest as we do on the entire health system of a state of 4.2 million people. What a disgrace! Finally, we spend about $1.57 billion on the
police. We spend twice as much on debt interest as we spend on the Queensland police.

The fact is that tolerance of debt, willingness to go into debt, is encoded in the Labor Party’s DNA. Only if you were so negligent, so casual, in your attitude to debt, would it be possible to accumulate $74 billion of debt—$18,000 per man, woman and child—in a prosperous state like Queensland in the course of a mining boom. That was nowhere better illustrated than last week when the two former female Labor premiers of other Australian states, Ms Kirner and Professor Lawrence, issued a statement supporting Anna Bligh’s re-election as Premier. This is what Joan Kirner, the person who drove the Victorian economy into ruin, had to say about Anna Bligh’s fiscal management:

The other thing in Ms Bligh’s favour was that people now are more accepting of debt, she said. Referring to her own experience in Victoria, she says:

People thought debt was a very bad thing back then, but everyone now is saying that you have to go into debt …

We know what the policies of Joan Kirner did for the Victorian economy with the attitude that in the bad old days people thought debt was a bad thing. Well, do you know what, Mr Acting Deputy President? Today, in 2009, there are still some people who think that debt is a bad thing. There are still some people who are not relaxed or casual or scoffing at the thought that it does not matter that you have run up a public debt in the most prosperous economy in the land of $74 billion in the middle of a mining boom. Those people sit on the Liberal and National party benches in the state parliament. (Time expired)

Senator ARBIB (New South Wales—Parliamentary Secretary for Government Service Delivery) (4.36 pm)—I have for the last couple of days actually been observing Senator Brandis and some of his speeches regarding Queensland. I have to say that, personally, I have always found Senator Brandis to be one of the more charming and intelligent members across the chamber and someone whom I have become very fond of in my short time in the Senate. But, I have to say, observing him talk about Queensland for the past three days of sitting, I think he does himself no service and actually does a disservice to himself and to his party. While there is an election on—we all know Queenslanders go to the polls on Saturday—I think Senator Brandis is playing partisan games. He is telling a tale about Queensland which bears very little resemblance to reality. Nor does it resemble—

Senator Brandis—Senator Arbib, which fact that I mentioned do you dissent from?

Senator ARBIB—Senator, please stick around and I will get to that. Thank you for the interjection. Nor does it resemble anything near what is happening globally. Listening to the good senator during his speech, it was interesting to see how many times he referred to the global recession. How many times did he actually refer to the global recession that is wrecking economies across the globe, killing employment? How many times?

Senator Sherry interjecting—

Senator ARBIB—Senator Sherry is right. He did not mention the global recession once. How can you talk about the Queensland economy or the Australian economy without actually putting it into the context of what is happening overseas? This is the political strategy that Senator Brandis and his leader, the member for Wentworth, have both undertaken and that numerous shadow ministers in this chamber have pursued: attacking the government federally and in Queensland for politically partisan reasons without taking into account the global recession. I am a
senator from New South Wales; I am not from Queensland. You may have noticed.

Senator Williams—Well, let’s talk about New South Wales!

Senator ARBIB—The good senator from New England has noticed. But, I have to say, I have had a fair bit to do with Queensland. In my current role as the Parliamentary Secretary for Government Service Delivery I have been working with the Queensland government on the rollout of the stimulus package. I was actually up there last Friday, meeting with officials of the government, and I can inform the Senate that the Queensland government is making great progress in the rolling out of infrastructure projects as part of the Nation Building and Jobs Plan. That is very good to see, because it will mean Queensland jobs are protected and Queensland jobs are supported.

But, going back to the global recession, what Senator Brandis has ignored is the fact that we are going through one of the most serious economic downturns since the Great Depression. Overseas now they are calling this the ‘Great Recession’—it is that bad. The effect it is having on the federal budget, the effect that it is having on the Queensland budget, cannot be overstated.

It was interesting to hear the Leader of the Liberal National Party, Lawrence Springborg, actually talk about the recession. When I was up in Queensland I saw an ad where he was talking about the economic circumstances that his state confronts. Admittedly, it was an ad from the Labor Party, but it was his words. It had President Obama talking about the global recession. It had the Prime Minister of the United Kingdom talking about the global recession and how serious it is. It had the Prime Minister, Kevin Rudd, talking about the seriousness of the situation. Then it went to Lawrence Springborg. His quote went something like, ‘This is not the Great Depression; this is not even a recession.’ That is the way the LNP view the economic downturn. That is the way those on the opposite side of the chamber view the economic downturn. Malcolm Turnbull said something very similar when he said that we were overhyping the global downturn.

Queensland has experienced a period of unparalleled prosperity. We all know that, and Senator Brandis made reference to it. Most of this growth was due to growth in the developing world, a once-in-a-lifetime mining boom and a boom in trading partners—in China, in Japan, in Korea, in Singapore, in Taiwan. When Labor was elected in Queensland, unemployment was at 8.7 per cent; now it is 4.75 per cent. Queensland in fact has outpaced the nation’s growth for the last 12 years, and it will do it again this year. At the same time the Queensland government, through former Premier Peter Beattie and Premier Anna Bligh, has recorded record surpluses. Senator Brandis asked the question: ‘Where has the money gone?’ I will answer that for him. While Queensland has been experiencing the best of the mining boom, it has also been experiencing a population boom. Southerners from across the country have been flocking to Queensland because the state has been doing so well, with over 1,000 people moving north each week at its peak. That is a testament to the work that the Queensland government has been doing and the infrastructure that it has been building—the schools, the hospitals, the roads.

But there is a flipside to growth, and there is certainly a flipside to population growth. It means stress: stress on your infrastructure, stress on your hospitals, stress on your schools, stress on your roads, stress on your rail lines. There is no doubt about it: Queensland has been under stress—and it has had to invest heavily to keep up with the population growth. Queensland’s infrastructure
spend has been at, and will be going forward at, record levels—something like $17 billion right now.

However, given this level of infrastructure spending to meet the growing needs of the population and given the global downturn becoming a global recession, they have been caught between the proverbial rock and a hard place. They have suffered more than any other state due to a drop in demand from China and India. Queensland’s largest trading partners are now deeply in recession. Japan, Singapore, the United States and key trading partners South Korea, Taiwan and China have had huge cuts to their growth rates.

So it is easy to see where the money has gone. On one side the money is going into infrastructure and on the other side they have had a big cut in their mining royalties and their company taxation due to the global financial crisis. It is as simple as that, Senator Brandis, and your musings that somehow the Queensland government has been irresponsible to invest in infrastructure and jobs are simply untrue and tell a tale that bears no resemblance to reality.

There are two choices that a government can face in a situation like this: one—

Senator Brandis—Mr Acting Deputy President, I raise a point of order. I do not think the honourable senator is at liberty to say that a statement was untrue when each statement I made was quoting from Mr Andrew Fraser’s own published documents. It is unparliamentary and it is against the standing orders to reflect on the integrity of a member of a state parliament. Senator Arbib, perhaps unintentionally, by asserting that the statements made by Mr Andrew Fraser, the Treasurer of Queensland and the member for Mount Coot-tha, are untrue, is in breach of that standing order.

Senator ARBIB—Mr Acting Deputy President, on the point of order, at no time was I making any reference to the Treasurer of Queensland; in fact, I was talking about statements made by Senator Brandis.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—As I heard it, Senator Arbib was talking about the musings made by you, Senator Brandis, so I think we will move on.

Senator ARBIB—I was saying that, given the circumstances that Queensland faces, there are two responses they could take. One would be to make cuts to their budget, to their infrastructure projects and to jobs. The second would be to keep spending and stimulate the economy with more spending to protect jobs. We know that, thankfully, Anna Bligh has made the right decision. She has decided on the latter course: keep spending money on infrastructure to support Queensland jobs. We heard at her campaign launch on the weekend that this spending will lead to and support 100,000 Queensland jobs, and that is something that we on the Labor side can be very proud of.

The $17 billion infrastructure package that Anna Bligh, the Premier, has put in place means that every hour of the day the Queensland government will spend $2 million on infrastructure, schools, housing and roads. And, positively, in the 17 months that Premier Bligh has been in her position, she has led a government that has created 168,000 jobs. That is to her credit and to the credit of the government.

Unlike the opposite side of the chamber, who, in their 12 years in government, decided the best way to deal with the states was to play the blame game—to blame them for problems in education and public hospitals—we on this side of the chamber have taken a different approach: to work with state governments on infrastructure and hospitals. We
all know the federal coalition’s record on infrastructure during their 12 years. They cut funding to health by five per cent. They cut funding to education by five per cent. In fact, we were the only economy in the OECD reducing funding to education; everyone else was increasing funding to education. The former Prime Minister, John Howard, and Liberal senators on the other side were cutting funding to education and cutting funding to infrastructure. If you do not believe me, believe Don Argus, the Chairman of BHP, because he is on the record talking about the 10 per cent cut over the 12 years of the coalition government.

That is why we are working with the Queensland government with the $42 billion infrastructure package—$2.5 billion going into every one of Queensland’s 1,449 primary schools. We are providing rail and road infrastructure, fixing their highways and providing social housing—things that senators on the opposite side of the chamber ignored and voted against. Every one of the senators on the opposite side of the chamber voted against this infrastructure, this spending. It was the biggest modernisation of the education system in our country’s history, and Liberal senators and National Party senators fronted up to this chamber and voted against it. Every one of the senators on the opposite side of the chamber voted against this infrastructure, this spending. It was the biggest modernisation of the education system in our country’s history, and Liberal senators and National Party senators fronted up to this chamber and voted against it. And they have the hide to come in here today and attack Premier Bligh and the Queensland government for spending money on infrastructure—the hide of them! These are Queensland jobs that are going to be supported during a global recession.

But it is not just Queensland. This is the way they view the world, the way they view the economic crisis: ‘Leave it to the market. Government, stay out of it. Don’t spend, don’t stimulate; leave it to the market to sort out. It’ll be right’. There is a global economic cyclone on the way, as the Prime Minister likes to say, and all the Liberal Party can do is sit on their hands, cross their fingers and hope it misses us. That is not the way that Labor works.

In fact, the Queensland election comes down to one thing—it comes down to jobs. Lawrence Springborg, who does not believe we are in a global recession, is talking about making jobs ‘de-necessary’. In fact, his solution to the problems that Queensland is confronting with the global financial crisis is to do exactly the same as those on the opposite side of the chamber would do—cut back on programs and cut back on funding. He is now making a three per cent cut to the Queensland budget. That will equate to 12,000 jobs being wiped out from Queensland.

We are supporting 100,000 jobs through infrastructure. Mr Springborg is getting rid of 12,000 jobs. That is the choice that Queenslanders now face. Listening to the shadow Treasurer, I wonder how they will make these cuts. How will they make this three per cent cut? They will make it by cutting back on infrastructure. So on Saturday this election is about jobs. (Time expired)

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (4.53 pm)—The election in Queensland has drawn into focus the alternative of the Greens. Last year the Labor member for Indooroopilly, Ronan Lee, left the Labor Party and became a Greens MP. He is a serving Greens MP for that seat of Indooroopilly. The reason he has done that, which he has stated publicly and to me privately, is simply that the Queensland government—and the opposition is no exception to this—simply cannot capitalise on the magnificent environment of Queensland and what it offers the people of Queensland in terms of economic and employment advantages for the future. And he is right.

I had the pleasure of launching with him a week ago a plan for 7,600 green-collar jobs in Queensland. The difference between that
and what we have heard from the previous two submissions to the Senate is that this is based on real programs which involve skill-ing people to have jobs which will be long term and which they will enjoy—which will give them fulfilment. The LNP and the Labor Party back the heavy industrial and resource mining industry of the past—to wit, the coal mining industry. That is an industry which is in severe trouble now, not because of any Greens insurgency but because of the neo-liberal policies which the big parties have subscribed to in the past and which have come home to roost in Queensland.

There is a downturn and we are now hearing members from both sides of old politics saying, ‘Well, you should put off the tackling of climate change as a policy which is going to protect the environment, economy and employment of the future, because it might worsen the impact of the recession.’ But the recession is now claiming hundreds if not thousands of mining jobs in Queensland and we are hearing nothing from the big corporations about their responsibility to look after those people who are dispossessed of jobs or about the need to reskill those people.

I went to the Bowen Basin in Queensland to speak about this issue two years ago and pointed out that it was the Greens who were aware of this change in the economy and who would legislate to ensure that people in very vulnerable industries like mining and resource extraction were skilled for the new future, which is going to be in the green industries. One of those industries which Ronan Lee and Larissa Waters—the very skilled young woman who is standing in Mount Coot-tha and who is the Green Senate candidate—are promoting in the run up to this election is the solar industry.

Clean coal, which the big parties subscribe to, does not exist; it is not available. People like Ziggy Switkowski have said that clean coal is at least two decades away. But the base load solar power is available now—and I am talking about the sunshine state! As has been promoted by the Greens, power stations near cities like Cairns and Townsville—and indeed in South-East Queensland, as in New South Wales—are able to produce power from the sun morning, noon and night without worsening global warming, which the coal industry and the burning of fossil fuels do.

And the green industries are jobs rich. The Greens have proposed in Queensland—as we have nationally—that they will use their wherewithal on the floor of the Queensland state parliament to pursue the policy of having every house in Queensland retrofitted with solar hot water and insulation and will help them to get solar power. And we would have the proper gross feed-in tariffs laws to enable people who do put in solar power to be rewarded for that power—to get a stimulus from it, rather than have the rewards and the subsidies go to the old fossil fuel industries.

The Greens are strongly defending Queensland’s environment and would bring an end to the clearance of life-rich, high-conservation-value native forest woodlands. That would have a massive double bonus. It would end the polluting impact of the clearance of woodlands, which puts massive amounts of greenhouse gases into the atmosphere. Of course it is the Greens who are the great defenders of the Great Barrier Reef—against not only the runoff which is threatening the Great Barrier Reef but also the impacts of climate change.

I have to acquaint the Senate again with the real figures here. Last time I looked, there were 28,000 jobs in the coal industry. It is a very important industry but it is largely foreign owned and it made $43 billion in the last year I looked. But the coal industry is
getting all the subsidies from state and federal Labor governments as well as Liberal-National Party interests. The threat of that industry is to the Great Barrier Reef which, according to the Deputy Premier of Queensland, sustains 63,000 jobs. Now scientists tell us that with the current trajectory of climate change there is a huge risk that a massive amount of the reef will be dead by mid-century. I am talking about the jobs and lifetimes of our children and certainly their children. This is a very real, present threat.

If ever that needed to be brought home, it was brought home by this disastrous oil and chemical spill off the Queensland coast, which is now being endured by the people of Queensland. As I said in this chamber yesterday, if it is true what Labor said in defence of this ship leaving Newcastle and sailing with this dangerous cargo into cyclone affected waters, that we do not have laws in this country to regulate foreign shipping in such circumstances, we Greens will at the first opportunity move to amend those laws so that we not only have the oversight of the Australian Maritime Safety Authority but are able to implement it. If that is true, and the government used that as a defence here yesterday, it is absurd. I do not care what the international law is; this nation has a right—

**Opposition senators interjecting—**

**Senator BOB BROWN**—That having been said, it is the Greens that will fix up this anomaly which has been used by Labor to allow—

**Senator Brandis**—You never met a terrorist you didn’t like!

**Senator BOB BROWN**—They are interrupting because—

**The PRESIDENT**—Senator Brown, please resume your seat. I will give you the call when there is quiet in the chamber. It is as simple as that. Senator Bob Brown.

**Senator BOB BROWN**—Mr President—

**Opposition senators interjecting—**

**Senator BOB BROWN**—It is Senator Brandis who is interrupting, and I would have thought better of him, because—

**The PRESIDENT**—Senator Brown, please address your comments to the chair. Ignore the interjections.

**Senator BOB BROWN**—his colleague was heard in silence. I thank you for that, Mr President, because you are absolutely right. If it is truly the situation that foreign owned ships, as against Australian ships, leaving Australian ports cannot be regulated and cannot be made safe—and, remember, this ship could well have been off the Great Barrier Reef if there had been a day or two’s difference; as it is, it has created huge damage to the magnificent beaches of Moreton Island and, further north, Bribie Island and the Sunshine Coast—then that situation should be changed. That is our responsibility. That is a Greens point of view. And that is why it has been of enormous value to Queensland to have a member of the Greens on the floor of the Queensland parliament—to stand up for issues which are ignored by both the big parties and to also bring forward the job-rich prospective future which Sir...
Nicholas Stern, one of the world’s great economists—

Opposition senators interjecting—

Senator BOB BROWN—I might be being heckled at the moment by the National and Liberal parties, but they seem sensitive to this. They have lost their way and do not understand. As Sir Nicholas Stern from the World Bank was explaining to us, in this city, those economies which reorient to ecologically based economies are going to be the most job rich in the future. Now we have a backbencher from Queensland who is saying: ‘He’s wrong; I’m right. Our old formula from last century is better for Queensland.’ No, it is not. The Greens are for the sunshine state to be the sun-powered state and the exporter of the best solar technology in the world, not one of the worst polluters in the world. This is possible, but it will not be possible if people support the old parties when they have got a fantastic opportunity to vote Green next Saturday in Queensland.

FIRST SPEECH

The PRESIDENT—Before I call Senator Back, I remind honourable senators that this is his first speech and, therefore, I ask that the usual courtesies be extended to him.

Senator BACK (Western Australia) (5.03 pm)—Thank you, Mr President, for the opportunity to present my first speech on St Patrick’s Day. I do so overwhelmed by the fact that a kid from the Western Australian wheat belt whose grandfathers were, respectively, an Irish farmer and a Fremantle wharf labourer can aspire to stand in the Senate of the Australian parliament and contribute to the future of our great country. I have no doubt each of my colleagues experienced this sense of pride, and I hope it never leaves me. As a fifth-generation Western Australian, it is a privilege to represent the people of my community in this place.

I use the opportunity also to thank the Western Australian State Council of the Liberal Party for their confidence in nominating me and the state parliamentarians for confirming this appointment. I appreciate also my family and friends, many of whom have travelled to Canberra, and those who worked so hard in my election campaign for the seat of Alfred Cove in the recent WA election. However, there is a silver lining on every cloud, and I am eternally grateful to Western Australian Labor and the Greens for preferring so heavily against me! Without their input, I would not be here today.

Following my endorsement I visited the parliament for the last sitting week in December 2008. A newcomer can only be impressed by the obvious pride, professionalism and presentation of the many staff who make this place work. As any CEO knows, staff attitudes are strong indicators of the wellbeing of your own organisation and indeed that of your competitors or associates, so I set about learning how the leadership of the parliament achieves this outcome.

You can imagine my amazement to learn that the principal management tools seem to involve the whips, the mace, the gag and of course the ever-present threat of the guillotine! My apprehension was only increased by a summons from Black Rod. Upon being ushered into that office, I was met by a lady seated with her foot in plaster, supported by crutches. I immediately wondered which part of whose anatomy had been assaulted with such force as to fracture her foot and what possible misdemeanour could have led to this event. I resolved at that moment to not repeat whatever error this poor unfortunate had committed.

I place on record my appreciation for the courtesy and assistance of my predecessor and my Senate colleagues in making this transition so interesting. In his first speech in
this place, the Hon. Chris Ellison defined a Liberal as:
… one who prefers individual action to collective action but who still would commend the … efforts of individuals joined in voluntary association.

He went on to say:
… where regulation is not necessary, it then becomes necessary not to regulate.

Sir Robert Menzies, in his famous speech in 1947, called for:
… a true revival of liberal thought which will work for social justice and security, for national power and … progress, and for the full development of the individual citizen, though not through the dull and deadening process of socialism.

I fully endorse these principles and add my own goal: for an Australia which is egalitarian in approach, which rewards independence in outlook and encourages interdependence as a necessary quality of a mature economy but which works actively to eliminate dependency as a long-term outcome. No policy should have the objective of denying a human being their right to support themselves and/or their family, and society should not tolerate conditions which condemn young people especially to the prospect of long-term unemployment and dependence on government handouts in a country such as ours.

I applaud an Australia where leadership and promotion are based on excellence and effort and where respect is earned, not imposed. These principles are best illustrated in the strong Australian culture and tradition of volunteerism. I count myself lucky to have worked with and learned from many volunteer groups in both our urban and rural communities, including the CWA, the bushfire brigades and other emergency services, those who help the vulnerable and those who enrich our understanding of our history, environment and lifestyle.

The superb efforts of our bushfire fighters and support groups have been recognised in the recent tragic events in Victoria. I simply echo the sentiments of those who have registered our profound shock and sadness at the events which unfolded on 7 February. As a past CEO of the Western Australian Bush Fires Board and a member of the Australian Fire Authority Council, I share the deep sense of frustration at not being able to protect lives and property in those communities whose safety is our core focus.

Information available to me from my Western Australian associates who visited and attended at the Victorian fires confirmed that the conditions and the speed of the fire spread on that day were unprecedented. It was alarming, however, to be told of the levels of fuel or flammable material which the firefighters confronted. For clarification, we would regard a fuel loading of six to eight tonnes per hectare as being the upper limit in the conditions that they experience to successfully contain wildfires with acceptable risk to life and property. However, much of the area burnt in Victoria a month ago had fuel levels of 40 to 50—and even, in some instances, 150—tonnes per hectare. While this speaks volumes for the efforts of the CFA, the DSE and other firefighters, I ask: how did this situation ever occur?

We in the Senate have an obligation to the Australian community to ensure that those charged with the responsibility to protect life and property have the tools, the legislative capacity and the will to so do. It is incumbent on us to review past recommendations by authoritative sources and assess how effectively they have been implemented. This is not the last we will hear of this issue in this place. The tragic privilege of delivering the eulogy of a 19-year-old volunteer who lost his life in a bushfire and attending the funeral of a brigade member born on the same day as me certainly focuses the atten-
tion on the awful sacrifice our volunteer fire-fighters are prepared to make.

In the context of protecting the Australian community, I wish to comment on the role of the Australian Defence Force in their military and peacekeeping activities in over 30 countries around the world. I add my voice to those who spoke in this chamber earlier this afternoon in expressing my sincere sympathy to the family, friends and fellow soldiers of our soldier whom we lost tragically in Afghanistan yesterday. If we think about it at all, most citizens accept the right of government to deploy military personnel. We trust the parliament will approve adequate funding and that senior military and civilian leadership of the ADF will ensure that resources and training are of the highest order. I assure you that, as a parent, you accept the deployment of your family member into a war zone, but it causes you to focus with unusual clarity on the roles of each group to whom I have just referred. You trust that all of them have done their job responsibly and you continue to hope and pray that your family member, those who are in theatres and those for whom they are responsible have also been adequately resourced and trained so that they can do theirs.

It places an enormous burden on us in this Senate to review and be satisfied that resourcing is adequate, that training is appropriate and that we adequately remunerate and rehabilitate our military personnel during and after their service. The feedback I have received from returned service personnel is that we fall well short of what they expect and what the Australian community would regard as reasonable in our dealings with our veterans. They have made a significant sacrifice to protect this country and our way of life. The least we can do is to reciprocate for those in the Anzac family.

I now turn my focus to the Australian economy and our prospects for the future. Like your state of Queensland, Mr President, Western Australia is a cash cow of the Australian economy, and we are proud of the contribution we continue to make. A few years veterinary experience, however, tells me that if the farmer continues to starve the western end of the cash cow then greenhouse gases are not the only emissions which will cease at the eastern end. The milk supply will inevitably decline and then dry up, after which time, to continue my veterinary analysis, even if the farmer resumes feeding the cash cow, there will be an inevitable pregnant pause, possibly even the odd Labor pain, before the flow of milk will resume. Even a stimulus or two, or indeed 42, will not guarantee success or hasten that process.

I remind those who facetiously refer to us as the quarry state that Western Australia accounts for two-thirds of Australia’s wheat exports. We produce 40 per cent of the nation’s wheat harvest and, with the contribution of minerals and LNG, a third of Australia’s export wealth from 10 per cent of the population. Yet we will receive only 8.7 per cent of GST revenue in the coming year, reducing to 5.7 per cent in 2011. This represents a loss of $300 million to the Western Australian economy. I am interested to note that the Western Australian state opposition leader, in supporting the motion of the Premier for my nomination last week in the joint sitting, called for a united approach from all Western Australian parliamentarians in exposing this inequity.

We in the west were alarmed last November when, leading up to a COAG meeting, the treasurers of the eastern states and territories took it upon themselves to meet and plan their strategy but explicitly chose to exclude the Western Australian Treasurer. This most ill-judged incident was best summed up by the Labor shadow Treasurer, Ben Wyatt,
when he shared the state Treasurer’s disappointment, ‘particularly in light of the fact that many of the other states have been enjoying the benefits of Western Australia’s largesse’. He went on to say:

The States can’t successfully come to a common position in negotiations with the Commonwealth when they ignore the State with the fastest economic growth …

One can only assume that it was Ben Wyatt’s education at Aquinas College that conferred on him a spirit of fair play and common sense that was so obviously missing in his eastern states colleagues. It is also a sad reflection that many senators, as custodians of states’ and territories’ rights, failed to condemn their action.

The resources sector has underwritten the Australian economy in recent years and will lead us back to prosperity in the future. Surely this is where government should be directing its research and development and infrastructure funding to deliver long-term growth, employment, wealth creation, environmental benefit and regional security. I will be keen to be informed where one dollar has been allocated to the resources sector from the recent economic stimulus package.

The energy sector, which has occupied my professional time in recent years, is critically important to our country’s future and that of the region. By present estimates, there are at least 60 years of natural gas reserves on the North West Shelf alone. There are LNG projects in the pipeline totalling more than $70 billion which will extend out three generations, with enormous boosts to employment, government revenues, regional development and the national economy. These companies are watching with close interest the signals from government to determine if their projects are viable and whether they should commit to proceed. The time frames are critical, and the timing is right now.

This is the very economic climate for both the federal government and our state government to invest in and work with businesses in the oil and gas sector to develop long-term strategies and to support industries which will see the west coast become the Houston, the Stavanger and the Aberdeen of the Southern Hemisphere. In this economic climate, Australia desperately needs to focus on employment, innovative technologies, resource projects, a guaranteed supply of fresh water, and investment in education and training at every level.

On this St Patrick’s Day, I honour the contribution of the Irish community to Australia’s development with particular reference to their role in delivering on these essentials. At least 20 per cent of Australians claim Irish ancestry, and this has been as high as 33 per cent. Few would dispute the impact of the Irish in moulding the Australian character. Two Irish families have made exemplary contributions to Australia and to our state of Western Australia, and both are honoured by the naming of federal electorates. By coincidence, each made their contributions in harsh economic times. I refer, of course, to the great Irish engineer Charles Yelverton O’Connor, after whom the seat of O’Connor is named, and the Durack family, honoured in the redistributed seat of Kalgoorlie. Both have links to this federal parliament through the late the Hon. Peter Durack and the Hon. John Dawkins, who are direct descendants of these pioneering families.

It is little wonder that the voters in these electorates question the notion of ‘one vote, one value’. The new seat of Durack is equal to the combined areas of New South Wales, Victoria, Tasmania and half of South Australia and generates more than a third of the nation’s export wealth, and it is represented by one member. O’Connor, by comparison, is only marginally less than Queensland in
size, measuring some 1,800 by 1,200 kilometres.

From the 1890s when he arrived in WA, CY O’Connor had a profound influence on the state. He contributed to employment—introducing the first fixed working week in Australia—to innovation in pipeline construction, to resource investment and to a guaranteed supply of fresh water. It is now more than 110 years ago that he designed and oversaw the construction of the 500-kilometre water pipeline to the eastern goldfields, where lack of fresh water was severely limiting development. It remained, at least until the 1960s, the longest water pipeline in the world. His legacy was to open up the wheat belt and goldfields regions with the guaranteed supply of fresh water, causing a long-term flow of wealth for the state and the nation from agricultural and gold production. Equally importantly, he created the conditions for permanent settlement by wives and children, forming families; indeed, this includes both sides of my own family. It is ironic that O’Connor was hounded to his death before the goldfields water pipeline was completed by the virulent criticism of a hostile press and a group of vocal, misinformed politicians. It seems, for this habit at least, the more things change, the more they remain the same!

The Australian history of the Durack family, so well captured in the epic *Kings in Grass Castles* by Dame Mary Durack, traces their journey from County Clare in Ireland to settlement in the Goulburn area in 1853, before moving to the Coopers Creek district in the 1860s and then embarking in 1883 on the 5,500-kilometre cattle drive to open up the Ord River in the East Kimberley. Much of the Durack land now forms the main dam of the Ord River, which holds some 15 times the annual freshwater requirement for the city of Sydney. A volume equivalent to 18 years of Adelaide’s freshwater demand flows past the town of Kununurra to the sea every wet season. It is encouraging to note that investment from both the federal and state governments is returning to the Ord for its phase 2 development.

I reaffirm a strong commitment to and investment in education to support Australia’s future. In this field, I honour the contribution of three Irish religious communities, being the Presentation and Mercy sisters and the Christian Brothers, in whose schools I was educated. The Mercy nuns arrived in Fremantle in the heat of an 1846 January and within 21 days had established Australia’s first secondary school for girls in Perth, without desks, a permanent building or a stimulus package. They continue to this day their contribution in education and health services around Australia.

The Christian Brothers are mountains of men in my memory and that of tens of thousands across Australia. Most of us would not be in our careers and professions today if it were not for the drive and pursuit of excellence which was the legacy of these men.

I conclude with a brief comment on the responsibility of government, my vision for Australia and an Irish reflection from my childhood. There are three criteria by which the citizens of any country have the right to judge their government and the parliament generally. These are: firstly, transparency, accountability and standard of governance; secondly, social justice for the whole community; and, thirdly, wealth creation for future generations. I look forward to contributing to a process which delivers these for the Australian community.

My vision for Australia is simple. It is for an Australian community in which every member is safe, feels valued and contributes to a sustainable future. In this place, I undertake to support that which promotes these principles and to oppose that which dimin-
ishes them. If this vision can be realised, we will face our children and the future with confidence.

I finally direct my Irish reflection to all in this chamber and to my 93-year-old mother in Perth: she is the matriarch of our family and the last of her generation forming a link to Ireland. It is this:

May the road rise to meet you;
May the wind be always at your back
May the sun shine gently on your face;
The rains fall soft in your fields
And
May God hold you safe in the palm of his hand.

MATTERS OF PUBLIC IMPORTANCE
Queensland Economy

Senator MASON (Queensland) (5.25 pm)—Before I address standing order 75, the MPI for today, I would just like to congratulate Senator Back on a wonderful first speech. It was terrific, particularly on St Patrick’s Day.

As I listened to the debate this afternoon, a new dichotomy came to mind—my friend Senator Carr would probably call it a ‘dialectic’. It is this: on this side of the chamber we have economic conservatives and on that side of the chamber we have former economic conservatives. There are just two types in the Australian Senate: the former economic conservatives and the economic conservatives.

The other day I had to address some schoolkids. They were very intelligent—they were from Queensland. I asked them what they thought caused the global economic recession. There was a bit of discussion about it and they said: ‘Senator Mason, we think the problem was really generated from the fact that people borrowed too much and then they spent too much. The economy overheated and got out of control. There was too much borrowing and there was too much spending.’ That is exactly what they said. So what is the Rudd government’s answer to the current global financial crisis? His to borrow some more and spend more. What got us into the problem in the first place was that we spent too much and we borrowed too much, and the government’s answer is to borrow some more and to spend some more. It is a bad, bad spend, and that is the problem. It has not worked.

The ideology is interesting. Both Mr Rudd and Ms Bligh share some part of southern Brisbane—West End. So I call it West End economics, basically: the idea that you can spend and borrow your way out of a recession. In Queensland right now government debt is $74 billion. That is $900 for every man, every child and every woman in Queensland. Nine hundred dollars is the annual interest bill for every man, woman and child in Queensland—every one of them. So what is Mr Rudd’s idea of solving the global financial crisis? It is to give—certainly to some of these families—$900. So Mr Rudd is borrowing $900 to give to the families in Queensland that have to pay back the $900 that is owed by the Bligh government annually in interest. It is a bizarre idea, in effect, of Mr Rudd’s credit card paying off Ms Bligh’s credit card—you know, when you use one credit card to pay off another one. That is what the Australian Labor Party and Australian politics is doing today: using the federal credit card to try to pay off the state credit card. How long is that going to last? That is West End economics at its best. Some might even call it ‘cooperative federalism’ at its very best—who knows?

The problem is that it is a bit cheaper these days for the federal government to lend this money because the federal government still has an AAA credit rating. We have lost that in Queensland, and that is why it costs more to borrow money if you are living in
Queensland. Let me ask the $42 billion question, and it is the $74 billion question in Queensland: has any Labor government in Australia’s history, state or federal, ever been in government long enough to pay off government debt? Let me ask the question again: has any Labor government at state or federal level ever been in government long enough to pay off government debt?

Senator Birmingham—They are too busy racking it up.

Senator MASON—Yes, Senator Birmingham; all they ever do is rack it up. This is another aspect of what I term ‘West End economics’. All Labor do is pile up debt. Occasionally, I agree, they balance the budget; that is true. On a couple of occasions Mr Keating did balance the budget. But did they ever pay off accumulated government debt? Never! Look at Australia’s political history. It is an absolute disgrace. With every state and federal Labor government and all the debt they created, what did they do? They never, ever paid it back. They left it to coalition governments to pay back the debt that they created. They are absolutely addicted to debt. That is what is in their DNA—not jobs; it is debt, and history shows up the lie. That party have never been able to pay off the debt that they created either state or federally in the last 109 years. It is absolutely disgraceful. I listened to Senator Arbib having a go at the coalition about economic management. It is absolutely appalling and these are the facts: the Queensland government representing four million people has racked up debt of $74 billion.

Senator Birmingham—That is $17,500 each.

Senator MASON—Thank you, Senator Birmingham—$17,500 each. Senator Arbib said we were not talking about the global financial crisis. Sixty-four billion dollars of that debt was racked up before the global financial crisis even commenced. Standard and Poor’s were questioning the Queensland economy in March of last year. They warned the Queensland state government six months before the recession that they would be downgrading Queensland if they did not get their act in order. So, of course, they did not and they lost the AAA rating. They were the first state in the country to get it and they were the first to lose it.

Now of course we pay more interest. What could we be doing with that money? We pay billions of dollars of interest every year. Imagine the schools that we could build in Queensland. Imagine the hospitals we could have. The hospital system in Queensland is a shambles, yet we pay billions of dollars in interest because the Queensland government cannot manage the economy. We do not have enough police. Imagine how many police you could have for a couple of billion dollars, which is the interest we pay every year to service that debt.

What is worse—and Senator Arbib did not want to talk about this—is that it was racked up in the good times. We have had record mining receipts, record mining royalties, in Queensland for the last 10 years. It was the best time in our state’s history. It was boom times for Queensland and still the government could not manage the finances. We had people flocking into Queensland. With property taxes and land taxes, the revenue was immense. But still the government could not balance the books. It is absolutely outrageous. Let’s face it. The GST, which I know those opposite did not want to bring in, has been very good for Queensland.

Senator Birmingham—It is $8½ billion this year.

Senator MASON—Yes, it is $8½ billion this year, over $800 million more than they got before the GST was introduced and still they cannot balance the books. It is abso-
lutely appalling, and this is what worries me. It took Mr Costello and the coalition government 10 years to pay off the federal $96 billion debt. How long is it going to take Queensland, with one-fifth the population of Australia, to pay off a debt not much lower than the $96 billion that Mr Keating left with us? How long will it take? It will take a generation or generations to pay it off. That is the problem. The government do not care about intergenerational equity. They do not care if they bankrupt the future of our children and our grandchildren. To repeat and to conclude: name a Labor state government or federal government that has ever paid off the accumulated government debt that they brought into office. Not once has that occurred in the last 109 years of this great Federation. The Bligh government is a disgrace.

Senator HURLEY (South Australia) (5.35 pm)—Senator Mason is passionate but misguided. It is fortunate that the coalition were cosseted by many years of a resource boom and record terms of trade, because they are certainly stuck with an economic rhetoric and policy that is simplistic and unresponsive to our changing economic circumstances. It is simplistic because they refuse to recognise that there is some debt that produces wealth, and that there are valuable assets to be acquired which may require the current generation to go into debt but which will then produce wealth for subsequent generations. The simplistic record that they talk about, the children and grandchildren inheriting debt, is just that: very simplistic. By investing in productive assets the government can create wealth for subsequent generations. That is what the Labor Party stands for.

I think the Treasurer of Queensland, Mr Fraser, expressed it quite well in an article in the Australian recently. He defended the Labor government’s budgetary position and the more than $70 billion in debt and said: … the money including $17 billion this financial year was needed for major capital works that would strengthen the economy. He said the Government would not be pressured into cutting its infrastructure program for the sake of a higher credit rating and “political sanctity”.

“The people of Queensland need to understand there’s a very clear choice here,” Mr Fraser said in Brisbane. “There’s a choice between preserving a $17 billion capital program and the 119,000 jobs it supports, with a AA+ credit rating, or slashing the capital program to have a triple-A rating.

“In these circumstances, facing the full force of the global financial crisis, we choose jobs and the capital program, and having a AA+ credit rating.” That decision makes sense in the current global economic environment. The $17 billion previously committed to capital works and infrastructure by the Queensland government was in response to a strongly growing and expanding economy. Part of the reason for that strongly growing and expanding economy in Queensland was the Beattie and Bligh Labor governments, but in order to maintain growth infrastructure has to be provided. For coal and mineral exports, there needs to be road, rail and port infrastructure put in place. There is demand from the growing population for water and electricity infrastructure. This is the kind of expenditure that needs to be made so that Queensland can continue to grow. To say otherwise, as the coalition is doing, is exceptionally simplistic and wrongheaded.

Towards the end of the Howard government a widely recognised problem—probably one of the reasons that the coalition lost government—was that Australia’s infrastructure was not keeping pace with the resource and economic boom which the coalition government were gifted. Infrastructure in the form of roads, rail and ports was not keeping pace with the level of exports that Australia was producing. There was a great
deal of commentary that much more investment in infrastructure was required. This was not just commentary by the Labor Party or the press; it was commentary by businesses, which needed this infrastructure investment in order to prosper—and it was not happening under the coalition government because they had this blinkered view of economic policy. And the coalition continue to see things that way.

What is the stark reality of policy alternatives facing Queensland families? On one hand, the state government has released its jobs sustainment and growth plan, which will see 100,000 new jobs for Queenslanders over the coming years on top of the 119,000 jobs supported by the $17 billion infrastructure program. That jobs plan is built around the maintenance of current capital works costed in that $17 billion combined with supporting new business, including the emerging liquefied natural gas industry, as well as the expansion in training programs. Alternatively, at the heart of the Liberal National Party policy is a plan to cut $1 billion a year in recurrent spending from the budget.

The Queensland Labor government has said that the coalition plan will see 12,000 public sector sackings and a reduction in basic government services for the Queensland people at a time when reliance on government services will be at its peak. This is denied by Lawrence Springborg and the Liberal National Party, and all the coalition can do in this chamber is claim that the Queensland economy has collapsed. But this is not the situation; the Bligh government has promised a program that will maintain jobs in Queensland, supported by federal Labor government policies, to enable Queensland to emerge strongly when the global economic situation allows.

In contrast, a Liberal National Party government will cause contraction of the economy and job losses and will mean spending and investment will be cut while the government wait to see what will happen. In Queensland there will be a situation where every man looks after himself. Everyone would have to fend for themselves because a Liberal National Queensland government would be in economic lockdown just waiting to see what will happen. They would not have the kind of planned, reasoned response that the Labor government in Queensland and the Rudd Labor government federally have endorsed.

The Vice-President of the Moody’s rating agency, Debra Roane, said that while the state’s economy is ‘rapidly slowing from the robust trends of recent years’ Queensland has ample budget flexibility to manage the projected decline in revenues. She said:

However, the government policy response to these budgetary pressures has yet to be articulated.

What she is saying is that the Queensland government is reviewing what is happening in the economy. The election announcement by Premier Anna Bligh seeks to address this uncertainty through a clear articulation of a budget policy and growth policy for the future. The Labor government has been endorsed by a number of people, including ANZ chief economist Saul Eslake, who said that there was ‘no plausible alternative’ to a budget deficit at this point in time.

It is quite unbelievable that through this matter of public importance Senator Brandis seeks to brand the Queensland government as economically irresponsible and the Springborg plan of a $1 billion annual budget cut as responsible, for in May last year Senator Brandis, on the ABC’s State-line, seemed to feel that the Nationals, led by Lawrence Springborg, were the reason that the ‘Liberal Party is artificially depressed in Queensland’. Prior to the amalgamation of
the National and Liberal parties, Senator Brandis felt that it was Mr Springborg who was dragging the Liberal brand down, whereas now apparently he is the future for Queensland.

Combining the Rudd government’s $42 billion Nation Building and Jobs Plan with state construction investment in roads, schools, local council community projects, climate change initiatives and housing, Queensland will be well placed for a return to the economic prosperity it enjoyed for more than a decade with a state Labor government at its helm.

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

COMMITTEES

Electoral Matters Committee

Report

Senator HUTCHINS (New South Wales) (5.45 pm)—On behalf of the Joint Standing Committee on Electoral Matters, I present the Report on the 2007 federal election electronic voting trials: interim report of the inquiry into the conduct of the 2007 election and matters related thereto, together with the minutes of proceedings. I seek leave to move a motion in relation to the report.

Leave granted.

Senator HUTCHINS—I move:

That the Senate take note of the report.

I have pleasure in presenting the committee’s report. I read out the long title. One feature of the 2007 election was the conduct of two electronic voting trials. The first was a trial of electronically assisted voting for blind and vision impaired electors and the other was a trial of remote electronic voting for selected ADF personnel serving overseas. The trials had their origins in recommendations that the Joint Standing Committee on Electoral Matters of the previous parliament made in its review of the 2004 election. This interim report focuses solely on the conduct of the electronic voting trials at the election. Other matters related more generally to the conduct of the 2007 election will be dealt with in the committee’s final report, which is expected in the middle of this year. The AEC and its partners, including the Department of Defence and non-government organisations representing people who are blind or vision impaired, should be recognised for their work in delivering the trials. The committee acknowledges their sustained efforts over a short period of time to develop solutions to a range of technical, logistical, administrative and legislative issues. These efforts were invaluable in assisting to deliver the trials.

The combined cost of the trials was over $4 million, with an average cost per vote of $2,597 for the trial of electronically assisted voting for blind and vision impaired electors and $1,159 for the remote electronic voting trial for selected Defence Force personnel serving overseas. These must be compared to an average cost per elector at the 2007 election of $8.36. The committee has recommended that electronically assisted voting for blind and vision impaired electors and remote electronic voting for Australian Defence Force personnel serving overseas be discontinued. In the case of the electronically assisted voting trial, it is clear to the committee that some electors who are blind or vision impaired place strong value on the ability to cast a secret and independent vote like most other electors are able to do. That said, the high cost of providing a service that improves the quality of the franchise for a limited number of voters, at $2,597 per voter for the 850 votes cast, appears to be unsustainable given the low number of votes cast and the limited opportunities to lift participation.

The committee is mindful that blind and vision impaired electors will not be disen-
franchised by the discontinuation of electronically assisted voting and will retain the opportunity to vote. Existing provisions in the Electoral Act facilitate their participation by providing electors who need assistance the support of a person of their choosing or, where they do not nominate a person to assist, an electoral official. The committee encourages the AEC and relevant advocacy organisations to continue to explore avenues, including the development of more cost-effective electronic solutions, into the future. In the interim, the committee has recommended that electronic magnifiers be deployed at sites where there is likely to be a demand for them.

In respect of the trial of remote electronic voting for ADF personnel serving overseas, the committee accepts that the system trial in 2007 required substantial paper based backup arrangements to be used as a contingency. It is clear that the use of two full systems, one electronic and one paper based, placed a significant additional burden on Australian Defence Force personnel in operational areas and would continue to do so if a remote electronic voting system were to be utilised into the future. Further, the committee considers that the high cost of the trial, at $1,159 per vote for the 1,511 votes cast, is not warranted, particularly if the number of personnel deployed overseas does not rise significantly from the current level of around 3,000 personnel across 12 areas of operation.

The committee remains concerned to ensure that all ADF personnel are provided with the maximum possible opportunity to cast votes at federal elections wherever operational circumstances permit. The Australian Electoral Commission and the Department of Defence have jointly proposed an assistant returning officer model under which pre-poll and postal voting arrangements are to be provided in operational areas by ADF personnel trained by the AEC. The committee believes that the proposed model provides a realistic and improved alternative to remote electronic voting and builds on processes used effectively in the past. The committee has therefore endorsed the assistant returning officer model proposed by the AEC and Defence and recommended that the necessary legislative and administrative arrangements be made so that the model can be used in future elections.

Finally, I would like to take this opportunity to thank my fellow committee members for their contribution to this inquiry thus far and those who participated by making submissions or appearing at public hearings. I would also like to thank the committee secretariat for their invaluable assistance. I commend the report to the Senate.

Question agreed to.

Membership

The ACTING DEPUTY PRESIDENT (Senator Bernardi)—The President has received letters from party leaders requesting changes in the membership of committees.

Senator ARBIB (New South Wales—Parliamentary Secretary for Government Service Delivery) (5.52 pm)—by leave—I move:

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

Climate Policy—Select Committee—

Appointed—

Senators Boswell, Cash, Colbeck, Macdonald and Milne

The speeches read as follows—

APPROPRIATION BILL (No. 5) 2008-2009

Since the introduction and passage of the nation building and jobs bills, it has become necessary to introduce a further two annual appropriation bills. These bills propose appropriations that complement the Nation Building and Jobs Plan (including implementation costs); they give effect to important elements of the December 2008 nation building plan and they propose appropriations for enhancements to employment and apprenticeship programs and other urgent measures and variations.

The two bills are the Appropriation Bill (No. 5) 2008-2009 and the Appropriation Bill (No. 6) 2008-2009. I shall introduce the latter bill shortly.

The total additional appropriation being sought through these supplementary additional estimates bills is $2.2 billion, of which $384 million is sought in Appropriation Bill (No. 5).

I will now outline the major items provided for in the bill.

To support and secure the jobs and training of apprentices, trainees and adult workers who are vulnerable to redundancy in the economic downturn and to provide assistance to workers recently retrenched, the Department of Education, Employment and Workplace Relations will be provided with funding for a range of measures, including:

- An additional $43.7 million to provide for the increase in the commencements and completion claims under the Australian Apprenticeships system, which provides financial support for employers and their apprentices.
- An additional $38.8 million to assist apprentices and trainees to return to the workforce and maintain their training. Employers and training organisations will also be encouraged to retain apprentices and trainees through an additional payment on completion of training.
- An additional $34 million will be provided to keep 241 ABC Learning centres open until 31 March 2009. The receiver assessed these centres to be unviable under the ABC Learning business model.
- An additional $36.8 million will be provided to ensure that any Australian worker made redundant will receive immediate and per-
sonalised assistance to help them get back into the workforce. Rather than having to wait at least three months to receive intensive customised assistance, all newly redundant workers would be entitled to receive this support immediately.

- An additional $70 million to meet an anticipated increase in expenditure against the General Employee Entitlements and Redundancy Scheme. The scheme assists employees who have lost their employment due to the liquidation or bankruptcy of their employer and who are owed certain employee entitlements. The scheme will require this additional amount before May 2009.

The Department of Infrastructure, Transport, Regional Development and Local Government will be provided with an additional $16.4 million in 2008-09 and $195 million in total over two years to implement the East Kimberley Development Package. The package is designed to support economic development in the region through investment in social and common use infrastructure. The contribution is conditional on a joint assessment with the Western Australian government of the most effective infrastructure investments to meet the social and economic development needs of the region. The Western Australian government will match this contribution with an aim of doubling the available irrigated development area from 14,000 to 28,000 hectares to provide for a possible large scale expansion of agriculture. The social infrastructure component of the Package may provide for investment in schools, health, early childhood, aged care and recreational facilities. Common use infrastructure may provide for the development of roads, aeronautical and power infrastructure.

The Department of Families, Housing, Community Services and Indigenous Affairs will be provided with funding to double the Emergency Relief Program until 30 June 2011. The additional funding of $11.1 million will enable the community organisations to respond to the expected increase in demand for emergency relief resulting from the recent deterioration in economic conditions.

The Department of Foreign Affairs and Trade will receive an additional appropriation of $14.9 million to account for the impact of foreign exchange fluctuations on its ability to make payments to international organisations on behalf of the Australian government.

Appropriations amounting to $68.7 million will be provided to a range of agencies to meet implementation costs associated with the economic stimulus package.

The remaining amounts that appear in Appropriation Bill (No. 5) relate to other estimates variations.

APPROPRIATION BILL (No. 6) 2008-2009

Appropriation Bill (No. 6) 2008-2009 provides additional funding for payments of a capital nature, such as for the purchase of administered assets and for payments to the States, Territories and local government authorities.

The total additional appropriation sought in Appropriation Bill (No. 6) 2008-2009 is $1.83 billion.

As part of the $4.7 billion Nation Building Package, the Government will provide the Department of Infrastructure, Transport, Regional Development and Local Government with $1.189 billion for additional equity in the Australian Rail Track Corporation. The Australian Rail Track Corporation is a wholly owned Commonwealth company and is undertaking a significant infrastructure investment program. This includes 17 projects to improve the reliability and competitiveness of the nation’s rail freight network, including the expansion of capacity along the rail corridors connecting Hunter Valley coal mines to the Port of Newcastle. This expansion of capacity will more than double the amount of coal capable of being transported to port from 97 to 200 million tonnes a year.

The Government also proposes under the Package to bring forward $711 million to invest in building better roads. The Department of Infrastructure, Transport, Regional Development and Local Government will be provided with $392 million in 2008-09 for payment to the States, Territories and local government to accelerate the commencement of a number of important projects on the national network and other strategic roads. This will bring forward expenditure on projects including the Bulahdelah Bypass on the Pacific Highway, Melbourne’s Western Ring Road, the
Douglas arterial on the Bruce Highway in Townsville, Adelaide’s Northern Expressway and the Brighton Bypass on the Midland Highway in Tasmania. The payment to the States also includes an additional $60 million investment this year in the highly successful road safety Black Spots program.

Consistent with the agreement reached with the minor parties during the passage of the Nation Building and Jobs Plan, the Government proposes to bring forward expenditure totalling $500 million over four years beginning in 2008-09 to assist in expediting the return of water to the environment and deliver long-term benefits to the Murray Darling Basin. The Department of the Environment, Water, Heritage and the Arts will be provided $250 million in 2008-09 for this purpose. The Government considers that this is the maximum pace of water recovery that can be pursued without causing unnecessary disruption to the water market, and without compromising the amount of water that can be returned to the rivers over time.

Debate (on motion by Senator Arbib) adjourned.

COMMONWEALTH ELECTORAL AMENDMENT (POLITICAL DONATIONS AND OTHER MEASURES) BILL 2009

First Reading

Bill received from the House of Representatives.

Senator ARBIB (New South Wales—Parliamentary Secretary for Government Service Delivery) (5.54 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 ARBIB (New South Wales—Parliamentary Secretary for Government Service Delivery) (5.54 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

COMMONWEALTH ELECTORAL AMENDMENT (POLITICAL DONATIONS AND OTHER MEASURES) BILL 2009

I am pleased to once again present a bill that demonstrates the Government’s pre-election commitment to undoing the damage done by the previous Government’s changes to the Commonwealth Electoral Act 1918 (the Electoral Act) and moving Australia’s electoral laws and processes towards world’s best practice. The measures contained in this bill deal with the controversial area of political donations and election funding.

The urgent measures contained in this bill are also part of an extensive review of electoral laws that has been previously foreshadowed by the Government in early 2008. This process includes the development and publication in December 2008 of the First Green Paper on Electoral Reform entitled “Donations, Funding and Expenditure”. The submissions from the public in response to this Green Paper have recently been received and published and the process of considering those submissions is now underway.

The measures contained in the bill today incorporate not only the measures in the bill that was rejected at Second Reading in the Senate, but also the measures that were foreshadowed to be included as Government amendments to the bill in the Senate in response to the October 2008 advisory report from the Joint Standing Committee on Electoral Matters (JSCEM). There is also a further minor amendment to the categories of “electoral expenditure” against which public funding can be claimed following an election after consultation in the Senate.

Before turning to the contents of the bill I want to take this opportunity to explain why the Government is once again proceeding with this bill at this time despite the action taken in the Senate last week.

The Government is committed to restoring the integrity of our electoral processes and systems. The contribution of the JSCEM following public
hearing has provided further assistance with achieving this goal. The Opposition in the Senate have claimed they support campaign finance reform, but blocked the passage of the previous Bill based on a claim that legislation in this area should encompass all of the complexities that relate to the donations, disclosure and the funding of political parties. However, any such legislation in response to the First Green Paper will clearly not be straightforward given the need to balance a range of complex factors including consideration of expenditure caps on candidates and political parties, possible further restrictions on donations, determining the proper rates of public funding and taking into account the constitutional freedom of political communications that has been outlined by the High Court in several decisions. The development of a legislative model that fits the Australian context and the expectations of the Australian community will clearly be a major task.

However, to delay the measures contained in this bill now in anticipation of more complex legislation later, will merely ensure that the federal election system remains mired in the past while community concerns about the system of political donations are ignored. It will send the message that the Parliament and the political parties both believe that it is permissible to exploit the system and to continue to hide donations. The measures contained in the bill need to commence at the start of a financial year. Otherwise a range of complex transitional provisions will be required. The Government wants to pass the bill this week so that these measures can take effect from 1 July 2009. The Opposition, based on their vote in the Senate last week, would clearly prefer the measures to never come into operation. The Australian community would have every right to be concerned with any delays in the passage of this legislation, or their failure to pass at all.

The bill that I present today deals with 6 major issues.

The first group of measures reduces the disclosure threshold for donors, registered political parties, candidates and others involved in incurring political expenditure from ‘more than $10,000’ (indexed annually to the CPI) to a flat rate of $1,000. The aim of this measure is to provide transparency and accountability in the donations and expenditure received or incurred by key participants in the political process. The reduction from the current high level of $10,900 that increases annually with indexation each year, to a flat rate of $1,000 greatly extends the transparency of our system and ensures that the scope for any undisclosed gifts will be reduced.

The second group of measures reduces the current time frames for the making of returns and the disclosure of gifts and expenditure relating to an election by individual candidates and members of Senate groups and donors who make donations within the election period, from the existing 15 weeks to a period of 8 weeks after polling day. In terms of political parties, associated entities, third parties and donors more generally, the previous returns that were required to be provided to the Australian Electoral Commission once every 12 months will now be required to be lodged once every 6 months. The existing time periods for the lodging of these returns (which are presently 15 weeks for donors, 16 weeks for registered political parties and associated entities, and 20 weeks for third parties who incur political expenditure) will all be reduced to 8 weeks.

These changes will ensure that the Australian Electoral Commission (AEC) has in its possession details of gifts, revenues and political expenditure that are more timely and up-to-date. The publication of this information will also be more timely and will enable the Australian community to fully examine the financial dealings of the main players involved in the political process and to scrutinise the sources of any donations that have been received.

The third group of measures contained in this bill address a loophole in the existing donor disclosure laws. One mechanism that is currently available to donors who do not wish to have their identity disclosed is to make multiple donations just below the threshold to the various branches and divisions of the same political party. This bill will remove the loophole, by using an existing definition of related political parties found elsewhere in the Electoral Act, to ensure that donations to different branches of a political party are treated as donations to the same party. This will mean that a donor will need to disclose where he or she has
made donations totalling $1,000 or more to any combination of the branches and divisions of the party, and in this way inhibits the unaccountable practice of donation splitting.

The fourth group of measures in this bill deal with the complex issue of the receipt of gifts from foreign companies. This was one of the issues that was addressed in the September 2005 report of the Joint Standing Committee on Electoral Matters entitled “The 2004 Federal Election”. There has been concern that large overseas companies may be able to exert influence through the making of significant and often unreported gifts and donations. The measures in the bill make it unlawful for registered political parties, candidates and members of a Senate group to accept gifts of foreign property.

The bill also makes it unlawful for other key players in the political process, such as associated entities and third persons to receive overseas gifts that are used solely or substantially to incur political expenditure. The policy intent is to ensure that the source of all funds that are used for political purposes are clearly identified, to enable the AEC to have jurisdiction over those donations, and to enable the Australian public to scrutinise any possible impact that such donations may have on political decision-making.

The fifth group of measures aims to close another loophole in the Electoral Act. Currently section 306 of the Electoral Act prohibits the receipt of anonymous gifts above the threshold by registered political parties, candidates and Senate groups. The previous Bill included measures that extend the current prohibition on accepting anonymous gifts and donations to all anonymous gifts to these entities and to cover associated entities and other third persons that use those funds for political purposes.

The revised Bill that has been introduced today includes measures that respond to the JSCEM recommendation that there should be a $50 exception to the prohibition on the acceptance of anonymous gifts. The basis for this recommendation was to remove an onerous record keeping burden in relation to fund raisers such as raffles, trivia nights and street stalls. The revised Bill includes two measures based on the type of activity or event. The first relates to a public activity, such as a fete, where people passing by might, for example, place a donation in a bucket. The second relates to private events, such as a trivia night or paid dinner, where attendees might donate small amounts of money. At both of these activities, the receipt of an anonymous gift will be permitted where required records are kept of the activity, the persons collecting the gifts and the total amount raised. For private events, the total amount raised as anonymous gifts may not be more than an amount calculated by multiplying $50 by the number of people who attended the event.

The bill also contains similar measures that apply to third parties who incur specified political expenditure above the threshold in a reporting period and extends the $50 exception on accepting permitted anonymous donations that are collected for political campaign purposes.

The bill also provides that anonymous donations that are collected in excess of the $50 exception, or that are unable to be returned, are to be paid to the Commonwealth.

The sixth group of measures are aimed at addressing the possibility that some candidates and other groups may obtain a windfall payment of election funding as a result of running for office. This measure will give effect to the Government’s announcement that any payment of election funding should be tied to actual “electoral expenditure” that has been incurred. The policy intention behind these measures is that candidates, registered political parties and Senate groups should only receive the lesser amount of either the electoral expenditure that was actually incurred in an election campaign, or the amount awarded per vote (currently approximately $2.24, provided at least 4% of first preference votes have been won. The existing quantum of funding remains unchanged, but the new claims process will require the agent of the candidates, registered political parties and Senate groups to lodge a claim specifying all or part of the “electoral expenditure” incurred in an election campaign for which they wish to receive election funding. This new claims process will still enable claims to be lodged and paid at a 95% level soon after 20 days of polling day, thereby mirroring one of the existing enti-
lements, with the remainder able to be paid after the final vote count.

The JSCEM made a recommendation that three additional categories of “electoral expenditure” should be permitted to be claimed for the reimbursement of public funding. The new definition of “electoral expenditure” contained in this bill adds to the existing categories in subsection 308(1) with five new categories. The new categories cover the rent of premises used for an election campaign, the employment of additional election campaign staff, the hire and lease of office equipment used for an election campaign, the costs of running and maintaining that office equipment and travel costs (including accommodation) that could be reasonably be expected to have been incurred in conducting an election campaign.

Similar to the existing seven categories of “electoral expenditure”, these new categories only apply to expenses incurred during the “election period” (which is the period between the issuing of the writs for an election and the end of polling day). In addition, all of these new categories are subject to a purposive test that requires the claimant to establish that the expenditure was incurred “for the primary purpose of conducting an election campaign”. A further requirement that applies to these new categories of “electoral expenditure” is that the expenditure cannot be claimed if the costs are already being met by the Commonwealth through existing allowances and entitlements, other than those relating to remuneration.

To ensure the AEC can implement and enforce these new laws, the bill introduces a range of new offences to the reporting and disclosure regime and generally increases the level of penalties in the Electoral Act. The existing penalties in the Electoral Act have largely remained the same as when introduced in 1983. The increases involve larger fines for providing false or misleading information as part of a return. In relation to claims for election funding, the levels of penalties have been substantially increased to reflect the seriousness of the crimes and the amount of public funds that are paid following an election. Following the November 2007 election nearly $50 million of public funding was paid to candidates, registered political parties and Senate groups. To have only the existing fines, of $10,000 or less, as the maximum applicable penalties fails to address the risks and potential criminality of false claims.

In addition, the bill extends the existing recovery powers in subsections 306(5) and 306A(6) of the Electoral Act for anonymous gifts and loans to the new prohibition on overseas gifts and other unlawful anonymous and undisclosed gifts.

The Government, unlike the Opposition, is committed to restoring the integrity of our electoral processes and systems. We believe that the urgent measures contained in this bill will significantly enhance the transparency and accountability of funding and donations to registered political parties, candidates and the other key political players in Australia.

We have taken the step of proceeding with a revised Bill, after its rejection by the Opposition in the Senate last week, because these measures are urgent and should commence from 1 July 2009. Proceeding with the bill today is also a second chance for the Opposition. The Opposition should accept this second chance, and pass this bill, demonstrating that they share the Government’s belief that our electoral system should be based on the principles of integrity and transparency.

I commend the bill.

Ordered that further consideration of this bill be adjourned to the first day of the next period of sittings, in accordance with standing order 111.

BUDGET

Consideration by Estimates Committees

Reports

Senator FARRELL (South Australia) (5.55 pm)—Pursuant to order and at the request of the chairs of the respective committees, I present reports from all standing committees except the Rural and Regional Affairs and Transport Committee in respect of the 2008-09 additional estimates, together with the Hansard record of the committees’ proceedings and documents presented to committees.
Ordered that the reports be printed.

COMMITTEES
Legal and Constitutional Affairs Committee
Report
Senator FARRELL (South Australia) (5.56 pm)—On behalf of the Chair of the Legal and Constitutional Affairs Committee, Senator Crossin, I present the report of the committee on its examination of annual reports tabled by 31 October 2008.

Ordered that the report be printed.

FAIR WORK BILL 2008
Consideration resumed from 11 March.
In Committee
Bill—by leave—taken as a whole.
Senator LUDWIG (Queensland—Minister for Human Services) (5.57 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 on 16 March 2009.

Senator ABETZ (Tasmania) (5.58 pm)—I have a number of general matters that I seek to raise in relation to this bill. The Senate is now finally commencing discussion of the Fair Work Bill 2008 in the committee stage and, depending on some of the answers that I may or may not get in relation to the matters that I raise, I foreshadow potential further amendments. I will go through a number of questions for the minister to answer. The first and most important one for all Australians is whether or not the government is willing to provide the assurance that no worker will be worse off as a result of these changes. Of course, just to contextualise it, it was the Australian Labor Party that demanded a similar guarantee from the previous government. They made a big song and dance about that, and I think it appropriate for this government now to indicate whether they are able to give the sort of assurance that they were demanding of the previous government.

Can I also invite the minister to confirm that in the bill that is before us, which is some 570 pages, about 10 per cent of it or more is now to be amended by government amendments, with 52 pages of amendments—albeit that we have just had circulated some further and revised government amendments: one of eight pages and this one, QW366, which is of some nine pages. We are now having revisions of amendments being put by the government. I would like to know how many separate changes there now are. I understood there were 218, but we now have more. There are 14 separate documents outlining all of these amendments—if I am correct, 52-plus pages of amendments and, of course, 50 pages of an additional explanatory memorandum. I just think it is important that we know the full extent.

I believe it is also incumbent on the minister to advise the Senate what deals, if any, have been done with the minor parties in relation to a whole range of issues. For example, has the government indicated it is willing to support an amendment by Senator Fielding to provide that a union permit holder exercising right of entry for the purpose of investigating an alleged breach may only inspect documents relating to employees who are not members of the permit holder’s union if that employee gives written consent or if Fair Work Australia determines that it should be permitted to do so?
I would also be interested to know whether the government has agreed to support an amendment by Senator Xenophon to include an additional explanatory note to the provision regarding representation as a further guide to Fair Work Australia that small businesses and employees without expertise in or who have difficulties with English should be able to be represented before Fair Work Australia. If these sorts of agreements have been reached, when are we going to be seeing the amendments that relate to them? Has the government indicated it will support an amendment moved by Senator Xenophon which waives the requirement to provide 24 hours notice of intention to enter for the outworker sector? If that is the case, I am not sure at this stage whether any amendments have, in fact, been circulated in the name of Senator Xenophon. If the government is agreeing to these things behind the scenes—and they may well be good amendments—when will the party that has the most seats in this place be given the courtesy of an indication as to what those amendments might be?

I am also inquiring as to whether the government has agreed to support an amendment by the Greens in relation to the National Employment Standards for carers of disabled children under 18 years of age regarding a right to request flexible working arrangements—an issue, might I add, that I pursued throughout the committee hearings and was expecting the government to move an amendment about. It did not, but the Greens did and I congratulate them on that. But if an agreement has been reached, I think it would be appropriate for us to be told at the commencement. Indeed, there are a number of other hunches that I have in relation to the agreements reached by the government with crossbench senators. From that perspective, I think we are entitled to be given a full explanation. Indeed, I just note that there is now a revised running sheet with further amendments and proposals.

Can I just also ask the minister—possibly in his role as Minister for Human Services; in a bizarre way, it does apply to this legislation—about community organisations. There is one in my home state of Tasmania called Community Based Support—South Inc.; they provide great support to people in need in their homes. In their February 2009 newsletter, they write:

The election of the Rudd Labor Government brought an effective end to Australian Workplace Agreements (AWAs). From April 2009 our support workers will mostly work under the Community Services Award.

Will this spell the end of consumer choice of worker and time of services? The answer for many is “unfortunately, probably yes”, mainly due to the enormous cost of continuing current work patterns under the Award (costs would at least double).

Now, that is just one of the practical implications of the government’s legislation. I am wondering whether the government is making any provision to ensure that organisations such as Community Based Support—South Inc. will be given the extra funding needed so that they are able to continue with the excellent and vital service deliveries that they undertake.

Having raised that list of introductory questions, I indicate, before I sit down and wait for the answers, that from the opposition’s point of view there are a number of amendments that we will be supporting, government amendments that we believe are technical and make sense. We can also indicate that we have only one matter of concern to us, and that is that we have a practical piece of legislation that will not prejudice jobs and small business and that does not deliver excessive power to the trade union movement. Those are basically the three benchmarks on which we will be judging the
proposed amendments as we proceed. If the minister could commence by addressing some of the issues that I have raised, I would be much obliged.

Senator LUDWIG (Queensland—Minister for Human Services) (6.08 pm)—Some of those answers will require a little bit of time to collate. As I understand it, that is now underway. In relation to one of the last matters—community based organisations—perhaps I will put my Human Services hat on. It would be helpful if we could take that away and have a look at what the circumstances are in relation to that particular community organisation, particularly the type of funding it accesses or grant that it is on and the length of the grant. There are obviously a range of circumstances that might surround that particular organisation. While I reject the assertion that you make in relation to it, it is worth while in many instances to have a look at the actual circumstances of the community based organisation and work out what type of grant it is being funded by, what purpose the grant is for and of course whom the grant is from. Given that the Human Services portfolio, which I look after, does not provide grants of that nature, it is not within my portfolio, as I understand it. But I am happy to look at it in any event. It may be from FaHCSIA or another Commonwealth department, but I am happy to look into the particular circumstances.

With respect to the number of amendments, as I understand it we will provide you with those details. With respect to the particular issues that have been negotiated, it is clear that there are a large range of interests in the Senate, with the two independents, yourselves as the opposition and the Greens. These matters do require careful consideration and negotiation, and that has obviously been undertaken and we do have a revised running sheet that details those. What I am looking for is the letters that may assist. We will be able to deal with those shortly as well. I understand they are now being accessed. It is really then open to you whether we do it in seriatim and on each amendment indicate whether there is an agreement and how it is being progressed or whether you want that upfront in a way that may be able to demonstrate what agreements have been reached with respect to the Greens, Senator Xenophon and Senator Fielding. I am open to either provide that as we deal with each amendment as we go through or, alternatively, see if we can collate that and provide it first. Of course, that would take some time, but we will have the dinner break shortly and I suspect we will be able to undertake that task. Senator Abetz, could you indicate which you would prefer from the latter and the former?

Senator ABETZ (Tasmania) (6.12 pm)—Our difficulty is that we do not fully know what is going to be put to us after the dinner break. This legislation has now been around, allegedly in Forward with Fairness, since before the election, but of course the legislation that we now have before us is a significant departure from the election policy and therefore it is very difficult for us to know how best to proceed in relation to that without actually seeing the amendments. So I will have to reserve my position and the coalition’s position in relation to that.

Whilst that is being determined, I will use the time before dinner to see whether we can get some specific answers, albeit not to matters that are before us at this stage, in relation to amendments. Having been, if I might say, a fairly active participant in the Senate Standing Committee on Education, Employment and Workplace Relations inquiry into the Fair Work Bill, I placed a number of questions on notice. I received some written answers. In South Australia, if my memory serves me correctly, we heard from Yum! Restaurants International, a business organi-
sation that is into fast foods. They were concerned about enterprise awards being able to continue under this new regime. I asked: will the legislation allow for new enterprise awards to be made along similar lines to that which Yum! International operates under? The answer that I was provided with says that the transitional bill will ‘allow parties to “modernise” enterprise awards so that they can continue to operate’. That is fine if you have an ongoing enterprise, but my specific question was: will the legislation allow for new enterprise awards? And the written answer did not canvass that. If I could be provided with an answer in relation to that, that would be helpful.

Senator LUDWIG (Queensland—Minister for Human Services) (6.14 pm)—As I understand it, we will hopefully be able to provide an answer as we progress. But, in going back to the earlier matter, firstly, the Greens have been cooperative in terms of reaching an agreement on how we can proceed with the Fair Work Bill. The commitments that the government has undertaken in discussions with the Greens include—I will leave the broad areas and then I will table the documents so that you have that for your record or for the Senate record—flexible work for carers of children with disabilities. The government agrees to support that amendment moved by the Greens. The government agrees that this amendment is of significant importance to parents in that situation and that it is neither desirable nor necessary to wait until the final report of the House of Representatives Standing Committee on Family, Community, Housing and Youth inquiry into carers to take this step.

In regard to a Fair Work Australia review of the right to request flexible work, section 653 of the bill currently requires Fair Work Australia to review developments in enterprise bargaining after three years from commencement—that is, 1 July 2012. The government agrees with the Greens that this bill should be amended to provide that the review process in section 653 be extended to include an examination of the use of individual flexibility arrangements and further research into the circumstances in which employees make requests for flexible working arrangements under subsection 65(1) and requests for extension of unpaid parental leave under subsection 76(1), the outcome of such requests and the circumstances in which such requests are refused.

In addition, the government agrees to include in the transitional and consequential bill an amendment requiring Fair Work Australia to conduct an interim review of modern awards after two years of their operation, from 1 January 2012. I will not set out what it will be required to review; you will be able to examine that document by the dinner break.

The contribution of the not-for-profit sector in providing community based employment law services to employees in need is important. The government agrees with the Greens that services provided by these organisations are valuable and should be effectively integrated with the services provided by Fair Work Australia and the Fair Work Ombudsman. To facilitate this, the government agrees to conduct a government review by jointly agreed persons into community based employment advice services. We will need to discuss the terms of reference of that review—we agree with the Greens in respect of that. We will provide the outcomes to that in due course.

Pay equity is another matter that figured high on the agenda to be addressed. The House of Representatives Standing Committee on Employment and Workplace Relations is, as the Senate may know, currently conducting an inquiry into pay equity and increasing female participation in the work-
force. The government agrees to consult with the Greens in respect of the committee’s recommendations when they are forthcoming. The government also agrees to have the Fair Work Ombudsman prepare a guide on pay equity issues as part of the new function to be detailed in the government amendment to the bill. That is a matter that the Greens have put forward, and the government agrees to that. I understand the Greens have sought to amend clause 485, conscientious objection certificates, and the government will support that amendment. The government understands that the Greens will be also moving a number of additional amendments to the bill concerning industrial action and other matters but notes that it is not anticipated that these amendments will receive the support of the government.

That provides an outline of those matters that we have reached agreement on with the Greens. We are still talking to Senators Xenophon and Fielding on their concerns. Once the government has gone through and detailed those matters, clause by clause, with Senators Fielding and Xenophon, we may or may not find agreement. We hope to be able to persuade them to support the government amendments on a range of other matters. We will be putting our case in respect of those. In the available time, if we can turn to clause 2, we can start from there, unless there are other questions.

Senator ABETZ (Tasmania) (6.19 pm)—Yes, there are a number of other questions that I wish to pursue. I assume the question in relation to enterprise awards will be answered after dinner. I also asked on notice of the department whether there are any specific clauses in the legislation that put employment levels at the forefront of consideration for Fair Work Australia. I also asked that question in relation to productivity. I got a very detailed answer in relation to the issue of productivity, but, going through the two pages, approximately, of answers—for which I am very thankful—there did not seem to be much in relation to employment levels. It all dealt with the issue of productivity. I think the closest we got was that in one clause consideration must be had for employment costs.

I would have thought that, for any industrial relations regime, employment levels would be at the forefront of consideration. Therefore I am asking: did I miss something before I asked the question about employment levels? If I did miss something, how come the department who answered the question also seems to have missed that? Or, in fairness, how come the minister who answered the question has not been able to point to something in relation to employment levels? Is that part and parcel of the government’s philosophical outlook and ideology—that the issue of employment levels is not a matter for consideration by Fair Work Australia when it undertakes its deliberations in relation to the whole host of matters that it will need to consider?

If officials are getting answers in relation to enterprise awards and employment levels, I will keep moving through the questions that I had placed on notice. My question No. 5 was: what is understood by the term ‘employment record’? I was told, quite rightly, that the term ‘employment record’ is not used in the bill, but ‘employee record’ is. I thank officials for clarifying that, but the answer then indicated that the bill defines ‘employee record’ to mean ‘a record of personal information relating to the employment of an employee, which includes information about’ some things. So it includes those things, and as a result this is not an exhaustive list. That will be a matter for later debate in relation to a union right of entry and the union inspection of employee records. At the moment we seem to have included in the ‘employee record’ the employees’ health,
taxation, banking or superannuation affairs and a whole lot of things. I was wondering whether, because the definition uses the word ‘includes’—in other words it is not exhaustive—it could also deal with potential garnishees on wages, child support payments, police records and applications for employment, together with references that may have been provided by third parties in relation to a person’s employment.

I think we were given about 10 or so examples of what the list might include but I do note that ‘employee record’ does not exclude some of the things that I have just mentioned—namely, police record, child support payments, garnishees and references from employees. I am going through it again and I see that it does not exclude any warnings that the employee may have received from the employer which remain on the file. I think that the more exhaustive the list the better, and some of the more controversial areas just do not seem to be on the list. I will see that as an oversight at this stage and not as deliberate, because I am in a very cooperative spirit this evening, but I would be pleased to get a detailed answer to that.

My question No. 6 asked: in relation to the collective bargaining scenarios, in what circumstances could a union not be involved, unless it deliberately did not want to be? I think I was told that that would happen if their employees choose not to be represented by a union in bargaining. If that could be clarified that would be very helpful.

My next question will be of interest, especially at this late stage just before the dinner break. I asked the question: will existing Australian Workplace Agreements be allowed to exist for longer under this regime than they would have under the existing legislation? The answer I was provided with was: the Fair Work Bill 2008 has no impact on existing Australian Workplace Agreements. That is very interesting given the assertion that was made that AWAs were going to be ripped up and that the previous regime was going to be ripped up lock, stock and barrel. It now seems that we have a regime which will allow Australian Workplace Agreements to continue to exist.

Can I also have confirmed—I think this I correct; I have done a quick analysis—that the religious exemption clause that is currently in the legislation in Workplace Relations Act 1996 section 762, is in general terms replicated in Fair Work Bill 2008 clause 485. I assume, Minister, that this is an exemption that only applies to small businesses. If that is the case I was wondering whether the minister could advise us as to why, in the bill, clause 485(1) says: This Subdivision does not apply in relation to premises if:

(a) no more than—
guess what the number is!—

20 employees …

That number is very interesting in relation to a future debate that I think we might have around the issue of unfair dismissal and the appropriate number for that.

It would be interesting to have confirmed that this is a direct replication of section 762 of the current regime, which also refers to ‘no more than 20 employees’. We do not argue with that. We just want to ensure that there is a religious exemption in this legislation. In fact, we would commend the government for adopting and accepting the number 20 as being the appropriate number in relation to the religious exemption clause, which only applies to small businesses. I just remind those opposite of that in anticipation so that they can think of some arguments to put after dinner as to why the number in relation to other aspects of small businesses should be 15.
Sitting suspended from 6.30 pm to 7.30 pm

Senator LUDWIG (Queensland—Minister for Human Services) (7.30 pm)—This is a continuation of setting out some of the circumstances of where we have got to with some of the negotiations. I have dealt with the Greens and I table a letter to Senator Brown for the opposition to have a look at.

Senator Abetz—Did you circulate it?

Senator LUDWIG—No, I tabled it just then. I tried to table it before dinner. It is much easier to table these things so they are on the public record. In addition to the Fair Work Bill 2008 amendments, as I have indicated, I will give a general overview.

Firstly, on flexibility of work for carers of children with disabilities: as we understand it, both the Greens and Senator Xenophon are supportive of that position. Secondly, on time lines for the lodgement of unfair dismissal claims: obviously the government and Senator Xenophon are keen to support an amendment, which will be moved by Senator Xenophon, which extends the period provided in the bill for the lodgement of unfair dismissal claims from seven to 14 days. Given that it relates to a procedural step rather than a substantive right, it is a matter that would assist in that area. Thirdly, on the right of entry and outworkers: the government understands that Senator Xenophon will waive the requirement to provide 24 hours notice of intention to enter for the outworker sector. The government has indicated that it will support an amendment along those lines moved by Senator Xenophon. The Senate committee, as I understand, heard evidence that many operators of outworkers in sweatshops pack up the premises when 24 hours notice of intention to enter the premises to inspect breaches of the act or awards has been given, so it seems to be a sensible amendment.

In the area of right of entry dealing with reasonable suspicion, the government has indicated that it will support an amendment by Senator Fielding that inserts an additional statutory note to make clear that clause 481 covers the conduct of the permit holder misleading the employer where he or she holds reasonable suspicion. In respect of misuse of entry rights and multiple visits, the government has indicated that it will support an amendment by Senator Fielding that will put beyond doubt that repeated right of entry for visits for the vexatious purpose of disrupting a business is grounds for the revocation or suspension of a right of entry permit by Fair Work Australia.

In respect of access to non-union members’ records, the government has indicated its willingness to support an amendment by Senator Fielding to provide that a union permit holder exercising the right of entry for the purpose of investigating the alleged breach may only inspect documents relating to employees who are not members of the permit holder’s union if that employee gives written consent or Fair Work Australia determines that it should be permitted to do so. In respect of that, we may have to get to that position and see where the arguments are. In respect of the representation issue, the government has agreed to support an amendment by Senator Xenophon to include an additional explanatory note to the provision regarding representation as a further guide to Fair Work Australia.

Dealing with some additional matters, I might have dealt with conscientious objection certificates earlier, but, just to be sure, the government agreed to support an amendment by the Greens to remove clause 485 of the bill. I may have already dealt with the review of the FWA, which is the clause 653 and, of course, the interim review of modern awards. In addition to the review, the government agrees to include in the transi-
tional and consequential bill an amendment requiring Fair Work Australia to conduct an interim review of modern awards after two years, and I might have dealt with that as well.

That is the outline of the circumstances, and the government is keen to get onto the amendments as soon as practicable. There are some matters raised before the dinner break. We have taken a view that there are some answers that are available but we will ensure that we collect all of those so that we can then provide them this evening in one part so that I can then deal with them in one go when I am on my feet. They should not be too far away but there were some matters that will take a little bit of time to get.

I may have misheard the position that you were putting but one of the issues that does get aired in this debate, and it is a matter that has been raised, is that the government were given a mandate by the Australian people at the last election to get rid of Work Choices and implement a fair and balanced workplace relations system predicated on collective bargaining and underpinned by a strong safety net. In doing so, the government’s Fair Work Bill achieves this. The government designed the bill to be the right policy for economic times that might be good or economic times that might be difficult or challenging because we sought to balance both flexibility and fairness. The Fair Work Bill is not designed for one set of economic circumstances. The elements of flexibility and good faith bargaining mean it is responsive to the needs of business but, at the same time, it provides a safety net for working people. They are matters that the opposition were trying to reiterate in terms of some of the disappointment they may have thought that they had in respect of the committee process.

We have had a significant process, including an inquiry by the Senate Standing Committee on Education, Employment and Workplace Relations. That is a substantive committee. I take the opportunity now to thank the committee members for their work. In addition, there are substantive amendments to be moved. There is the Fair Work Bill itself, with its explanatory memorandum. May I add that, in comparison to Work Choices, it is a far more balanced and fair bill. It is more flexible. It provides flexibility for workers, including carers of children with disabilities.

When you look at the size of the Work Choices legislation and the Fair Work Bill, the comparison is stark. The Fair Work Bill has been drafted to ensure that it sets out in plain English the clauses that it is designed to cover. It centres on collective bargaining. Yes, there have been amendments made to the bill. That is not surprising, given the process that the government have undertaken in pursuing a fair and flexible Fair Work Bill. It should not come as a surprise to the opposition that we have accepted and acceded to many amendments to ensure that that spirit is contained within the legislation.

Senator ABETZ (Tasmania) (7.38 pm)—Before the dinner adjournment I indicated what we as an opposition would be looking for in our approach to this legislation. One aspect was how it would impact on job retention, job creation and small business. On the other side, we will be looking at whether it will deliver excessive union power.

This evening we have been delivered a letter signed by the Deputy Prime Minister of this country which shows that she is willing to sign away the conscientious objection certificates that have been part and parcel of this country’s industrial framework on a bipartisan basis for decades. There was not a single skerrick of evidence before the Senate committee in relation to this change. There is not a single recommendation in the Australian
Greens report, the dissenting minority report of the committee, in relation to this. But here it is being snuck into a three-page letter to the Australian Greens by the Deputy Prime Minister as the very last item. I asked before the dinner adjournment whether we could have a copy of this letter. Unfortunately, the minister could not table it before we had to adjourn. The minister found it and, as was his entitlement, did not provide it to us until we resumed. It could have been handed across the chamber.

What we have in the letter is a clear breach of what has been a bipartisan approach to Australian industrial relations for decades—I would venture to suggest for four decades. If I recall, it was Harold Holt, as minister for employment, who introduced the religious exemption conscientious objection certificate in recognition that there were people in the Australian community who had genuine difficulties with such provisions. For year after year those provisions have remained on a bipartisan basis. You do not get these certificates willy-nilly. You have to get a certificate via the Industrial Relations Commission or, under the new regime, from Fair Work Australia.

Basically what the government, in cahoots with the Greens, are now saying is that religious objection counts for nothing. They are willing to sacrifice one of the fundamental human rights and principles on the altar of more union power. Make no mistake: this is a very, very sad day in Australian industrial history that that sort of bipartisanship, which has lasted half a century, is now out the window.

However, we on this side rely on the good judgment of Senators Xenophon and Fielding to ensure that this is defeated. It is interesting to note that the minister was able to tell us about deals that have been done or nearly done with Senators Xenophon and Fielding. Good. I just put on the record that Mr Keenan wrote to Ms Gillard and phoned Ms Gillard and offered a similar approach to this legislation to discuss issues. He was completely and utterly ignored by the minister.

Senator Polley—What about when you introduced Work Choices?

Senator ABETZ—Senator Polley interjects and says that we introduced Work Choices. Yes, we admit our mistake. We acknowledge what the Australian people have said. But there was never an argument about this between us. Senator Polley—between you and me, Labor and Liberal. Throughout the extensive hearings undertaken by the Senate committee into this, at which there was Green representation, this issue was never raised. Even in the minority report it was never raised. But the government is willing to sell its soul in relation to this matter for Greens support to do conscientious objection in the eye. Can I just reflect that it is a very, very sad day in Australian industrial history that that sort of bipartisanship, which has lasted half a century, is now out the window.

Senator Polley—You’re voting against it.

Senator ABETZ—Senator Polley interjects and says ‘voting against it’. No, that depends on the state of the legislation. The guarantee that the Australian Greens gave was that, if all these things were to be done, they would then support the legislation. I indicate in relation to our approach to discussions that we thought our greenfields amendments were very good, but the government’s greenfields amendments are even
better, so I flag that we will be withdrawing ours and voting for the government’s. If you had approached this in a sensible manner you would have not only had this dialogue with the extreme Greens and Senators Xenophon and Fielding but would have engaged the opposition. And—who knows—if Ms Gillard had been willing to sit down with Mr Keenan, even on the discrete area of the greenfields agreements, we might have got an even better set of amendments than the government’s. We are willing to go through these amendments one by one, look at them and vote upon them on their merits. The reason I picked on the greenfields amendments is that that is one area that has already come to mind where we and the government were of a like mind, but Ms Gillard, because she is so high and mighty, was unwilling to negotiate or deal with the opposition in any way, shape or form. It reflects very badly on her as a minister and, as deputy leader of the government, it reflects very badly on the ham-fisted approach that the government is taking to this legislation.

In relation to the proposed amendments—and I am straying into the amendments, but just to get some broad clarification—the minister is suggesting a separate right of entry regime and a separate set of rules for the TCF sector. Is that correct?

Senator LUDWIG (Queensland—Minister for Human Services) (7.47 pm)—That is correct for outworkers.

Senator ABETZ (Tasmania) (7.47 pm)—Thank you very much. It makes the point very well that, for different sectors and for different industries, it is appropriate from time to time to have a separate set of rules. I trust His Honour Judge Murray Wilcox, Professor George Williams and others will see the wisdom of this approach when they deal with the Australian Building and Construction Commission and the unique niche legislation that was deemed necessary for the building and construction industry, just as this government now accepts and acknowledges that you need unique and niche legislation to deal with another sector—namely, the TCF outworkers. I have yet to go through the details of what is proposed, so I reserve the position of the coalition. But it does make a very interesting point that Labor now accept that it is appropriate to have niche and unique legislation for particular areas of industry where particular needs are identified. I just remind those opposite in relation to the Australian Building and Construction Commission that that was found to be necessary as a result of a very detailed royal commission by His Honour Mr Justice Cole, who exposed a culture of corruption in that sector.

To return to the specific questions that I asked before the dinner adjournment, Minister, will the government give a guarantee that no worker will be worse off, no employer will be worse off, no community organisation will be worse off and no consumer will be worse off? Are we to have shared with us in this place any economic modelling that suggests the employment growth or decline as a result of this legislation being introduced? Has any such modelling been done; if not, why not? I would also be obliged if some of the questions I asked before dinner in relation to my questions on notice could be answered.

Can I add to that pack of general questions the following in relation to award modernisation—and I know I am getting into an area of award modernisation where we have specific amendments but the answer may well obviate the need for us to draft other amendments. In the award modernisation process, how often can the default superannuation fund be changed? Is that just every four years or can it be changed by application by one or however many parties? Can it also be confirmed that a number of the so-called
modern awards will have or will seek to establish monopoly superannuation funds? I am advised that a monopoly has been awarded in relation to award covered employees in the following industries: textile, clothing and footwear; hair and beauty—one that the minister will understand both of us have a very keen interest in; general retail; fast food; and higher education.

Senator LUDWIG (Queensland—Minister for Human Services) (7.51 pm)—There is always the question that you should research and know the answer to before you deal in that confected tone. In respect of conscientious objection, I take you back a fraction, to around 2002, when it was not Labor that broke the 40 years of agreement over conscientious objection; it was in fact the opposition. They changed the way it would be dealt with and introduced it as a separate term within the right of entry provisions. I remember that occurring, and at the time there was a suggestion that there were some reasons behind why the Liberals wanted to do that. I did not believe that, quite frankly. Some people suggested that there had been donations and all sorts of things, but I rejected that out of hand as not being something the Liberals would have entertained. It does, though, beg the question—and perhaps as to during the evening you can remind me—as to why it was put in the right of entry provisions in 2002 in the legislation and broke what you might call the long history of conscientious objection provisions being in there.

What we have is still reflected in the ability to have other certificates so the conscientious objection, as a more general provision—if I could use that shorthand expression—continues on in this legislation and others. What it does not do is continue on in the right of entry provisions under the new Fair Work Bill—and quite rightly so, when that long history was broken not by Labor but by the Liberals.

Senator Abetz—Why didn’t you flag it in Forward with Fairness?

Senator LUDWIG—You on the other side made it out to be such a significant issue. I was just merely correcting the record to point out to you that from our perspective it is just simply sorting through the provisions to ensure that the Fair Work Bill provided both the flexibility and the balance that Work Choices did not have.

And turning to some of the questions that have been raised, such as whether AWAs would be allowed to exist under this regime for longer than the previous regime, the government has made commitments that all existing types of agreements will continue to operate until they are terminated or replaced by the parties. As for the question of how long particular instruments will operate, that is one for the parties themselves. The details of how transitional instruments will be dealt with will be in the transitional and consequential bill to be tabled shortly.

In respect of the question about the circumstances in which a union cannot be involved in collective bargaining, unless they choose not to be involved of course, it is when the employees decide that they do not want the union to represent them in collective bargaining. At the end of the day it really is the employees who determine who the bargaining representatives will be.

In respect of matters that are raised in relation to what perhaps we could more broadly call the definition of employees’ records, the general question seems to be around the information on matters such as criminal records, garnishee orders and disciplinary matters. The definition of an employee record is the definition from the Privacy Act. It could include these things but, subject to important conditions and amend-
ments, the government is moving to protect the use of information. There are four things that should be noted. First, a union can only access records that are directly relevant to a breach that affects or relates to a union member, and I note that the government has distributed amendments imposing the requirement that the record must be directly relevant.

Second, the government is also moving amendments that mean a union official cannot require an employer to produce documents or records if to do so would contravene a law of the Commonwealth or a state or territory. As set out in the supplementary explanatory memorandum, an example of how this would operate is section 58 of the Child Support (Registration and Collection) Act 1988, which would mean that the information about deductions from an employee’s wages for child support could not be divulged.

Third, the Privacy Act 1988 will apply to information collected by a permit holder and, finally, the government is also moving an amendment to provide strong and unprecedented protections for information collected by a permit holder. This amendment would prohibit a person from disclosing information—not just personal information—acquired by a permit holder exercising a right of entry for purposes other than rectifying the breach. This of course would mean that, even if the permit holder were able to access such information they would face substantial penalties—anything in the order of a maximum penalty of $6,600 for an individual or $33,000 for a union—plus automatic loss of a permit if found to have contravened a provision. This government does take the issue of privacy seriously.

Another question—and I take it to be a more flippant question—was: how many amendments are there as a percentage of the bill? I do not know the precise number. I do know that there are fewer than the 337 amendments that were made to Work Choices. In addition, will there be new enterprise awards in the Forward with Fairness Bill? No, but there will be special provisions dealing with the situation of franchisees in the transitional bill which will be introduced later in the week.

Senator Abetz—Sorry, I didn’t hear that. Is that in relation to enterprise awards?

Senator LUDWIG—Yes. It is a question that you asked: will there be new enterprise awards in the Forward with Fairness Bill? The answer is no, but there will be special provisions dealing with the situation of franchisees in the transitional bill to be introduced later this week.

Another of the broader questions concerns the modelling, and it seems to be the economic modelling that the Liberal Party seems to be stuck on. Something I have not seen during drafting before but something that in fact I have warmed to quite substantially is the ability for this bill to set out in the EM substantial information more broadly about the outline of the legislation together with some significant contributions on the regulatory analysis of the bill dealing with key elements of the new system together with the regulatory implications of the system and setting out the consultation that has been had in relation to this. This was sorely missed out of the Work Choices legislation, quite frankly.

It then set out the regulatory analysis, as I have indicated, which goes to something I have not seen in legislation of this nature before. It is a pity it was not included in Work Choices because we might have been able to avoid many of the harsh effects of Work Choices as a consequence if we had seen some of the regulatory impacts beforehand. The regulatory impact, of course, ad-
dresses the issue that the Liberals will broadly raise about people being worse off under the Fair Work Bill. They will certainly be better off than under Work Choices. There is no argument about that, quite frankly, when you look at the significant legislation we are putting forward. The bill does not do what AWAs did, which was to rip people off and strip conditions. It provides fair and flexible workplace relations legislation.

You raised the issue—and I think I have dealt with it in part—about new jobs. The bill’s objectives include promoting productivity and economic growth. Of course, if the opposition know another way of underpinning employment growth that is through productivity and economic growth then, quite frankly, I am happy for that contribution to be made. That is the path for increasing employment and to ensure that we have economic growth and that we promote productivity.

The interesting part, which I also found to be quite cute, was where the opposition said the conscientious objection clause equals 20 employees and tried to tie that with unfair dismissals. Immediately I leapt to the position of where you got the 100 from in relation to Work Choices and thought that you had not read your own clause. It was really difficult to see why you were trying to tie it to that. That clause stands alone; it did under Work Choices and it does under this legislation as well—unless, of course, you are suggesting that your 100 was wrong and that you should have chosen 20 originally. It has nothing to do with the issue that we are putting forward. We are putting forward unfair dismissal laws that are fair and practical and will ensure that both employees and employers can work through them objectively. What they will also do is provide small business with a code of conduct that will assist small business employees and employers to operate in a fair manner.

In relation to the superannuation issue the Australian Industrial Relations Commission award modernisation decision essentially maintains the status quo. It does not affect an employee’s right to choose the fund to which their superannuation is paid. All Australian employees continue to be entitled to choose their own superannuation fund. The effect of the superannuation award clause is to provide a default fund into which an employer can pay on behalf of an employee who has failed to exercise their right to nominate a fund of their own choosing. In respect of the right of entry amendments, the government has decided—and I think I might have gone through this but just to be clear—to propose new right of entry provisions which provide that 24-hours notice of entry should not be required when investigating suspected breaches.

The other issue from the opposition, which I found a little bit confounding, was the broad suggestion that you could not have individual circumstances. That is what the Fair Work Bill is all about, to ensure that collective bargaining allows parties to collectively bargain to reach agreement on a range of matters. That is what award modernisation is all about as well. If you look through—and I am sure you have—the Fair Work Bill it is about fairness, unlike Work Choices which was about stripping and slashing conditions and wages of employees and pushing them onto AWAs, which in some of the low-paid areas was really a drive to a lower wage outcome for those employees. I think the Senate Standing Committee on Education, Employment and Workplace Relations had discovered this over the period it examined the statistics in relation to Work Choices.

Senator ABETZ (Tasmania) (8.04 pm)—Anybody listening to this broadcast would, of course, take no comfort from the minister telling us that the documents that can be viewed by the union official in relation to an
employee’s record are limited to those which are directly relevant. The minister is, in fact, required to answer questions asked of him in a directly relevant manner. I think I have asked three times during these committee stages, before and after dinner, whether he could give a guarantee that no worker would be worse off. I will not ask it again, but I remind everybody that that was the test demanded by the Australian Labor Party of the Howard government and when it failed to respond to that, the union movement and others roundly condemned them. All I say is, we are asking you the same question you asked of us. I look forward to the trade union movement spending copious amounts of money condemning and attacking the Labor Party for not being able to provide that guarantee.

In relation to the copious number of amendments, I could not believe it—the minister used the Work Choices defence of, ‘You guys did it.’ The only reason that I point this out is to highlight the duplicity with which Labor come to this debate. As a former minister I fully accept that circumstances dictate from time to time that further amendments need to be made to legislation. But, of course, when we were in that position we were roundly condemned by the Australian Labor Party. Now that they do it, it is all good—that is the way you do business. Can I say the coalition in opposition accept that. What we do not accept is the duplicity and your affected condemnation whilst you were in opposition when we did it. I just seek to remind you of the double standard that is now staring you so very starkly in the face.

I also asked about whether any modelling had been done and we were taken on a great excursion all over the place to Work Choices and back—into the graveyard where Work Choices is. Senator Ludwig poked it to try to get a bit of life out of it. He tried everything other than being directly relevant to the question: has there been any modelling? I suspect the answer is no. The reason I raise it? Because the Australian Labor Party day after day in this place condemned the previous government for not having done modelling in relation to its legislation. It is not surprising that modelling was not done by either side, but what I do put on the record again is the duplicity with which Labor came into this debate, moving their own industrial relations legislation, being unable to give the guarantees sought of us, having to introduce a whole host of amendments, like we had to, and not undertaking any modelling, as we did not. But, you see, I do not stand here today seeking to condemn you for that. What I do condemn you for is the duplicity and the misleading of the Australian people, because at the last election you had no intention of doing anything different if you won government, and you have shown that now to be the case.

For those who think that there might be some comfort in the term ‘directly relevant’, which the minister used in relation to the right of entry rules, I asked a very direct question about award modernisation and the superannuation funds. I asked: how often can the default superannuation fund be changed? We had no answer to that, but we had an excursion into the graveyard and back as well. I also asked whether it is true that a monopoly fund would be established as a default so that there would only be one superannuation fund mentioned in the award. Once again we had a very excursive answer other than to the question that was asked.

I will not continue to delay the committee, but those listening in and those who ever bother to read the Hansard will see the lack of answers and the incapacity of this government to deal with the many issues that I have raised and that the vast majority of the responses were very condemnatory of us.
I ask: what hour this evening, or indeed tomorrow, can we expect to see the amendments that the government has agreed to with the Australian Greens? I have the conscientious objection amendments here—they have been circulated. It would be very helpful if the minister could give us a timetable in relation to amendments agreed to with Senators Xenophon and Fielding, and any other amendments.

Senator LUDWIG (Queensland—Minister for Human Services) (8.11 pm)—By way of correcting the record, as I understand it—and maybe I will be corrected—the Liberals did do modelling on WorkChoices and refused to release it. We have said in relation to that, of course, that the regulatory impact is within the Fair Work Bill. Be that as it may, I do not want to open up an argument about these matters more than necessary. We do need to get on with the legislative agenda for this evening.

In respect of the default funds in relation to super, as well as specifying a list of default funds, as I understand it, the AIRC has decided to allow an employer to make contributions on behalf of employees to any other fund to which an employer was making contributions on 12 September 2008. That is a matter that the AIRC has made a decision on, and it is, quite frankly, the most appropriate place for those matters to be dealt with. It is the Australian Industrial Relations Commission which can deal with those matters in a comprehensive way.

In respect of the broad issue regarding amendments, apart from those that have been circulated there remain, as I understand it, two minor amendments to deal with Senator Fielding’s concerns. They are not far away, but the remaining amendments are here and this government stands to deal with those seriatim.

To ensure that we have something before the chair, if the opposition do not mind too much I will move government amendment (1) on sheet PJ446 sheet. This item replaces the table in clause 2, setting out when particular clauses of the bill may commence by proclamation. The amendment provides, for example, for clauses 573 to 718 of the bill to commence on a single proclamation day. This is intended to allow the new institutions, the FWA and the FWO, and schedule 1—transitional provisions about early commencement—to be established before the rest of the bill to enable administrative decisions to be taken. For example, it would enable appointments to the institution to be made prior to the substantive functions of the institution commencing. However, the substantive functions of the institution and inspectors’ powers of course cannot commence before the Fair Work (Transitional Provisions and Consequential Amendments) Bill receives royal assent.

I move government amendment (1) on sheet PJ446:

1. Clause 2, page 2 (table), omit the table, substitute:

<table>
<thead>
<tr>
<th>Commencement information</th>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
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<tbody>
<tr>
<td>Provision(s)</td>
<td>Commencement</td>
<td>Date/Details</td>
<td></td>
</tr>
<tr>
<td>1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table</td>
<td>The day on which this Act receives the Royal Assent.</td>
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<td>Column 1</td>
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<td>Provision(s)</td>
<td>Commencement Date/Details</td>
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<tr>
<td>2. Sections 3 to 40</td>
<td>A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 12 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.</td>
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<tr>
<td>3. Sections 41 to 572</td>
<td>A day or days to be fixed by Proclamation. A Proclamation must not specify a day that occurs before the day on which the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 receives the Royal Assent. However, if any of the provision(s) do not commence within the period of 12 months beginning on the day on which the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 receives the Royal Assent, they commence on the first day after the end of that period.</td>
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<td>4. Sections 573 to 718</td>
<td>At the same time as the provision(s) covered by table item 2.</td>
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<td>5. Sections 719 to 800</td>
<td>A day or days to be fixed by Proclamation. A Proclamation must not specify a day that occurs before the day on which the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 receives the Royal Assent. However, if any of the provision(s) do not commence within the period of 12 months beginning on the day on which the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 receives the Royal Assent, they commence on the first day after the end of that period.</td>
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<tr>
<td>6. Schedule 1</td>
<td>At the same time as the provision(s) covered by table item 2.</td>
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**Senator ABETZ** (Tasmania—Deputy Leader of the Opposition in the Senate) (8.14 pm)—The minister has beaten me to the punch in relation to moving the amendment. Could I indicate to the minister that the opposition does not quibble with this amendment. It seems to make sense. However, I do have two other general questions—

**Senator Siewert**—As do I.

**Senator ABETZ**—right—living in hope that I might actually get an answer, but we will see—in relation to the civil remedies in the legislation and in particular on the right of entry. I understand penalties may be sought by a person affected by the contravention. That means, if you are an ordinary worker, not a union member, who has proof that your personnel file was dealt with improperly, you as the individual aggrieved
person would actually have to take the court action against the trade union movement or the trade union official. Could you clarify that for me. What would be the filing cost of such an action, which I understand would have to be pursued in the Federal Court or the Federal Magistrates Court?

Could we also be given an update as to the process of consulting with the Australian Federal Police in relation to interactions with this legislation. That was a matter that came up during Senate hearings and I was told in a written answer that there will be a process of consulting with the Australian Federal Police. You have got to love it—governments are always into ‘processes’. I would just like to know what this process actually entails for the benefit of the Australian Federal Police and what appropriate amendments—whatever that might mean—to the Australian Federal Police Act are being sought to preserve the current arrangements. Basically, Minister, I do not need an answer in relation to the Australian Federal Police matters this evening, but could I be provided with a written and, on this occasion, detailed response and not just be told that ‘appropriate amendments’ and ‘a process of consulting’ will take place. I would like to know with whom you actually did consult and what amendments are actually being considered to ensure that there is no difficulty for people in the Australian Federal Police and state police forces who do a very good job for all of us.

Senator Ludwig (Queensland—Minister for Human Services) (8.17 pm)—With respect to the first question, penalties can of course be sought by an inspector, as shown by item 25 on the table on page 435 of the bill—that is, within clause 539. The inspectors obviously have sufficient power to be able to deal with these matters. I think I also have the question on notice that—

Senator Abetz—No—does the individual have to pay for the action?

Senator Ludwig—We will go to that. Of course, if an inspector can do that work, then logically you could make a complaint and the complaint could be investigated by an inspector, which would be an appropriate way of dealing with it. The inspector can take all the necessary action. Having previously been an inspector myself in a state jurisdiction—

Senator Abetz—So you go to a union official to complain about a union official?

Senator Ludwig—No—you have missed the point. I was an industrial inspector, a state public servant, who would undertake much of this work—

Senator Abetz—Of course, silly me, with no union background. Silly me.

Senator Ludwig—I was merely, by extrapolation, explaining to you—someone who may not have understood how it works in the real world—that, where public servants provide the service, they are in fact quite good at dealing with the public and complaints and investigation. If we had more time I might have shared some of the difficulties we were confronted with under a Liberal government—and their ability—but I will not go there this evening. In any event, that is primarily where these matters can be dealt with.

The answer you were given about the Australian Federal Police, as I understand it, was that currently the Workplace Relations Act has limited operation in relation to the Australian Federal Police. Section 69B of the Australian Federal Police Act applies the Workplace Relations Act in relation to matters involving the AFP command powers and termination of employment of AFP employees. There will be a process of consulting with the AFP about appropriate amendments to the AFP Act to preserve the current ar-
rangements. As I understand it, that is the area that you wanted a bit more detailed information on. Were you asking about the difference between the state police and the Australian Federal Police? That was the import of the question that you asked. I am just trying to establish whether you were talking about the state police or the AFP.

Senator Abetz—If I may quickly say: both.

Senator Ludwig—Police officers in state jurisdictions, except Victoria, are currently subject to state industrial law. As stated in Forward with Fairness:

Current arrangements for the public sector—employees—
can continue with many of these workers regulated by State industrial relations jurisdictions. Forward with Fairness also states:

State Governments, working with their employees, will be free to determine the appropriate approach to regulating the industrial relations arrangements of their own employees …

If that does not provide the answer, we might come back with a more full position.

Senator Abetz (Tasmania—Deputy Leader of the Opposition in the Senate) (8.21 pm)—Just briefly on that, I thought there was some thought that state governments might be referring their powers. If that were to occur—as I recall, it was part of the hearings of the Senate committee—state police forces might then have difficulty. I am aware of the current circumstance in relation to state government employees.

As an aside, I was amazed at the number of emails I got encouraging the Senate to pass the IR legislation without delay, and, when you look at the email addresses, they virtually all emanated from state government departments in Tasmania which, of course, are not impacted by the legislation that they complained about. But that is just an interest-

ing aside—I hope it is interesting, Minister! The referral of powers, as I understand it, may have an impact on state police forces. Could that be clarified at some time?

Senator Ludwig (Queensland—Minister for Human Services) (8.22 pm)—The short answer is that in 1996 Victoria did refer its powers. The remaining states are at liberty to do that. They can undertake that and have those discussions, should they wish to. It is a matter for the states to determine themselves.

Senator Siewert (Western Australia) (8.22 pm)—I have not intervened in the cross-play between the government and the opposition, but I remind both the government and the opposition, firstly, that we have a substantial number of amendments, which we flagged very early in this debate; and, secondly, I will have specific questions on the amendments of both the government and the opposition. I would like to take the opportunity while I can to point out to Senator Abetz that he may care to read the minority report of the Australian Greens a little more closely, because at the bottom of page 182, under ‘right of entry’, we address the matter of conscientious objection certificates.

I have a question for the government about jurisdiction. I will have a host of other questions around specific amendments throughout the debate. The Greens raised the issue of jurisdiction not only in our minority report but also in my speech in the second reading debate. The use of the corporations power originally created a mess under Work Choices, and it continues to through its use under the Fair Work Bill. For example, local government and social and community service sector employees will still have no clarity as to what jurisdiction they are in. This came up in a large number of the submissions to the Senate inquiry, of which—Senator Abetz was right—I was an extremely
active participant. This issue also came up in oral evidence. For the social and community sectors in particular, this can change on a regular basis, depending on how much income they receive from what can be characterised as trading activities. At one point they may be in the federal system and at another point in time, potentially, the state system. We believe this is unacceptable, as did the community organisations that raised the matter with the committee.

While we appreciate that the government is working towards a unitary system by the referral of powers, this is not going to help non-federal-system employees in, for example, my home state of Western Australia, where the industrial relations minister, Troy Buswell, has made it clear that the WA government will not refer powers. Minister Buswell has called for individual agreements—that is, AWAs—to be offered as conditions of employment. This came up during the committee inquiry in Perth. Can the government please update us on progress towards a national system, and can the government indicate whether it has considered or is considering a mechanism for state employees to opt into the federal system, similar to provisions in the Industrial Relations Act 1988?

Senator LUDWIG (Queensland—Minister for Human Services) (8.26 pm)—With all of this, there are some of those tensions that exist when the government is in a clear position and has negotiated and where a state has referred, such as in Victoria. It is quite clear where states have not referred and are in the process of negotiation. A lot of that will crystallise at that point. The short answer is that these are matters that will be worked through, because we are driving for certainty in the fair work legislation. Minister Gillard has raised this issue at the Workplace Relations Ministers Council. All states are aware of the need to resolve these issues to ensure that there is certainty for employees. The opening statements I made about the legislation equally apply to the whole of the chamber—I was not simply having a discussion of the legislation with the opposition. I thank the Greens for participating in the debate this evening. The Greens have been extremely helpful in providing certainty under the Fair Work Bill. They joined in the committee system and provided, though not a majority report, helpful assistance to the committee in its minority report. I understand that the Greens and the government have been able to work through a range of issues, and we thank the Greens for coming to the table in a positive light—unlike the opposition—in respect of many of the provisions of the Fair Work Bill.

Senator SIEWERT (Western Australia) (8.28 pm)—I thank the minister for his response and his comments on our approach to this bill. He will be aware—as we have made no secret of the fact—that we do not think the bill goes far enough. There is, hence, the range of amendments that we will be moving. We thank the minister and the government for their agreement on the areas where we have managed to reach agreement. I understand that the Greens and the government have been able to work through a range of issues, and we thank the Greens for coming to the table in a positive light—unlike the opposition—in respect of many of the provisions of the Fair Work Bill.

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There are issues that need to be dealt with as we work through this legislation, but I am not exactly clear from your initial answer how the government intends to deal with these particular issues. As I said, there were a number. Local government were particularly vocal about these issues, as were community based organisations. Given that these organisations have very limited funds and very limited access to funds to support administration, it could potentially be quite a complex system. I am seeking a level of assurance
about time lines within which this will be dealt with, how it is intended to be dealt with and, if in fact it is highly complex, whether assistance will be provided to these organisations in order for them to deal with what appears to be quite a significant jurisdictional mess for some of them. This applies to national organisations that work at both a national and a state level and to state organisations that work at a state level but which can engage in national arrangements as well.

Senator LUDWIG (Queensland—Minister for Human Services) (8.30 pm)—Some of those matters and the difficulties that have arisen existed under Work Choices. The Fair Work Bill goes a long way to resolving many of those issues. It provides a significant improvement to Work Choices and it ensures that this government delivers on abolishing AWAs. It is about ensuring that, for those organisations, it is not about cutting conditions from their take-home pay. But, of course, some of the issues will have to be dealt with through, as I indicated, the Workplace Relations Ministers Council, because it is a precondition that the states provide and refer the power. Victoria already has. Many of those issues can be dealt with through the third bill, which is the consequential one, particularly around the Victorian referral. But if states refer all of their private sector then those issues do get, quite frankly, eliminated in the circumstances that you have outlined. One of those issues is, of course, that it does take two parties to move through that. We are reasonably confident that the states have seized on the issues that you have raised and are keen to work with us to resolve them.

The position is far from perfect; we understand that. But we are in a position of moving forward with a fair and balanced bill that includes a range of conditions which will not only underpin the employment relationship between employers and employers but also provide collective bargaining as its focus. An earlier issue that was raised by the opposition related to a particular community based organisation, which I will also have a look at. It depends a lot on the way they have been funded—the nature of their funding and where the funding has come from—as to how they interact with the system, but it is designed to be a relatively straightforward system where they can enter a collective arrangement and come up with an outcome. If you look at the difference between Work Choices and the Forward with Fairness policy and the Fair Work Bill itself, you will see a much more simplified bill with plain language. Parties should be able to negotiate an outcome around a collective agreement which suits their individual circumstances. It is the objective of the legislation to do just that.

That does not give you the strict answer that I think you are seeking, but I assure you that, from our perspective, it is a significant improvement from what the opposition wanted to continue with under Work Choices.

Question agreed to.

Senator SIEWERT (Western Australia) (8.34 pm)—by leave—I move Greens amendments (1) to (3) on sheet 5729 together:

(1) Clause 3, page 3 (lines 11 and 12), omit “take into account”, substitute “give effect to”.

(2) Page 3 (after line 36), after Division 2, insert:

Division 2A—Interpretation of this Act

3A Interpretation of this Act

This Act is to be interpreted in a way that is consistent with, and gives effect to, Australia’s international labour obligations.

(3) Page 3 (after line 36), after Division 2, insert:
Division 2B—Review by the ILO

3B Review of this Act by the ILO

(1) The Minister must, as soon as practicable after the commencement of this Act, submit the Act to the ILO Committee of Experts on the Application of Conventions and Recommendations with a request for urgent advice as to the compliance of the Act with international labour standards.

(2) The Minister must also provide to the ILO Committee any additional information it requests to assist in its provision of advice on the compliance of the Act, and must cause a copy of that information to be laid before each House of the Parliament within 6 sitting days of that House after the information is provided to the committee.

(3) The Minister must cause any response from the ILO Committee to be laid before each House of the Parliament within 6 sitting days of that House after the Minister receives the response.

(4) To avoid doubt, the submission of the Act to the ILO Committee in accordance with subsection (1) is additional to the obligations Australia has to report regularly on measures that have been taken to implement ILO conventions.

These amendments relate to the International Labour Organisation, or ILO, obligations. We have three amendments in this series of amendments. Amendment (1) amends the object so that it reads ‘to give effect to Australia’s international obligations’. We note the approach in the bill is weaker than Work Choices, which included the words ‘assisting in giving effect to’ our obligations. With this ALP government, we are deeply concerned that we have even less of a commitment to the ILO conventions than we had with the previous government. Amendment (2) inserts a new clause to require the act to ‘be interpreted in a way that is consistent with, and gives effect to, Australia’s international labour obligations’. Amendment (3) inserts a new division to require the government to submit the legislation, if and when passed by the parliament, to the ILO for advice on its compliance with our international obligations.

We believe a key means of measuring whether an industrial relations system actually provides for fairness is whether it complies with the International Labour Organisation’s core labour standards and conventions. The ILO is a tripartite body, with its standards and policies developed by representatives of governments, employers and workers. The key international conventions are ILO convention No. 87, the Freedom of Association and Protection of the Right to Organise Convention of 1948; ILO convention No. 98, the Right to Organise and Collective Bargaining Convention of 1949; and the UN International Covenant of Economic, Social and Cultural Rights of 1966. The key rights that flow from these instruments include the right of workers to join and be represented by trade unions, to organise and to collectively bargain. The right to strike is also considered an integral part of the principle of freedom of association.

Various submissions to the committee process identified areas of the bill that may breach our obligations, including: provisions that give primacy to enterprise-level agreements and that restrict the level at which bargaining can occur, including the ban on pattern bargaining; provisions that limit the contents of agreements; provisions that give insufficient protection to workers who take industrial action in support of their rights under the conventions; and provisions that restrict the right to strike beyond the limits permitted by the conventions, including provisions relating to secret ballots, termination of industrial action by the minister, the suspension of industrial action due to harm caused by third parties and bans on industrial
action in support of multi-employer agreements.

On amendment 2, if the government believes that the bill covers our international obligations then we believe there is no reason to object to this amendment, which has the effect of providing that the legislation be read so as to be consistent with our international obligations. It would only come into use where there is some ambiguity in the meaning of the provision.

On amendment 3, which I remind the Senate is to insert a new division to require the government to submit this legislation, if and when passed by the parliament, to the ILO, we note that in its latest report the committee of experts, in commenting on Australia and the right to organise, requests that the Australian government:

*communicate with its next report a copy of any draft legislation under consideration in the framework of the substantive labour law reform, so as to examine its conformity with the Convention.*

I note that the government has been saying that it had not been requested to submit the draft legislation, and the government’s response previously has been that it will submit a copy of the act if and when it is passed. However, as I said, the latest report asks the government to ‘communicate with its next report a copy of any draft legislation’. Of course, it may be too late to submit the draft legislation. We are disappointed the government did not do so before, when it had ample opportunity.

What our amendment does is require the government to submit the final act to the ILO for its consideration of its compliance, as the committee of experts itself requests. I ask the government whether they have looked at these matters and whether they believe the bill is compliant with our obligations. If they believe the bill is compliant then we believe they should have no difficulty with these amendments. And I ask why the bill is not more specific and does not in fact cover the clauses that we have covered. I fail to see why the government have not acted to move such amendments or to include these amendments in their bill in the first place.

**Senator LUDWIG** (Queensland—Minister for Human Services) (8.40 pm)—I will deal with those questions in the best way I can in the order they were provided. I can at the outset say that the Greens have urged the government to submit the Fair Work Bill to the International Labour Organisation for advice as to whether it meets Australia’s international obligations. I can say that due consideration was given to Australia’s international commitments in developing the Fair Work Bill to ensure that the bill is compliant with Australia’s commitments under ratified ILO conventions.

A number of key criticisms of Work Choices that were made by the ILO supervisory body have been addressed within the proposed new system, which has been developed through exhaustive consultation. The ILO committee of experts has asked the Australian government—and the Greens may be aware of this—to provide a copy of the draft legislation. The government is considering the committee’s request and will respond shortly. I note that every year member states are required—

**Senator Abetz interjecting**—

**Senator LUDWIG**—There is a date, though. I would note that every year member states are required to report to the ILO Committee of Experts on the Application of Conventions and Recommendations on their compliance with a range of ILO conventions. Australia’s next regularly scheduled compliance report is due on 1 September 2009 and will include advice of compliance with fundamental conventions, such as the Freedom
of Association and Protection of the Right to Organise Convention 1948, which is convention No. 87, and the Right to Organise and Collective Bargaining Convention 1949, which is convention No. 98.

Can I add that, as you may have gleaned from the debate, we are not minded to support your amendments. There is a specific reference to Australia’s international labour obligations in the principal objects of the bill, which is not a feature of the current workplace relations legislation, and it does recognise the importance the government attaches to its international obligations. The government is satisfied that the way in which the objects are currently framed is appropriate. Accordingly, the government will not be supporting your amendments. I will not go into the specifics of each convention, but can I say that due consideration was given to Australia’s international commitments in developing the Fair Work Bill to ensure that the bill is compliant with Australia’s commitments under the ratified ILO conventions in drafting the Fair Work Bill and we have ensured that we have put it in a prominent place within the objects of the bill to give effect to these obligations. The government has taken the ILO conventions into account. It is perhaps best to leave it at that point.

Senator SIEWERT (Western Australia) (8.43 pm)—I thank the minister for his answer. I would like to confirm that the government has confirmed that they will send the act, if and when it is passed, to the ILO.

Senator LUDWIG (Queensland—Minister for Human Services) (8.44 pm)—It does seem that we will be here this evening and probably tomorrow as well, so I might see if I can provide an answer to that by the morrow.

Senator SIEWERT (Western Australia) (8.47 pm)—I would very much appreciate the minister indicating a willingness to, if he could, get the answers to both questions. One is whether the minister is going to send it and the other is whether, if we are right and the
government is wrong in terms of it meeting our obligations under the ILO conventions, the government would then be minded to amend the act to ensure that it did meet our ILO obligations.

Senator LUDWIG (Queensland—Minister for Human Services) (8.47 pm)—I will take both of those on notice.

Senator ABETZ (Tasmania) (8.47 pm)—The Greens nearly won me over with their argument. I thought having to submit this draft legislation to the ILO would be an opportunity for us to adjourn this evening—stop consideration, send it off to Geneva and wait for however many months before it came back! I ask, somewhat tongue in cheek, whether Senator Siewert and Senator Brown have the ILO tick of approval for their proposed amendments—I somehow doubt it.

Can I say to Senator Siewert: call me old-fashioned, as they do, but I happen to believe in parliamentary democracy. I happen to believe that the Australian parliament should be the master of legislation and its impact in Australia. By all means get advisory views from the ILO, but, at the end of the day, we as an Australian parliament should have the absolute right to say, ‘We happen to disagree with this particular interpretation by the ILO.’ The Greens amendment is nearly obsequious to the international convention-making corral that is out there in implying that their knowledge is superior to that of the democratically elected parliament of Australia. Sure, the ILO has an opinion, but I must say that, when you know that people like Ms Burrow sit on it and effect certain outcomes for political reasons, their consideration seems somewhat less robust—albeit there are about as many former ACTU presidents in this parliament courtesy of the Australian Labor Party, but that is an aside. While we should take the ILO’s views into consideration, we should not say in our legislation that we need to give effect to their views, and that is what the Australian Greens are seeking.

One of their amendments states:

This Act is to be interpreted in a way that is consistent with, and gives effect to, Australia’s international labour obligations. Well, who is going to determine that? That would basically be saying that the democratically elected Australian parliament no longer has the right to determine laws for its people if the ILO, from on high, an unelected body—representatives are appointed to it—determines otherwise. That would completely undermine democracy and the right of Australian people to, through their elected parliament, make the decisions that are the best for Australia.

It will be interesting to see how excited Senator Siewert is in relation to this—I have it on very good authority that the International Labour Organisation considers small firms to be those with fewer than 50 employees. Wouldn’t it make for an interesting contribution to the unfair dismissal and small business categorisation in this legislation if we had to put our hands up and say, ‘We can no longer determine the definition of a small business for Australia because the ILO has determined in general terms that a small business is a business with 50 or fewer employees’?

Interestingly enough, as I understand the figures that are being bandied around in this chamber, we on the coalition side have the highest figure at exactly half of 50—namely, 25—because we believe that that is right for Australian circumstances. Family First I think want it to be 20. I would still like to know what Senator Xenophon is thinking, there in the stalls, but we will undoubtedly find out. We know that Senator Siewert and the government think the number should be 15. But here we have the ILO. If we were to take our cap off to them, listen to everything
they say and give effect to all their pronunciations as to industrial relations law, then we might be confronted with having to accept 50 employees as the definition of ‘small business’. I have a funny feeling that that would not suit the agenda of the Australian Greens.

So I just say that sometimes you have to be careful what you wish for. It sounds good in theory but the chances are that both sides of this debate could cherry-pick through the ILO convention and demand changes. Sure, be informed by the ILO, but do not let them have the power and capacity to hamstring the Australian parliament.

Senator XENOPHON (South Australia) (8.53 pm) — I just indicate that I cannot support the Greens amendment. I believe it is appropriate to leave it as is—to ‘take into account’ rather than to ‘give effect to’. I think there are legitimate issues of sovereignty in relation to this. To Senator Abetz—I will put him out of his misery—I say that my position in relation to the issue of an appropriate threshold for unfair dismissals is 20 full-time equivalent employees.

Question negatived.

Senator ABETZ (Tasmania) (8.55 pm) — I move opposition amendment (1) on sheet 5739:

(1) Clause 3, page 3 (line 34), omit “enterprise-level”, substitute “workplace-level”.

This is an amendment to the objects section of the act. It seeks to omit the term ‘enterprise-level’ and substitute the term ‘workplace-level’. The purpose of this amendment is to alleviate concerns raised about the word ‘enterprise’ by replacing it with the word ‘workplace’. The concern is about the lack of definition around the term ‘enterprise’ such that it could be read to mean an entire company as opposed to an individual workplace within a company.

Should an argument ever be had between a union and employer about the scope or reach of a proposed collective agreement, a tribunal may have to have regard to the objects of the act to determine a position. Our amendment assists in supporting an argument that each place will, where a disagreement exists, be able to negotiate terms specific to it instead of the entire company. I remind the minister, as he objectively and actively considers this amendment with an open mind, that on page 13 of the Forward with Fairness policy document the then opposition, now government, told us:

Collective bargaining will be based on bargaining at the level of an enterprise. The well understood definition of ‘enterprise’ will continue and may include a single business or employer, a group of related businesses operating as a single business or a discrete undertaking, site or project. For example, this means a collective enterprise agreement can be made for employees at a warehouse, a chain of shops, a manufacturing plant or a major construction project.

So, clearly, at the time the minister was considering that an enterprise could refer to a discrete undertaking, a site or a project. We say that this would remove any doubt and that the term ‘workplace’ is a lot better and more definitive than the term ‘enterprise’. We believe that that should not be controversial, given the commitment made in Forward with Fairness. The bill, as we understand it, and according to the numerous speeches Ms Gillard gave, is supposed to encourage bargaining at each workplace and ensure that a business can implement arrangements specific it.

I say to the government that if they are genuine about achieving this aim they can clarify this by ensuring that nothing in the bill artificially restricts employees and employers negotiating conditions at a particular workplace. I commend the amendment to the Senate.
Senator LUDWIG (Queensland—Minister for Human Services) (8.59 pm)—
As I understand it we are dealing with division 2, object 3:

(f) achieving productivity and fairness through an emphasis on enterprise-level collective bargaining underpinned by simple good faith bargaining obligations.

The coalition have proposed an amendment to the objects of the Fair Work Bill. The amendment would, in effect, replace a reference to ‘achieving productivity and fairness through enterprise-level collective bargaining’ to ‘achieving productivity and fairness through workplace-level bargaining’. We do not support that amendment.

The concept of enterprise bargaining is, quite frankly, longstanding in workplace relations when referring to collective bargaining. Like the Workplace Relations Act, the Fair Work Bill recognises that an enterprise or business can extend beyond just one place of work. In Forward with Fairness, Labor undertook to retain the concept of enterprise-level bargaining—and I underline the words ‘Labor undertook to retain the concept of enterprise-level bargaining’—noting that such bargaining would be available to ‘a single business or employer, a group of related businesses operating as a single business or a discrete undertaking, site or project’. I underlined those words because the Workplace Relations Act 1996, at section 3(b), says:

… ensuring that, as far as possible, the primary responsibility for determining matters affecting the employment relationship rests with the employer and employees at the workplace or enterprise level …

It is not a new concept; it is a concept that has been around for some time, and we think it should remain. That is why we undertook to retain that concept of enterprise-level bargaining—for those reasons I have enunciated.

Senator ABETZ (Tasmania) (9.01 pm)—
Just so we get this absolutely clear, the government is saying that ‘enterprise’, for the purposes of clause 3(f) of the bill, does include workplace bargaining on a separate project or a separate site, as detailed on page 13 of Forward with Fairness:

… ‘enterprise’ … may include a single business or employer … or a discrete undertaking, site or project.

In other words, an employer could have a number of sites, undertakings or projects, all of which could be included in the definition of ‘enterprise’. But of course ‘may include’ does not mean ‘needs to include’, and that is why we wanted the clarification with ‘workplace’. I think the point is that, if the government were concerned about enterprise bargaining at the workplace level, they would remove that doubt. I will be interested to hear the minister’s response.

Senator LUDWIG (Queensland—Minister for Human Services) (9.02 pm)—
To be clear, we are talking about an object provision, which is different from going into the specifics of a particular clause within the bill. Nonetheless, if you look at the definitions contained within the Fair Work Bill, it does include the definition of ‘enterprise agreement’; it specifies on page 15 what that means. I do not think I can add more than that to assist, in that we do not think that the amendment you are putting forward is reasonable. The government do not support the amendment. The concept of enterprise bargaining is a longstanding one in workplace relations when referring to collective bargaining. As I have said, it is in the principal object section of the Workplace Relations Act 1996, and it continues to be in this one. That is why we undertook to retain the concept of enterprise-level bargaining.

Senator ABETZ (Tasmania) (9.04 pm)—
We are being told that ‘enterprise’ has had a
well-understood definition for a long time, ever since Howard legislation in 1996—so thank you for that, Minister. But, once again, can I ask specifically whether the government seeks to encourage bargaining at a worksite, project or undertaking level, as referred to in Forward with Fairness. If you are committed to that which is in Forward with Fairness, I would have thought there would be a definition that puts the issue beyond doubt, and the worst that could be said of our amendment is that it is belts and braces. But to see the government’s opposition to it is, I must say, interesting, because no real argument has been put to us. If you support the idea that bargaining can occur at the level of a project, site or undertaking, then there should be no opposition to this. I would have thought that would be very plain. I would be very interested in hearing the minister’s explanation. I remain open-minded on this; if the minister can convince me that legally, technically, this would somehow undermine the integrity of the legislation, I would be happy to reconsider, but at the moment it just seems to be an obstinate approach because it happens to be an opposition amendment—and, if it is that, then I will consider what we do when the matter gets put to a vote.

Senator XENOPHON (South Australia) (9.07 pm)—Can I just ask the minister a question in a similar vein to Senator Abetz’s question. If the word is changed from ‘enterprise’ to ‘workplace’, how would that prejudice workers in a particular workplace or prejudice an employer? I have a similar question for Senator Abetz. To what extent does Senator Abetz say that this proposed change would make a difference to the rights, entitlements and process with respect to both employees and employers? Does Senator Abetz concede that, given that the phrase ‘enterprise-level collective bargaining’ has been well accepted, you may be opening up a level of uncertainty by using the term ‘workplace’?

Senator LUDWIG (Queensland—Minister for Human Services) (9.08 pm)—Perhaps I can respond in a narrow way. They are not interchangeable terms. A workplace could be a defined place, whereas an enterprise could be a Commonwealth department that deals with a range of different workplaces right across the board. So to use ‘workplace’ would be narrowing the term, in my view. Using the term ‘enterprise’ would allow a single business or employer or a group of related businesses operating as a single business or a discrete undertaking, site or project. That is clear, that is in the objects and we do not see any merit in amending the clause in the terms that the opposition have put forward. The amendment that has been suggested would replace a reference to ‘achieving productivity and fairness through enterprise-level collective bargaining’ with ‘achieving productivity and fairness through workplace-level bargaining’. ‘Enterprise-level bargaining’ is a term that has long-standing meaning within the industrial relations area. It is one that has been in legislative objects before. We think that, for consistency and for the reasons I have already outlined, it should remain.
Therefore, it could be construed to refer to a smaller area or a geographically defined area. A workplace is a physical location—perhaps that is one way of putting it—whereas an enterprise is a business or its activities, such as a Commonwealth department or a company with, for argument's sake, five separate workplaces.

Senator FIELDING (Victoria—Leader of the Family First Party) (9.10 pm)—I may be able to help in this. There is some merit in the workplace definition as well as the enterprise definition. Can you have 'and/or'? I can see an argument being put forward for that. Then the emphasis is not just on 'enterprise' and it does not exclude or preclude 'workplace level' in that definition. So you would have: 'achieving productivity and fairness through an emphasis on enterprise-level and/or workplace-level collective bargaining underpinned by simple good faith bargaining obligations and clear rules governing industrial action'. I wonder whether that might help.

Senator ABETZ (Tasmania) (9.10 pm)—I would be quite amenable to such an amendment. Throughout the bill I think there is an emphasis on 'enterprise-level bargaining'. However, bargaining at the workplace level, whilst lip-service was given to it in Forward with Fairness, did not really find its way either into the objects or further through the bill. It may come to the point of Fair Work Australia having to make a determination as to what 'enterprise’ might mean in a particular circumstance. That is why we wanted to make it clear that the smallest level would be the workplace level and then you would build up to enterprise level et cetera. However, if Senator Fielding were to be comforted by the insertion of the words that he suggested, I would be amenable to that. That would make it quite clear that workplace-level bargaining is acceptable.

Can I say in response to Senator Xenophon: yes, I can see scenarios where, if you did not specifically allow for workplace-level bargaining, you could have huge prejudice towards both the employee and the employer. In the starkest situation you could find that nobody had a job and the business was not able to undertake its enterprise at all. A hypothetical example might be if you had a mine out in the middle of nowhere and one right next to a city—hardly likely, I know. The chances are that to attract workers to the one way out in the outback you would have to have a workplace agreement which would pay higher wages than were received by those who might be able to drive to the work site from their home within five minutes each day. So if you had a big mining company with two mine sites, to say that they have to have the same employment arrangements for vastly different circumstances because they are an enterprise could well prejudice the enterprise’s capacity to undertake another operation.

Of course, keep in mind that at all times workers will be protected by the safety net. I understand that casual workers in the hospitality sector get paid substantially more if they live and work in Sydney, given the cost of living et cetera, than they do in rural and regional towns not only in Tasmania but all around Australia. If somebody were to have a number of restaurants around Australia, one in Sydney and one somewhere else where the cost of living was cheaper, the wages that could be commanded in the middle of Sydney would have to be translated into the rural or regional area, making that business unsustainable. That would mean that the worker would not have a job and the enterprise would not be able to operate.

So I think it does make sense to try to allow for separate workplace agreements, if that is necessary, and split up an enterprise for that purpose. I think Senator Fielding has
provided us with a very good opportunity to get the best of both worlds. Of course, we as a coalition have no problem with enterprise bargaining at the enterprise level if that is relevant, but we also want to make absolutely sure that, when Fair Work Australia comes to interpret this, there is a recognition of the need to also consider the workplace situation. If I might invite Senator Fielding to move his proposed amendment to my amendment, I can indicate our agreement.

Senator LUDWIG (Queensland—Minister for Human Services) (9.15 pm)—Just let me deal with some of the positions you have put, first, and perhaps we can dissuade Senator Fielding from doing such. It is, as I have said, an object of this bill; it is not a specific clause. So with regard to this trip into worrying about regional and rural as against Brisbane and Sydney or as against Brisbane, Sydney and Cunnamulla, for argument’s sake, there is nothing in this Fair Work Bill that provides that you cannot make a geographic agreement for a particular area. What this object does is simply to provide an emphasis on enterprise-level collective bargaining underpinned by simple good faith bargaining obligations. This is an objects provision. It does not say that you can only have enterprise-level industrial relations across your enterprise and they have to have the same provision for every part of the enterprise, across the Commonwealth government or the department. There is obviously an award which underpins it, plus agreements, and then there are individual arrangements within those, and then there are different shift provisions that might apply across different parts of a particular enterprise. All of that will continue to go on, depending on the particular geographic location, the nature of the enterprise and the nature of the business within the enterprise that is being undertaken.

Can I indicate more broadly—because I can see we are getting stuck on a particular object itself—that the first position I would put would be to say it is unnecessary; it is encapsulated within the current provision. But if it is thought that it is a matter you would like the minister to have a further look at, then the position I would put would be to persist with the present position, because I think it is the most sensible; and should it be amended then, given the nature of the amendment, I suspect it will come back as a message and that will give the minister an opportunity to consider that particular provision again. Of course, all of that would mean we might want to negotiate a bit further with Senator Fielding about some of these matters too, if he feels wedded to them.

Senator ABETZ (Tasmania) (9.18 pm)—Can I briefly respond. What the minister says is right—but, when there is a dispute, the courts do have cause to look at the objects clauses to help them decide what the intent of the legislation is. The clause we are talking about says ‘achieving productivity and fairness through an emphasis on enterprise-level collective bargaining’—I repeat: ‘an emphasis on’. So somebody from Fair Work Australia or the Industrial Relations Commission, in trying to come to grips with this, will say, ‘The people in the Australian parliament, the legislators, wanted an emphasis on enterprise-level.’ What the coalition would seek is to insert the word ‘workplace’—that there be ‘emphasis on workplace’. Of course, Senator Fielding very neatly says that you can have emphasis in relation to both, and I think that more accurately reflects what we as an opposition were thinking and wanting. We do not mind an emphasis on enterprise-level bargaining, just as long as workplace-level bargaining is not therefore somehow interpreted as being a second-order issue. I think the worst the minister came up with was that it was ‘unneces-
sary’. If it is unnecessary, one would hope it would not do any harm—and, who knows, this could be the double dissolution trigger that Mr Rudd has been looking for, but I hardly think so. I commend Senator Fielding’s suggestion to us.

**Senator FIELDING**  (Victoria—Leader of the Family First Party) (9.20 pm)—I would like to amend what has been proposed so that the objects of the act will read: ‘Achieving productivity and fairness through an emphasis on enterprise-level and/or workplace-level collective bargaining underpinned by simple good faith bargaining obligations and clear rules governing industrial action.’ I think that puts the emphasis where it needs to be, on workplace and enterprise. I think it reaches a good compromise. The objects are very important. I do not think we should not look at these things. It is important that we get the balance right between workplace level and enterprise level. They are two different things. Having that emphasis upfront allows everybody to interpret it through those eyes all the way through. I move:

Omit “workplace-level”, substitute “enterprise-level or workplace-level”.

**Senator LUDWIG**  (Queensland—Minister for Human Services) (9.21 pm)—I have said all I am going to say about that, but can you not use ‘and/or’? I think ‘or’ would be more technically correct. I am sure the clerks around here might agree with my use of English in this place.

**Senator XENOPHON**  (South Australia) (9.22 pm)—I indicate briefly that I cannot see that the proposed amendment by Senator Fielding will do any harm and it may provide some clarity. I note this part of the Forward with Fairness document does refer to a definition of enterprise to include a single business or employer, and I would have thought that it is not inconsistent with that and that it will not prejudice either the rights or the processes of employers or employees. So I am minded to support Senator Fielding’s amendment.

**The TEMPORARY CHAIRMAN**  (Senator Humphries)—The question is that Senator Fielding’s amendment to the opposition’s amendment (1) on sheet 5739 be agreed to.

Question agreed to.

**The TEMPORARY CHAIRMAN**—The question now is that the amendment, as amended, be agreed to.

Question agreed to.

**Senator ABETZ**  (Tasmania) (9.23 pm)—by leave—I move opposition amendments (6) to (15) on sheet 5739:

(6) Clause 6, page 6 (line 10), omit “independent contractors and”.

(7) Clause 12, page 18 (lines 10 and 11) definition of *industrial association*, omit “or independent contractors, or both,.”

(8) Clause 12, page 18 (lines 14 and 15) definition of *industrial association*, omit “, or independent contractors, or both”.

(9) Clause 12, page 18 (lines 17 and 18) definition of *industrial association*, omit “, or their interests as independent contractors (as the case may be)”.

(10) Clause 12, page 18 (line 21) definition of *industrial association*, omit “and/or independent contractors”.

(11) Clause 12, page 26 (lines 20 and 21) definition of *registered employee association*, omit “or independent contractors, or both,”.

(12) Clause 12, page 30 (line 31) definition of *workplace law*, omit paragraph (c) of the definition.

(13) Clause 194, page 183 (line 13), at the end of the clause, add:

; or (h) any matter that restricts, controls or dictates the use or non-use of independent contractors.
I think that it makes good sense that we deal with these as a job lot. A number of amendments were required but the idea of these amendments is to alleviate concerns. The increased number of references to independent contractors in the Fair Work Bill 2008 signals a future move to include this area of law within the sphere of workplace relations.

To us the overwhelming theme is that workplace relations law is industrial relations law. It is specifically about the governance of relationships between employers and employees. It is totally different from commercial law because the relationships between employees and employers are governed by different sets of rules and it is agreed generally in the law that the commercial relationship of independent contractors should be seen as being commercial law. So for the purposes of clarity and consistency, commercial law and industrial relations law need to be kept distinct, different and separate. Where either intrudes into the other’s jurisdiction, significant confusion is created for both employment and commercial undertakings within the community, and that can harm both economic activity and the rights of parties. The Fair Work Bill displays some inconsistency in some places in terms of definition and omission. The sham contractor provisions within the existing act are retained in the bill and we of course support that remaining the case.

I should also point out in support of these amendments that Ms Gillard was quite clear in relation to independent contractors. For example, she is on record as saying:

Labor’s policy is that independent contractors are small businesses that should be regulated by commercial law and not industrial law.

Federal Labor has also publicly clarified our position … As we have stated publicly, under Labor it will not be lawful for agreements to contain clauses which … prescribe that contractors be engaged or not engaged on the basis of … industrial arrangements.

Federal Labor understands the importance of independent contractors and small businesses to the Australian economy.

That was a letter written by the then shadow minister on 1 October 2007 to the Executive Director of the Independent Contractors of Australia. It is quite clear. It was a commitment before the election in relation to ensuring that independent contractors did not get tangled up in industrial legislation. We unfortunately have that here now in what is being proposed. Ultimately it means that independent contractors will be caught up in the industrial relations regime, which we know is something that the trade union movement in particular has been seeking for some considerable period of time. Our amendments are not inconsistent with Forward with Fairness in any way, shape or form and they are consistent with the commitments made by the then shadow minister and now minister. We commend this raft of amendments to the Senate to protect small businesses and independent contractors.

Senator Ludwig (Queensland—Minister for Human Services) (9.28 pm)—I am surprised sometimes by people who make bold predictions about what they are doing and not doing. Quite frankly, I think it is a case of the opposition cutting off its ideological nose to spite its face. If you try to remove references to independent contractors from various parts of the Fair Work Bill 2008 it does the opposite from what your intention is. It actually reduces the protection for independent contractors, removing protections that have existed for a considerable
I can make two points about this proposal to remove independent contractors from the definition of industrial association and registered employee associations. The first point is that these definitions reflect the fact that many unions and employer organisations have independent contractors as members. Indeed, it is specifically provided under schedule 1 to the Workplace Relations Act that organisations registered under the act may include contractors. The second point I want to make is that the definition ensures that independent contractors cannot be discriminated against because they are members of an industrial association. For instance, the definition of an industrial association would mean that a person was protected from various forms of adverse action because they were a member of the Independent Contractors Association.

This leads me to an area that would concern me greatly if this amendment were passed. These amendments would remove various items in the definition of adverse action that apply to independent contractors. I can provide an example to show how this would not work and, in fact, would create an absurd situation. It would mean that an independent contractor who was refused a contract with a head contractor because he was not a union member or a member of a particular union would have no recourse. I do not think this is what the opposition really intends to give effect to.

The government is committed to freedom of association and to protection for both employees and independent contractors and for that reason on its own—although I do not know why the opposition would be minded to want it—we would not support the amendments. Of course there are a range of amendments but within amendment 13 the opposition seeks to make any terms that relate to the use or non-use of independent contractors unlawful in enterprise agreements. The government has made it clear that employers and employees should be able to include any term they wish in enterprise agreements made under workplace relations legislation, provided those terms remain connected to the employment relationship. When you look at the court decisions in this area they have previously found that some terms in industrial instruments relating to the use of contractors are connected to the employment relationship. For example, terms could be included in agreements relating to safety inductions for independent contractors or could provide that an employer must not undercut employees’ terms and conditions through the use of independent contractors.

On the other hand, a blanket restriction on the use of independent contractors would not be permitted. You could not do that. The opposition have not looked at the consequences of the amendments and I have provided an example of that. The opposition were concerned about how independent contractors might relate in this area and I have provided an explanation as to why they do exist in this area. Of course it has to be connected to the employment relationship and I have provided some examples of how that operates.

The government believes the opposition is wanting to write its Work Choices laws back into the legislation. The government’s position on terms in industrial instruments about the use of contractors simply reflects what has been allowed in instruments for well over 100 years and before the opposition’s changes. The telling point is that the amendments would effectively lessen the ability of the protections that an independent contractor would have with the head contractor, and I think that summarises the position. Nothing in the bill regulates terms and conditions of independent contractors, except for out-
workers and obviously we will go to that some time this evening or tomorrow, and these only alter freedom of association provisions. I would ask the opposition to withdraw their amendment.

Senator ABETZ (Tasmania) (9.35 pm)—We will not be withdrawing our amendments and we believe that there is a very strong argument to continue to pursue them. You always know when the minister in this debate is struggling to find an argument because he takes a little visit to the graveyard and kicks around the corpse of Work Choices to try to strengthen his argument. But the simple fact is the opposition are looking forward. It is very interesting that the minister should suggest that, somehow, our amendments are reaching back into the graveyard to a corpse. I would be very interested, and I know it is a very busy time trying to get around all the amendments, if Senator Siewert and other honourable senators could listen to this:

National policy for protection of workers in an employment relationship should not interfere with true civil and commercial relationships, while at the same time ensuring that individuals in an employment relationship have the protection they are due.

I could nearly do a ‘who said it’ on this one. And another ‘who said it’ states:

Self-employment and independent work based on commercial and civil contractual arrangements are by definition beyond the scope of the employment relationship.

Was that John Howard’s Work Choices? No. It was Senator Ludwig and Senator Siewert’s beloved ILO in resolutions of 2003 and 2006. Even the International Labour Organisation as recently as a few years ago said it is vitally important—they can see the sense in this—to separate out independent contractors from the employment relationship. By Senator Ludwig deliberately using the ruse that independent contracts somehow need protection of the industrial relations regime, he is by implication putting them into that regime and involving them in industrial relations law when even his beloved International Labour Organisation—and it is not often that I am reduced to quoting them—contradicts him. Senator Siewert, if we were to pass the amendment that you suggested earlier that we should give effect to—not just consider but give effect to—ILO recommendations in this legislation, there would not be that sort of reference to independent contractors. Even the ILO says that that is a sensible way forward.

Senator Ludwig spins the argument that independent contractors need this protection and that protection and it is all about helping independent contractors. Guess what? Independent contractors submitted to the Senate Standing Committee on Education, Employment and Workplace Relations committee that they did not want Senator Ludwig’s protection. They specifically submitted that they did not want to be entangled in this regime—and that is why we are moving these amendments.

As I said at the outset, the three benchmarks for us in considering this legislation were its effect on jobs, its effect on small business and whether it delivered excessive union power. What we are seeking to do here is to ensure that the small business independent contractor sector is disentangled from the regime, which will see it become more and more entangled if the current clauses are allowed to stand. So in support of independent contractors and in support of small business I commend the amendments to the Senate.

Senator FIELDING (Victoria—Leader of the Family First Party) (9.39 pm)—I have had representations from independent contractors as well. Given that the opposition moved this amendment, are there a couple of examples that they can give of how, if the
bill were not amended, it would damage independent contractors?

Senator ABETZ (Tasmania) (9.40 pm)—I start by recommending to Senator Fielding the submission of the Independent Contractors of Australia dated 9 January 2009 to the Senate Standing Committee on Education, Employment and Workplace Relations inquiry into the Fair Work Bill 2008. At the very end of their submission they have placed a number of suggested amendments—and we confess we engaged in a degree of plagiarism in relation to these amendments. So we are confident that the independent contractors actually want these amendments. Whilst I heard Senator Ludwig say that he is really out there to protect the independent contractors, when faced with a choice between accepting the word of a government that unfortunately has shown a predisposition to support increased union power in a number of areas and listening to the independent contractors as to what is best for them—guess what?—I am going to side with the independent contractors.

In their submission, the independent contractors say:

The reference to independent contractors is inappropriate because it suggests that independent contractors are within the scope of the legislation. Further on they say that a definition is needed:

… to reflect the fact that independent contractors can operate through partnerships, trust or company structures.

The submission is very detailed and we believe that independent contractors should be subjected to commercial legislation. Even the ILO agrees. I honestly thought it would be a no-brainer, given the most recent determinations out of the ILO in 2003 and followed up in 2006, that the government would be supportive of this, especially given that, chances are, the independent contractors are a more representative voice as to the needs and aspirations of small businesses involved in contracting than the government is.

Senator FIELDING (Victoria—Leader of the Family First Party) (9.43 pm)—To follow up on that, I have had the same representations and I am concerned that the government has not addressed the question of why it thinks independent contractors do not want what they have actually asked for. Would the government put forward its case on why independent contractors associations say one thing and then the government says it is going to protect them. How do you reconcile the two?

Senator LUDWIG (Queensland—Minister for Human Services) (9.43 pm)—The short answer is that I do not know how the opposition have managed to get it so wrong. The point I am making is that this was a matter that was introduced by the opposition into freedom of association legislation to provide protection for independent contractors from, dare I say it, industrial associations or organisations. It is a matter that the ABCC rely on when they pursue industrial organisations which may have breached the freedom of association provisions by trying to deal with independent contractors. The real question, though, in dealing with this is: have any independent contractors made submissions that they want less protection than is currently provided for under the existing legislation? I do not think so.

I am not certain that they have actually worked it through. I have provided a summary of what could happen if it were removed. It is quite telling in itself that by removing that protection you could effectively end up with circumstances whereby independent contractors may have no recourse under freedom of association legislation. Nonetheless, this government is committed
to freedom of association protection for both employees and independent contractors. I think there is a need for both.

What the opposition are suggesting is that we remove independent contractors from that so that there is, in short, no protection for them in this legislation. In all fairness, I think they have confused the issue. The legislation does not regulate independent contractors’ terms and conditions. For independent contractors, except as I indicated earlier for outworkers, it only relates to the area of freedom of association. It is a sensible position. What the opposition are putting forward is not sensible and exposes independent contractors to matters that the ABCC have been chasing unions down for, utilising freedom of association legislation to do just that. It is a quite unique position that the opposition are now putting forward. It seems to be that they have abandoned independent contractors to the jungle.

Senator SIEWERT (Western Australia) (9.46 pm)—Senator Ludwig has touched on one of the issues that I wanted to raise in this debate. The Greens will not be supporting these amendments. We believe this is basically an attempt to remove independent contractors from the bill, which is what Senator Abetz has in fact said. We do not think there is enough regulation for independent contractors in the bill as it is. The provisions removing independent contractors from the definition of industrial association is a breach of freedom of association. While Senator Abetz has selectively quoted from ILO conventions, he in fact has not addressed the issue—the fact that this is trying to exempt them from the issues around breach of freedom of association.

Amendment (13) makes terms regulating independent contractors unlawful. We see that as a return to Work Choices, by further expanding what can and cannot be agreed to and included in agreements. This is contrary to the freedom of contract and contrary to the Greens’ position that employers and employees should be free to negotiate any matters in their agreements. We support the provisions of the bill, including adverse action against independent contractors by principal contractors. In fact, we would like to have seen unfair contracts jurisdiction in this bill. We do not believe that these amendments improve the bill and will not be supporting them.

Senator ABETZ (Tasmania) (9.48 pm)—If I may say, that does not come as a surprise. The Greens are not necessarily known for their consistency. Despite the ILO resolutions in 2003 and 2006 specifically saying that there should be a disjunct between commercial law and industrial law, we conveniently ignore that and overlook that.

Just in relation to our very first amendment in this tranche, if you go to page 6 of the bill, there is the heading ‘Rights and responsibilities of employees, employers, organisations etc’. Anybody would be forgiven for thinking that that was dealing with the heart of industrial relations law. It then says: Chapter 3 sets out rights and responsibilities of national system employees, national system employers, organisations and others (such as independent contractors …

So we are interweaving independent contractors and enmeshing them with employer and employee relationships, which the law has consistently said should be separate. What is more, we can even quote the ILO in support, but we do not get actual engagement in relation to that aspect.

In the other aspect that we move—and it is interesting, isn’t it?—we talk about protecting. This is Senator Ludwig’s argument: he really wants to protect independent contractors—he loves them dearly—and says we are going to be doing them a great disservice with these amendments. Let us have a look at
our amendment (13). The government opposes where we would seek to add another clause referring to unlawful terms, where we suggest an unlawful term. It would read: ‘A term of an enterprise agreement is an unlawful term if it is any matter that restricts, controls or dictates the use or non-use of independent contractors.’ The government is opposing that amendment. In other words, they believe it is appropriate for an enterprise agreement to restrict, control or dictate the use or non-use of independent contractors—once again enmeshing independent contractors into the industrial relations regime.

I know where this opposition comes from. It is not from the ILO and it is not from common sense; it is from the TWU. It is quite clear. Everybody knows that there has been an ongoing issue there and that the TWU are seeking more to influence independent contractors in the trucking sector. That is the only rationale. Once again we say that our amendments—and we are unapologetic about this—are supportive of small business and supportive of independent contractors, yet the government are still paying off their $30 million fund from the trade union movement from the last election and are therefore putting into this legislation clauses that will in fact help and support the union movement, in circumstances which, as I have said before, even the ILO says should not occur. I commend the amendments to the chamber.

Senator ABETZ—should Senator Xenophon wish to cherry-pick, depending on how he wishes to pick those cherries, an inconsistency might arise. I submit that it would be his right—and I encourage him to exercise that right should he so desire—to deal with each amendment separately on the vote. Chair, you might be able to give us some guidance in relation to that.

Senator XENOPHON (South Australia) (9.53 pm)—I thank Senator Abetz but, as a preliminary matter, does Senator Abetz consider that amendment (13)—that is, the amendment to clause 194, page 183, line 13—can stand alone compared to the amendments (6) to (12) inclusive? Further, in respect of amendments (14) and (15), does he consider them to be contingent upon or dependent upon the other amendments (6) to (13)?

Senator ABETZ (Tasmania) (9.54 pm)—I will quickly look at those tables, but amendments (6) to (12) can be said to be a discrete area. Amendment (13), I believe, can be a stand-alone amendment. I am now turning to amendments (14) and (15). As I read it—and I was just having confirmation provided to me—amendments (14) and (15) stand together, albeit separate from (13). It would be inconsistent to say you support amendment (14) but oppose amendment (15). Amendments (6) to (12) should be seen together; amendment (13) can be seen separately and amendments (14) and (15) should be seen together.

Senator XENOPHON (South Australia) (9.55 pm)—I am grateful to Senator Abetz for that explanation; it is as I thought. Perhaps we could deal with amendments (6) to (12) initially. My training is as a suburban lawyer—I did not specialise in IR—but in my reading of the amendments I do not see the sinister connotations that the opposition does in respect of amendments (6) to (12).
My reading of those is that they relate to rights of standing with respect to national system employees and national system employers, organisations and others such as independent contractors and industrial associations. You may have an association of independent contractors, for instance. As distinct from any commercial relationship that they have with another entity, independent contractors can be employers in their own right, and I do not see that as sinister in any way. More importantly, I cannot see how the various clauses in which the opposition seeks to delete reference to independent contractors in any way regulate terms and conditions of contractors. I do not think that by any interpretation they would do that.

The issue of amendment (13) is another matter altogether, and perhaps that is something that could be dealt with separately. Is Senator Abetz prepared to consider the comments made—that the bill itself does not regulate terms and conditions of contractors in respect of the clauses from which the opposition is seeking to delete the reference to independent contractors in any way regulate terms and conditions of contractors. I do not think that by any interpretation they would do that.

The issue of amendment (13) is another matter altogether, and perhaps that is something that could be dealt with separately. Is Senator Abetz prepared to consider the comments made—that the bill itself does not regulate terms and conditions of contractors in respect of the clauses from which the opposition is seeking to delete the reference to independent contractors and that it cannot by any reasonable construction be seen to regulate the terms and conditions of contractors in respect of amendments (6) to (12)? The issue of amendment (13) is another matter, which I invite Senator Abetz to deal with separately. I would be grateful if Senator Abetz could indicate whether he is prepared to have amendments (6) to (12) dealt with separately. I would also be grateful if Senator Abetz could enlighten me: I cannot see how this in any reasonable construction would regulate the terms and conditions of contractors or affect their rights by virtue of the clauses in which the opposition is seeking to delete the term ‘independent contractors’.

Senator ABETZ (Tasmania) (9.58 pm)—It is not only up to me in relation to these amendments; it is the right of every senator to seek to have a question put individually. I am more than happy to do that—albeit somewhat disappointed, because I think I know the consequences if we were simply to put amendment (13) by itself. I will not quite give up on Senator Xenophon for amendments (6) to (12).

I would, for example, point him to amendment (7). The bill states:

*industrial association* means:

(a) an association of employees or independent contractors, or both, or an association of employers …

In other words, the government is already talking here about an association of employees or independent contractors or both, enmeshing them together in the draft of the legislation and saying that this is quite possible, quite acceptable. It is something that the Transport Workers Union’s pen, quite frankly, is all over. You can call me paranoid, you can call me cynical, and that might be fair enough. But in relation to this, I suggest to you that it is borne out of bitter experience by the independent contractors and that is why they are so anxious for these amendments to be made.

Of course, if we are calling them ‘industrial associations’, it means that we believe that they are part of the industrial relations fabric and framework, and we are therefore once again merging or blurring the lines between commercial law and industrial law. I know, Senator Xenophon, you and I are in heated agreement that we believe in national sovereignty. But if even the International Labour Organisation comes down on our side on this one, I think it is a pretty strong argument and something that I would still commend for your attention.

Senator LUDWIG (Queensland—Minister for Human Services) (10.01 pm)—The difficulty which we are now facing is that in both of those amendments which relate to the issue of independent contractors
being effectively removed from the freedom of association protections for both employees and independent contractors—that is, the earlier parts of those amendments—the point is well made: the opposition are misguided and misinformed about what the true effect would be in respect of those. In relation to the second part, from amendment (13) onwards, it is always the case that I would urge caution when addressing these amendments in part, because of the unintended consequences that some of them may have. I have not had an opportunity to examine whether, if the second part were passed, that would have any implication for outworkers themselves, but we will work that through.

We would urge caution in respect of trying to split what are poorly drafted amendments which do not achieve anything and which, in fact, do the reverse and deal a blow to independent contractors on a number of fronts. It deals them a blow, firstly, in relation to removing their freedom of association and, secondly, in relation to amendment (13)—if I could call them more broadly those issues that relate to the prohibited content for agreements and terms restricting the use of independent contractors. The opposition in those amendments seeks to make unlawful in enterprise agreements any term that relates to the use or non-use of independent contractors. The point I make in relation to that is that it is clear a blanket restriction on the use of independent contractors could not be permitted, but there is a margin where independent contractors have a role in industrial relations. For example, terms could be included in an agreement relating to safety inductions, as I have said, for independent contractors or providing that an employer must not undercut employees’ terms and conditions through the use of independent contractors.

If we allow that amendment to get up we could allow employees in a workplace to be undercut by terms and conditions of independent contractors; alternatively, safety inductions for independent contractors may, in fact, not apply to a site or an enterprise. The amendments, in terms of dealing with concrete examples, have not been worked through and considered in detail. The examples that the opposition has put forward do not give me any comfort that they have worked through them to ensure (a) that there are no unintended consequences, (b) that independent contractors will not lose protections that they would otherwise have under the earlier amendments and (c) that, in respect of those latter amendments, they will not in fact be used to drive a wedge into enterprise-level negotiations or agreements that already exist between employees and employers. I indicated earlier that it could also impact on outworkers as well.

I urge the chamber not to accept the opposition’s position that they can cherry-pick through their amendments and try to garner support across the chamber for ones that they have not thought through in their entirety. I demonstrated that clearly at the outset with some of the examples I used regarding the freedom of association provisions and the provisions dealing with the terms of industrial instruments under amendment (13). There are holes in these opposition amendments that you could drive a bus through—amendments that they have copied down off the back of a submission. They have not relied on the ability to talk to independent contractors and see how they would be affected should these amendments get up. What I am concerned about is that we might see Independent senators seeking to agree with them in part because they might be minded to like that particular term but without understanding the consequences of what would happen in isolation. I ask this chamber to reject the opposition’s assertions and their amendments.
Senator ABETZ (Tasmania) (10.06 pm)—I will give it one last go in relation to Senator Xenophon and amendments (6) to (12), and I refer him to amendment (12). What Labor have snuck into this legislation under the definition of ‘workplace law’ is: ‘(c) the Independent Contractors Act 2006’. As I have said before, they are deliberately blurring the distinction between independent contractors being covered by commercial law—something the ILO acknowledges, and common law has recognised for a long time—and workplace law. They are now deliberately saying the law that applies to independent contractors will be part of the workplace law regime. Be under no misapprehension what Labor are trying to do with this regime. That is why the independent contractors, and we who unashamedly are on the side of independent contractors, are saying they should be disentangled—because it breaks a tradition of, I think, over 100 years of law in relation to independent contractors and is something that is now being recognised worldwide. I make that point as strongly as I can.

I will not delay the chamber further in relation to amendments (6) to (12). But if you needed proof positive as to what the Labor government are trying to achieve by putting ‘independent contractors’ throughout, it is shown at the very end in their legislation, which we are trying to amend. They are saying workplace law includes the Independent Contractors Act. The Labor Party have made their intention as clear as they possibly can. It is very blatant and it is something that will be to the detriment of small business and independent contractors, who at the end of the day are the engine room of employment and aspiration in this country. We on this side make no apology that we seek to champion their cause, as opposed to Labor’s agenda, which is in fact to bring them under an employee type relationship and arrangement, as witnessed by the other clauses in the legislation.

Having said that, I still commend amendment (13) on its own to Senator Xenophon, if that is all we can get him to support, and also amendments (14) and (15).

Senator LUDWIG (Queensland—Minister for Human Services) (10.10 pm)—If I could take the chamber to the explanatory memorandum, particularly to page 108 and paragraph 672. What I am trying to achieve is a bit more clarity around what the Fair Work Bill sets out to do—and continue with, which might be a better expression. Paragraph 672 states:

It is intended that the following terms would be within the scope of permitted matters for the purpose of paragraph 172(1)(a) …

And the second dot point states:

terms relating to conditions or requirements about employing casual employees or engaging labour hire or contractors if those terms sufficiently relate to employees’ job security—e.g. a term which provided that contractors must not be engaged on terms and conditions that would undercut the enterprise agreement …

That is why I make the point that it is about protections that have existed for over 100 years in relation to protecting employees’ terms and conditions. This is not a new provision.

To disabuse the chamber of views that may have crept in from elsewhere, paragraph 673 states:

The following terms would not be intended to be within the scope of permitted matters for the purpose of paragraph 172(1)(a):

- terms that would contain a general prohibition on the employer engaging labour hire employees or contractors—

as I indicated in my earlier contribution. If you look at both of these matters together then you have protections for enterprise-level employees who have reached a collective
agreement, so their terms will not be undermined by unscrupulous employers—but, in addition, to ensure there is balance, there is also a term to ensure there is a general prohibition on an employer engaging labour hire employees or contractors where there was a general prohibition, so it cannot be within the scope of permitted matters for the purposes of paragraph 172(1)(a).

What I am outlining is that the difficulty the opposition have is that in their raft of amendments they have put together a mish-mash of different issues by trying to remove, and follow someone else’s drafting about removing, independent contractors. That has, by and large, two main problems. Firstly, it might lessen the protection that independent contractors already have. Secondly, it might remove provisions that independent contractors have enjoyed under industrial relations legislation for a very long time. And perhaps the third issue, which is always one of those I am loath to rely on, is the unintended consequences of removing some of these matters in relation to where they end up and what that then means. The Forward with Fairness policy, the Fair Work Bill, has struck the right balance. It has been negotiated and has gone through a range of consultations to ensure that we did get the right balance. What we are now having is a re-litigation of one submission to a Senate inquiry which provided some draft. I urge the chamber not to follow that folly.

**Senator XENOPHON** (South Australia) (10.14 pm)—As I understand the government’s position, the bill does not regulate the terms and conditions of independent contractors. I think that perhaps a nod from Senator Ludwig might be helpful.

**Senator LUDWIG** (Queensland—Minister for Human Services) (10.15 pm)—If I can say it in simple terms, it is a device that brings those laws into the general protections—it is as simple as that. It does not, in terms of what I think the opposition are saying, draw them into the framework of industrial relations that exists. They are not regulated by the Fair Work Bill—and I think the advisers are nodding—except with outworkers, of course. But it does, as I have indicated, provide those protections for independent contractors. Cavilling with that in the way that is now being proposed would lessen the protections in some part, would have unintended consequences in others and may in fact by a process of cherry picking cause some of those, as I have indicated, terms that would provide assistance to employees at an enterprise level to be removed. Those protections could be gone and an employer could undercut with the use of independent contractors those existing collective arrangements that parties have bargained for at the workplace.

**Senator SIEWERT** (Western Australia) (10.16 pm)—This debate has been highlighting the issues, but I think we need to be clear about what amendments (6) to (12) are about, and that is restricting the right of freedom of association. That is why I found it interesting that Senator Abetz tried to quote back to us the ILO provisions as justifying the reasons for the amendments.
Senator Xenophon—He loves the ILO!

Senator SIEWERT—Yes, I am coming to appreciate that Senator Abetz does love the ILO! He quotes the ILO provisions as a reason for undermining with his amendments a key element of the ILO conventions, and that is freedom of association. It is interesting to note that he has been selectively quoting what the ILO have said about independent contractors. Yes, the ILO does recognise genuine—the important word here is ‘genuine’—independent contractors. There is nothing special about that; it is a statement of principle. He uses that to undermine key elements of the ILO conventions: freedom of association and the right to collectively bargain. What he was actually quoting from was an ILO decision from, as I understand it, 2003 to refuse to develop a separate instrument for independent contractors. When he is using ILO conventions, he probably needs to put them in context.

The point here is that amendments (6) to (12) are about undermining freedom of association and amendment (13) goes back to Work Choices when we are supposed to be ripping up Work Choices. I thought they had finished with their addiction to Work Choices, but apparently they have not overcome it yet—they may need to do a little bit of rehab.

Even if you split amendments (6) to (12) and (13), we will be opposing them because they seek to make unlawful contract provisions or terms regulating independent contractors. We will not be supporting them because amendments (6) to (12) undermine freedom of association and amendment (13) is definitely a step back to Work Choices and, again, undermines ILO conventions.

Senator ABETZ (Tasmania) (10.19 pm)—I have sort of been provoked to get up again to deal with some things. In relation to safety inductions, which the minister mentioned, other people visit work sites and are taken through safety inductions not covered by this legislation. If you are that concerned about safety inductions, I am sure that that can occur.

In relation to Senator Siewert’s stressing of the ILO resolution dealing with the word ‘genuine’, that is why this legislation replicates the previous legislation in relation to sham contracting. So there is a protection against sham contracting and, if it is accepted that it is not a sham contract, these people should be seen as genuine independent contractors. The fact that the ILO refused to make a resolution in relation to independent contracts in fact makes my case perfectly, because the International Labour Organisation says it only deals with the employee-employer relationship; it is not its business to deal with independent contractors. It makes my point perfectly. That is why genuine independent contractors should not be covered in this legislation. It is the same rationale but of course it does not suit Senator Siewert’s political agenda and philosophy. When she cannot get logic, she picks up what the minister does—takes a trip to the graveyard and kicks the corpse of old Work Choices, thinking that somehow that obviates the need for logic in her arguments.

At the end of the day, if I have to make a choice between the Greens and Labor or anybody else, including the coalition parties, as to who has the best interests of independent contractors at heart, do you know what? Chances are it is the Independent Contractors of Australia. These amendments are basically moved on their behalf. We support independent contractors, the aspirational classes that within this country are part of the small business community that generates jobs. That is what we are trying to encourage by removing and stopping the blurring.
I say again to Senator Xenophon: surely you do not need any more proof about the government’s intention to make independent contractors into employees than the fact that they now say that the Independent Contractors Act is going to be considered workplace law in this country. As a result, the Transport Workers Union in particular will have coverage of them.

The TEMPORARY CHAIRMAN (Senator Crossin)—The question is that opposition amendments (6) to (12) on sheet 5739 revised be agreed to.

Question negatived.

The TEMPORARY CHAIRMAN—The question is that opposition amendment (13) on sheet 5739 revised be agreed to.

Question put.

The committee divided. [10.28 pm]

(The Chairman—Senator the Hon. AB Ferguson)

Ayes........... 33
Noes........... 31
Majority........ 2

AYES

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

NOES

Arbib, M.V. Bilyk, C.L.
Bishop, T.M. Brown, B.J.
Brown, C.L. Cameron, D.N.
Collins, J. Crossin, P.M.
Evans, C.V. Farrell, D.E. *
Faulkner, J.P. Feeney, D.
Forshaw, M.G. Furner, M.L.
Hanson-Young, S.C. Hogg, J.J.
Hurley, A. Ludlam, S.
Ludwig, J.W. Landy, K.A.
Marshall, G. McEwen, A.
McLucas, J.E. Milne, C.
Moore, C. O’Brien, K.W.K.
Pratt, L.C. Siewert, R.
Stephens, U. Sterle, G.
Wortley, D.

PAIRS

Adams, J. Carr, K.J.
Back, C.J. Hutchins, S.P.
Barnett, G. Polley, H.
Colbeck, R. Sherry, N.J.
Payne, M.A. Wong, P.
Sculion, N.G. Conroy, S.M.

* denotes teller

Question agreed to.

The CHAIRMAN—The question now is that opposition amendments (14) and (15) be agreed to.

The committee divided. [10.33 pm]

(The Chairman—Senator the Hon. AB Ferguson)

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

AYES

Abetz, E. Bernardi, C.
Birmingham, S. Boswell, R.L.D.
Boyce, S. Brandis, G.H.
Bushby, D.C. * Cash, M.C.
Coonan, H.L. Cormann, M.H.P.
Eggleston, A. Ferguson, A.B.
Fielding, S. Fierravanti-Wells, C.
Fifield, M.P. Fisher, M.J.
Heffernan, W. Humphries, G.
Johnston, D. Joyce, B.

CHAMBER
Tuesday, 17 March 2009

SENA TE 1807

Kroger, H. Macdonald, I.
Minchin, N.H. McGauran, J.J.J.
Parry, S. Nash, F.
Ryan, S.M. Ronaldson, M.
Trood, R.B. Troeth, J.M.
Williams, J.R.

NOES
Arbib, M.V. Bilyk, C.L.
Bishop, T.M. Brown, B.J.
Brown, C.L. Cameron, D.N.
Collins, J. Crossin, P.M.
Evans, C.V. Farrell, D.E.
Faulkner, J.P. Feeney, D.
Forshaw, M.G. Furner, M.L.
Hanson-Young, S.C. Hogg, J.J.
Hurley, A. Ludlam, S.
Ludwig, J.W. Lundy, K.A.
Marshall, G. McEwen, A.
McLucas, J.E. Milne, C.
Moore, C. O’Brien, K.W.K.
Pratt, L.C. Siewert, R.
Stephens, U. Sterle, G.
Wortley, D. Xenophon, N.

* denotes teller

Question negatived.

The TEMPORARY CHAIRMAN—Senator Crossin—would ask that senators leave the chamber quickly. We are trying to move through the amendments as quickly as we can, so your assistance in leaving and being quiet would be appreciated.

Senator ABETZ—(Tasmania) (10.36 pm)—I would request that we not deal with the right-of-entry provisions this evening. Madam Temporary Chair, you will see there are a number of provisions there, and there is the suggestion that some conflict with others. Rather than getting into that tangled mess, we—and when I say ‘we’ I mean the opposition and, I think, Senator Ludwig, Senator Siewert and Senator Xenophon, and I did not get around to Senator Fielding—were of the view it would be better that we not deal with them now. Therefore I would suggest, if he is agreeable, that Senator Ludwig move government amendments (1), (3) and (5) to (9) on sheet QC300 and we leave the right-of-entry provisions at this stage.

Senator LUDWIG—(Queensland—Minister for Human Services) (10.37 pm)—I did not want to get too far in advance of dealing with the right-of-entry provisions, but I do see some merit in what is being proposed, given the available time. If we could at least start with the general protections, and if we complete that we could deal with the two government amendments dealing with the National Employment Standards and disputes. I will just wait to see if others around the chamber agree.

Senator FIELDING—(Victoria—Leader of the Family First Party) (10.38 pm)—I could not quite hear what was going on there. So we are moving beyond right of entry for the moment—

The TEMPORARY CHAIRMAN—Senator Fielding, the suggestion is that we will not be dealing with the next clump of amendments due to be moved by the government—that is, amendments (1) to (44) on sheet QW366. We will not defer them, but we will just jump that box and go to the next box.

Senator FIELDING—Could I indicate to the chamber that I was going to suggest that if the government moved amendments (1) to (44) it should exempt amendments (13) and (15), which are in conflict with Family First’s views. But I am happy to bypass that at the moment.

The TEMPORARY CHAIRMAN—The plan is that we will come back to that tomorrow. We will move now to government amendments (1), (3) and (5) to (9) on sheet

CHAMBER
QC300. The minister has not yet moved them.

Senator LUDWIG (Queensland—Minister for Human Services) (10.39 pm)—by leave—I move government amendments (1), (3) and (5) to (9) on sheet QC300 together:

(1) Clause 12, page 10 (after line 24), after the definition of annual wage review, insert:

anti-discrimination law: see subsection 351(3).

(3) Clause 12, page 28 (line 13), omit the definition of State or Territory anti-discrimination law.

(5) Clause 347, page 301 (line 31), after “association”, insert “, or to someone in lieu of an industrial association”.

(6) Clause 351, page 304 (lines 12 and 13), omit paragraph (2)(a), substitute:

(a) not unlawful under any anti-discrimination law in force in the place where the action is taken; or

(7) Clause 351, page 304 (lines 22 and 23), omit the note.

(8) Clause 351, page 304 (line 24), omit “a State or Territory”, substitute “an”.

(9) Clause 351, page 304 (before line 26), before paragraph (3)(a), insert:

(aa) the Age Discrimination Act 2004;
(ab) the Disability Discrimination Act 1992;
(ac) the Racial Discrimination Act 1975;
(ad) the Sex Discrimination Act 1984;

These are technical amendments to ensure that an exception to the discrimination provision, which is clause 351, operates as intended. Currently the exception provides that action is not discriminatory if it is authorised under a Commonwealth, state or territory antidiscrimination law. Amendment (6) clarifies that the exception only relates to laws applying in the place where the action occurred. Amendment (6), together with both (8) and (9), makes clear that the exception applies where conduct is not unlawful under another antidiscrimination law—for example, statutory exemptions—rather than positively authorised under such a law. These amendments are necessary, as otherwise the exception would be limited and would not capture the full range of conduct that is permissible under a Commonwealth, state or territory antidiscrimination law. Briefly, amendments (1), (3) and (7) are in effect consequential to that.

That leaves, by my calculation, amendment (5). Proposed amendment (5) goes to the definition of engagement in industrial activity. It would make sure that the definition captures payments not only to industrial associations but also to persons in lieu of an industrial association. This would ensure that industrial associations cannot get around this important prohibition by having fees paid to a third party. You can see the necessity for that provision.

Senator ABETZ (Tasmania) (10.41 pm)—The opposition, having looked at this tranche of amendments, believe that they are supportable. Therefore, we indicate to the government that they have our support.

Question agreed to.

Senator ABETZ (Tasmania) (10.42 pm)—Minister, could I make a suggestion that we skip over the next tranche at the bottom of page 1. Looking through it, if I am correct, I am not sure that some of the amendments that are said to conflict with each other actually do. I would not mind having the opportunity later on tonight, and before tomorrow morning, to disaggregate them. I invite the minister to move the greenfield amendments and also the first lot of outworkers amendments. I can indicate to the minister that, as I said earlier, we are supportive of the amendments in relation to greenfield agreements.
The TEMPORARY CHAIRMAN—Senator Abetz, for the most part, this relates to numbering and not the actual content of the amendments. But you are still seeking time to examine them. Is that correct?

Senator ABETZ—Yes, if I may.

Senator LUDWIG (Queensland—Minister for Human Services) (10.43 pm)—I think the government is able to skip the government amendments which deal with the National Employment Standards and move to the greenfields agreements. It may be helpful if, during the time available, we deal with those amendments where there is agreement. We might be able to skip through them. If there is any objection we can obviously stop at that point and look at whether we want to have a debate for five minutes.

The TEMPORARY CHAIRMAN (Senator Crossin)—Minister, are you seeking leave to move the amendments?

Senator LUDWIG—Sorry. You are quite right. I am seeking leave to move amendments (1) to (4) and (7) to (15) on sheet PJ444.

The TEMPORARY CHAIRMAN—And not (5) and (6) as well?

Senator LUDWIG—They are separate.

The TEMPORARY CHAIRMAN—So you are seeking leave to move amendments (1) to (4) and (7) to (15).

Senator LUDWIG (Queensland—Minister for Human Services) (10.44 pm)—by leave—I move:

(1) Clause 12, page 11 (lines 8 and 9), omit “or 177(b)”.

(2) Clause 12, page 12 (line 5), omit “sections 176 and 177”, substitute “section 176”.

(3) Clause 172, page 162 (line 3), at the end of subparagraph (2)(b)(ii), add “and will be covered by the agreement”.

(4) Clause 172, page 162 (line 19), at the end of subparagraph (3)(b)(ii), add “and will be covered by the agreement”.

(5) Clause 178, page 168 (line 32), omit “; and”.

(6) Clause 178, page 169 (lines 1 to 4), omit paragraph (2)(c).

(7) Clause 182, page 172 (lines 24 and 25), omit “will be covered by the agreement”, substitute “the agreement is expressed to cover (which need not be all of the relevant employee organisations for the agreement)”.

(8) Clause 182, page 172 (lines 26 to 30), omit subclause (4).

(9) Clause 185, page 174 (after line 11), after subclause (1), insert:

(1A) Despite subsection (1), if the agreement is a greenfields agreement, the application must be made by:

(a) an employer covered by the agreement; or

(b) a relevant employee organisation that is covered by the agreement.

(10) Clause 187, page 177 (after line 23), at the end of the clause, add:

Requirements relating to greenfields agreements

(5) If the agreement is a greenfields agreement, FWA must be satisfied that:

(a) the relevant employee organisations that will be covered by the agreement are (taken as a group) entitled to represent the industrial interests of a majority of the employees who will be covered by the agreement, in relation to work to be performed under the agreement; and

(b) it is in the public interest to approve the agreement.

(11) Clause 193, page 181 (lines 19 to 22), omit all the words from and including “that” to the end of subclause (3), substitute “that each prospective award covered employee for the agreement would be better off overall if the agreement applied to the employee than if the relevant modern award applied to the employee”.

(12) Clause 193, page 181 (lines 19 to 22), omit all the words from and including “that” to the end of subclause (3), substitute “that each prospective award covered employee for the agreement would be better off overall if the agreement applied to the employee than if the relevant modern award applied to the employee”.

(13) Clause 193, page 181 (lines 19 to 22), omit all the words from and including “that” to the end of subclause (3), substitute “that each prospective award covered employee for the agreement would be better off overall if the agreement applied to the employee than if the relevant modern award applied to the employee”.

CHAMBER
I will deal broadly with all of these amendments and then we can deal with how we will vote. The substantive amendments to the Fair Work Bill in relation to the operation of greenfield agreements would remove the requirement that employers notify relevant employee organisations of their intention to make a greenfield agreement, which is item 5, and remove the provisions that would enable bargaining representatives to be appointed in relation to greenfield agreements, which is item 6. This will have the consequence that bargaining orders are no longer available in relation to greenfield agreements. In addition, they will make clear that an employer does not have to make a greenfield agreement with all relevant employee organisations, which is item 9, and insert additional approval requirements for greenfield agreements to ensure that relevant agreements are made by organisations that represent the industrial interests of a majority of the employees and are in the public interest, which is item 12. They will clarify the operation of the better-off-overall test in respect of greenfield agreements, ensuring consistency with the application of the test to non-greenfield agreements, which is item 13. The remaining amendments are consequential amendments to the measures described therein.

Senator ABETZ (Tasmania) (10.46 pm)—To point out the coalition’s position, can I refer to the excellent minority report authored by Senator Gary Humphries which he kindly allowed me and a few other senators to put our names to. On pages 149 to 153 of the Senate committee report, Senator Humphries set out some very important principles and views in relation to the coalition’s position. It became quite clear that we as a coalition were strong on this issue of greenfield agreements. Once again, one of the tests that I have been talking about this evening that we use in examining this legislation is jobs, and there is no doubt that if you have a greenfield agreement regime within your industrial legislation it assists new enterprises to get started and that creates jobs.

The coalition moved amendments. The government then, I might say in fairness, gazumped us with even better amendments. The fact that we are in heated agreement, it would seem, on this aspect of the legislation is one of those victories that we as a coalition will claim. But this is not an ideological victory; this is a victory for jobs and getting a regime that encourages greenfields enterprises. We commend the government for seeing the light.

Senator SIEWERT (Western Australia) (10.48 pm)—I would not necessarily say it was something to celebrate that the opposition agrees with the government on these amendments. That will come as no surprise to the government because we have already indicated to the government that we think these amendments are, in fact, a step backwards from what we thought were quite good provisions in the bill in the first place. We will not be supporting these amendments. They are amendments in response to employer concerns and, as I said, they take a step back from what was in the bill in the first place. We do not believe they are good amendments. They enable the employer to essentially choose the union it wishes to make the agreement with, subject to FW A being satisfied the union will cover the majority of the employees and that it is in the public interest. The government puts two protections in place: FW A must be satisfied that the relevant employee organisation that
will be covered by the agreement will represent the interests of the majority of the employees and there is a public interest test. We do not support that amendment; we believe it impinges on the rights of association by locking out other relevant unions. We think the government got it right in the first place and we are disappointed that it has caved in to hysteria from big business. The government has put that ahead of the rights of employees. As I said, we were very happy to support the government’s original proposed clauses in the bill. We should not support these particular amendments.

Question agreed to.

The TEMPORARY CHAIRMAN—The question now is that clauses 175 and 177 stand as printed.

Question negatived.

Senator LUDWIG (Queensland—Minister for Human Services) (10.51 pm)—by leave—I move government amendments (1) to (17) on sheet PY414:

(1) Clause 12, page 14 (after line 2), after the definition of Deputy President, insert:

designated outworker term of a modern award, enterprise agreement, workplace determination or other instrument, means any of the following terms, so far as the term relates to outworkers in the textile, clothing or footwear industry:

(a) a term that deals with the registration of an employer or outworker entity;
(b) a term that deals with the making and retaining of, or access to, records about work to which outworker terms of a modern award apply;
(c) a term imposing conditions under which an arrangement may be entered into by an employer or an outworker entity for the performance of work, where the work is of a kind that is often performed by outworkers;
(d) a term relating to the liability of an employer or outworker entity for work undertaken by an outworker under such an arrangement, including a term which provides for the outworker to make a claim against an employer or outworker entity;
(e) a term that requires minimum pay or other conditions, including the National Employment Standards, to be applied to an outworker who is not an employee;
(f) any other terms prescribed by the regulations.

(2) Clause 12, page 24 (lines 10 to 12), omit paragraph (e) of the definition of outworker entity, substitute:

(e) a person who carries on an activity (whether of a commercial, governmental or other nature) in a Territory in Australia, so far as:

(i) the person arranges for work to be performed for the person (either directly or indirectly); and
(ii) the work is of a kind that is often performed by outworkers; and
(iii) the work is, or is reasonably likely, to be performed in the Territory or in connection with the activity carried on in the Territory.

(3) Clause 27, page 46 (line 22), at the end of paragraph (2)(d), add “(within the ordinary meaning of the term)”.

(4) Clause 46, page 61 (lines 1 to 3), omit the note, substitute:

Note: Subsection (2) does not affect the ability of outworker terms in a modern award to be enforced under Part 4-1 in relation to outworkers who are not employees.

(5) Page 69, after clause 57 (after line 14), insert:
57A Designated outworker terms of a modern award continue to apply

(1) This section applies if, at a particular time:

(a) an enterprise agreement applies to an employer; and

(b) a modern award covers the employer (whether the modern award covers the employer in the employer’s capacity as an employer or an outworker entity); and

(c) the modern award includes one or more designated outworker terms.

(2) Despite section 57, the designated outworker terms of the modern award apply at that time to the following:

(a) the employer;

(b) each employee who is both:

(i) a person to whom the enterprise agreement applies; and

(ii) a person who is covered by the modern award;

(c) each employee organisation that is covered by the modern award.

(3) To avoid doubt:

(a) designated outworker terms of a modern award can apply to an employer under subsection (2) even if none of the employees of the employer is an outworker; and

(b) to the extent to which designated outworker terms of a modern award apply to an employer, an employee or an employee organisation because of subsection (2), the modern award applies to the employer, employee or organisation.

(4) FW A must be satisfied that the agreement does not include any designated outworker terms.

(5) Clause 200, page 186 (line 22), after “employee”, insert “in any respect”.

(6) Clause 253, page 229 (line 6), at the end of subclause (1), add:

; or (c) it is a designated outworker term.

(7) Clause 272, page 244 (line 18), at the end of subclause (3), add:

; or (c) any designated outworker terms.

(8) Clause 545, page 442 (after line 20), after subclause (3), insert:

(3A) An eligible State or Territory court may order an outworker entity to pay an amount to, or on behalf of, an outworker if the court is satisfied that:

(a) the outworker entity was required to pay the amount under a modern award; and

(b) the outworker entity has contravened a civil remedy provision by failing to pay the amount.

Note 1: For the court’s power to make pecuniary penalty orders, see section 546.

Note 2: For limitations on orders in relation to costs, see section 570.

(9) Clause 547, page 443 (lines 25 and 26), omit “an employer was required to pay to, or on behalf of, an employee”.

(10) Clause 548, page 445 (after line 17), after subclause (1), insert:

(1A) The amounts are as follows:

(a) an amount that an employer was required to pay to, or on behalf of, an employee:
(i) under this Act or a fair work instrument; or
(ii) because of a safety net contractual entitlement; or
(iii) because of an entitlement of the employee arising under subsection 542(1);
(b) an amount that an outworker entity was required to pay to, or on behalf of, an outworker under a modern award.

The group of amendments enhances protection for outworkers in the textile clothing and footwear, or what is commonly called the TCF industry. These amendments acknowledge the unusual nature of longstanding provisions in the TCF industry award in relation to outworkers. The amendments themselves would do four things. First, they would ensure that certain designated outworker terms in modern awards cannot be displaced by an enterprise agreement and that other outworker terms in enterprise agreements are assessed on a line-by-line basis rather than a global basis. Second, they would ensure that state and territory laws dealing with outworkers can continue to operate to the maximum possible extent. Third, they would clarify the scope of outworker terms that may be included in modern awards and, fourth, they would ensure that modern award terms that deal with outworkers can be enforced in the same way as terms dealing with employees. The government also intends to move amendments which ensure that unions entitled to represent TCF outworkers are able to enter premises for compliance or discussion purposes. If I could highlight that, that would be on QW366, but that is not being dealt with now.

Senator ABETZ (Tasmania) (10.52 pm)—I can indicate the opposition’s support of those amendments.

Senator SIEWERT (Western Australia) (10.53 pm)—I indicate that the Greens will be supporting these amendments. They are important in addressing key issues regulating the TCF industry and outworkers and the TCF awards and outworker terms. There need to be clear limitations on what TCF award terms relating to outworkers can be excluded from agreements and only the minimum terms and conditions of employees should be allowed to be varied by an agreement, for example, in allowing improvements to pay. So overall we think that in fact these are good amendments and we will be supporting them.

Question agreed to.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10.54 pm)—by leave—I move Greens amendments (1), (3) and (4) on sheet 5730:

(1) Clause 12, page 13 (line 2), omit the definition of conscientious objection certificate.
(3) Clause 601, page 472 (lines 15 and 16), omit paragraph (5)(b).
(4) Clause 625, page 485 (lines 13 and 14), omit paragraph (2)(e).

These amendments draw to a close a long-standing opportunity for religious organisations to have a different workplace arrangement from other sectors of the community. It is not really for religious organisations in general because the clause that this would take from what was Work Choices legislation was one specifically placed there after lobbying by the Exclusive Brethren organisation or sect in Australia.
In the event, if I can shorthand it in the short time we have left this evening, the particular clause that this and the consequent amendment would remove enable the Exclusive Brethren to prohibit union representatives from workplaces which they control. Under Work Choices legislation there are 31 such workplaces in Australia from which unions are prohibited, and that is regardless of what the people in those workplaces may think. They may want to request a union representative to assist them in ensuring workplace justice in an Exclusive Brethren site, but they are prohibited by law under the existing arrangements from being able to get union representatives to look at the workplace and ensure that workers are being treated properly.

This includes the potential for sect beliefs, which ride right over the top of the norms in Australia and in Australian workplaces, to be brought to bear. For example—and there will be disputation about this perhaps—it is a tenet of the Exclusive Brethren that women in workplaces should not have say over men and they are not treated equally with men in workplaces. As for many of the other tenets of this sect, you will know from debate in this place, Madam Temporary Chair, that youngsters in the Exclusive Brethren group or sect are prohibited from university education. Therefore Exclusive Brethren people do not come with university degrees, and people who are working in workplaces with university degrees will be from outside the sect. This applies, for example, to many if not most of the teachers in Exclusive Brethren schools, but they are always under the control of the sect itself and of people with lesser qualifications even though that goes against the norm in any other workplace across Australia.

The very compelling reason for supporting this amendment is that there are no workplaces in Australia where any worker should be deprived of her or his rights. There should be no workplace in Australia which is excluded from the reach of discrimination laws in this country and there should be no workplace in Australia excluded—by request of workers indeed—from union representatives coming in to check and see that workers are being treated in the way they would be in an equivalent workplace elsewhere in the country.

There may be arguments that such circumstances should exist in Australia in 2009 and, if so, those arguments will reach right back to the earlier part of the 19th century when this sect originated—although one has to say that such measures as the exclusion of Exclusive Brethren personnel from getting a tertiary education, a university education, are of much more recent origin. It is very unfair to hundreds of workers in Australia that they are in this situation of being prohibited from having the experts from unions coming to their workplaces—even if they requested it—to see that they are being treated fairly. So it is an important amendment. It brings Australia out of some century ago mindset into the 21st century and I hope that there will be support across the board for this amendment.

Progress reported.

**ADJOURNMENT**

The PRESIDENT—Order! It being 11 pm, I propose the question:

That the Senate do now adjourn.

**Antarctica**

Senator McEWEN (South Australia) (11.00 pm)—This month marks the conclusion of the fourth International Polar Year, an event where scientists from around the world come together to cooperate internationally and focus on studying and understanding scientific occurrences in the polar regions of the Arctic and the Antarctic. First held in
1882, the International Polar Year was the brainchild of Austrian explorer and naval officer Lieutenant Karl Weyprecht, who, through scientific endeavour, became aware that many solutions to the fundamental problems of meteorology and geophysics were most likely to be found near the Earth’s poles. As well as contributing to science and geographical exploration, the first International Polar Year event left a legacy of international scientific cooperation, as contributors from 12 countries completed some 15 expeditions to the poles—13 to the Arctic and two to the Antarctic.

In the current polar year, 27 countries have participated in the search for an understanding of polar processes and phenomena. The countries involved sought to make major advances in polar knowledge and understanding, whilst leaving a legacy of new or enhanced observational systems, facilities and infrastructure. Australia was one of the 27 participating countries in the event this year. However, we have had a long association with the polar region to our south. Australia’s involvement with the Antarctic goes back to the 18th century, when Australia depended on the sea for both trade and communications. Australia was very conscious of the vast, unexplored region to the south and inevitably became involved in Antarctic exploration as a result.

In 1788, from the very first days of colonisation, Australia participated in the sealing and whaling industries. After Australian waters became exhausted of whales, whalers were forced to venture further south. In 1831, the Hobart ship Venus travelled as far as 72 degrees south in search of whales. The ship’s return to Australia with a cargo of sperm whale oil encouraged others to follow suit, thus creating an interest in early geographic and scientific exploration of Antarctica.

It was not until after the first International Polar Year in 1882, however, that Australia finally became keen to develop research into the geological, meteorological and magnetic phenomena that occurs in the Antarctic. In 1886, the Australian Antarctic Exploration Committee was established to investigate the idea of constructing research stations in Antarctica, amongst other things. However it took until January of 1895, when a Norwegian expedition made the first landing on continental Antarctica and subsequently returned to Australia with rock and lichen specimens, before Australia finally realised there was an abundance of exploration opportunities to be had.

One of the earliest Antarctic expeditioners was Sir Douglas Mawson. Mawson was a great Australian—an engineer, eminent scientist, adventurer, conservationist and explorer. He is much admired by the people of South Australia, in particular, where he was Professor of Geology and Mineralogy at the University of Adelaide from 1921. In 1908 Mawson joined the British Antarctic Expedition led by Sir Ernest Shackleton. During that expedition the explorers struggled for over 100 days in unforgiving conditions searching for the south magnetic pole, which was located just over 100 years ago on 16 January 1909.

A second expedition was mounted by Mawson, the Australian Antarctic Expedition, and sailed in 1911. On this expedition Mawson established three bases, organised a vast program of geological and marine research and nearly died when an accident caused loss of supplies and forced Mawson and his colleague, Mertz, to eat their dogs to survive. In 1929 Mawson led another expedition which had a combined crew from Australia, the UK and New Zealand. This expedition not only produced another mass of scientific results but also defined what was
later to become known as the Australian Antarctic Territory.

I note that tomorrow the Parliamentary Antarctic Alliance will present a briefing to MPs and senators here at Parliament House on the conservation works being undertaken at Mawson’s Huts at Cape Denison. This is an important historic site of national and international significance and well worthy of the support of all senators and members. Mawson’s activities were fundamental to Australia’s territorial claims to Antarctica and to Australia’s modern Antarctic program.

Australia signed the Antarctic Treaty in 1959 along with other nations that had a vested interest in the continent. Through the treaty the countries involved agreed to consult with each other on the uses of the continent and agreed that it should not become the site or object of international discord, and should be used for peaceful and harmonious purposes. Amongst other points, the treaty recognised that it is in the interest of all persons for Antarctica to continue to be used for peaceful purposes, whilst acknowledging the substantial amount of knowledge resulting from international cooperation in scientific investigations on the continent. Since its inception, the Antarctic Treaty has been recognised as one of the most successful ever international agreements.

Australia has played a big part in the history of Antarctica and we continue to work there as our scientists investigate the impacts of climate change on the continent. As Chair of the Senate Standing Committee on Environment, Communications and the Arts, I was very fortunate to experience Antarctica for myself in January this year. I leapt at the chance to become an expeditioner of the Antarctic, to see this iconic place and to find out a great deal more about Australia’s involvement with the Antarctic region.

Prior to flying to Antarctica, I and the other parliamentary expeditioners spend a day at the Australian Antarctic Division in Kingston in Hobart, Tasmania, where we were given comprehensive briefings about Australia’s scientific programs and the work of the Antarctic Division, including its cooperative research programs with other institutions and government agencies and with other countries. I was particularly taken with the work of Dr Steve Nicol and his team, who have a keen interest in krill, a tiny organism integral to the world’s biological health and which is studied closely at the division to ascertain the effect of events on marine life and the environment. It was quite something to see the only krill nursery in the world and to learn about the reproductive habits of this vital organism.

After the day at Kingston, I and my fellow parliamentary expeditioners—senators Simon Birmingham and David Bushby; Mr Jim Turnour, the member for Leichhardt; and Dr Mal Washer, member for Moore—were kitted out for the trip south and joined the real expeditioners for a 4½ hour flight, during which we donned our Antarctic survival clothing. We landed at Wilkins runway, a runway constructed wholly out of blue glacial ice with a compressed snow pavement. This is an amazing and inspiring engineering feat that has enabled easier and safer access for real expeditioners from Australia and other nations who are working in Antarctica.

While the scenery was spectacular, just as impressive was the range of projects being undertaken by a cohort of very committed and dedicated scientists, researchers and support crew in Antarctica. I learnt a great deal about the research being undertaken there. Most importantly, I was able to find out firsthand about the effects that climate change is having on the icy continent and the impacts which will ultimately reverberate worldwide. Talking to Dr Ian Allison, a pro-
gram leader within the ice, oceans, atmosphere and climate sectors of the Australian Antarctic Division, I heard of the devastating effects that climate change may have on our nation and the rest of the world. It is predicted that, by the year 2100, rising sea levels, most likely caused by the melting of non-polar glaciers, icesheets and icecaps, will impact many millions of people around the world. These icecaps are melting due to both past and predicted future greenhouse gas emissions—human actions worldwide which severely impact the life of our planet. We are now living in a world where our climate, and ultimately our future, is being substantially modified by human activity.

A major focus of Australia’s Antarctic icesheet research which is being undertaken is situated at the Lambert Glacier basin. At the Amery Ice Shelf, where the Lambert Glacier meets the sea, scientists have found that ice near the base of the iceshelf is porous and infiltrated with sea water. This has resulted in the iceshelf becoming more vulnerable to highly rapid melting, which will in turn contribute to a rise in sea levels. This is just one of the numerous iceshelves across Antarctica which is melting away due to the grim effects of climate change.

Sea level rise is one of the many significant, long-term impacts of climate change. I knew that was the case before I went to Antarctica; however, being there brings it home to you. It also highlights the importance of Australia taking urgent action to mitigate our carbon emissions. I congratulate all the scientists in the Antarctic, who have been there for more than 100 years.

**Indigenous Affairs**

**Senator TROETH (Victoria) (11.10 pm)—**In February 2008, the Victorian Minister for Education, Bronwyn Pike, launched the Wannik, Learning Together—Journey to Our Future education strategy for Koori Indigenous students. In her foreword, the minister conceded that the Brumby government’s previous attempts to address the issues in Koori education had failed. She went on to state that Wannik represents a renewed level of commitment from the Brumby government to ensure that every Koori child receives a first-class education in Victoria’s government schools. The strategy paper then detailed the approach it would take, including intensive literacy and numeracy programs, and the strategy was to be underpinned with ‘explicit accountability mechanisms for improvement in outcomes for Koori students’. The strategy further promised that funding to schools would be innovative and meet local needs.

Recently, on 3 March 2009, the *Age* had a story entitled ‘Promised funds prove elusive for students’—and I need hazard no guess as to which group of students this referred to. It seems that the higher levels of accountability stopped at the students and teachers and did not quite get as far as the government demanding them. The story details the breathtaking hypocrisy of the Brumby government and its failure to follow through on its so-called renewed level of commitment. It quotes a country school principal as saying that she has to fund Indigenous support services from her existing budgets because no money was available under the government’s strategy. The Principal of Thornbury High School, Mr Peter Egeberg, also has to fund a teaching assistant for Koori students from existing budgets. He said:

Millions of dollars have been set aside, but they’re taking so long to get it to schools.

Mr Brian Burgess, the President of the Victorian Association of State Secondary Principals, commented on how frustrated the principals were becoming at not getting the funding and support they were promised. Mr Burgess stated:
If you’re going to announce these things back it up.

The article cites alarming statistics, including the fact that 10 per cent of Koori students fail to meet basic reading and numeracy standard in years 5, 7 and 9 and that up to 25 per cent are unable to spell or write properly by year 9. The Auditor-General’s report on Aboriginal services states that, compared to non-Indigenous Victorians, Indigenous Victorians face a significant disparity in life expectancy, dying on average 17.5 years earlier; have significantly lower high school retention rates at 38 per cent, compared with 80 per cent; experience higher unemployment levels, with an unemployment rate nearly three times greater; are over 12 times more likely to be placed in an adult prison; have significantly higher rates of care and protection orders for children with 68 per 1,000, compared with six per 1,000 for non-Indigenous students. The Auditor-General went on to say:

On any measure, Victorians should be deeply concerned at the performance against these wellbeing indicators. The audited agencies agreed with the Victorian Auditor-General’s Office (VAGO) that the outcomes against these indicators were unacceptable.

I could not agree more. The report further stated that many of the recommendations of previous reviews, particularly the 2002 review, have not been implemented. In a modern, relatively prosperous nation such as ours, this is a damning indictment of the incompetence and mismanagement of the education system and Aboriginal affairs in Victoria under this minister, and it is symptomatic of the disease which has taken hold of the entire Victorian government. The strategy outlines clear objectives, including providing additional support—objectives which the government set itself and is now failing to meet. The strategy talked about reducing the social exclusion and isolation of Koori students. Is it any wonder that those feelings of social exclusion and isolation permeate through the Koori community when the government proves so ineffective and incompetent that it is unable to back up its own major announcements after only one year?

One of the major reasons for this failure is that there is no effective reporting or evaluation mechanism in place to review this program—a point which is noted in the Attorney-General’s report. Students and teachings are judged by the learning outcomes and the national standards testing, but the Brumby government decided it did not need to have in place any benchmarks for its own delivery of the program or its effectiveness in meeting its objectives. The failure to adequately fund the Wannik program is indicative of the total mismanagement of the Brumby government. It is a policy process driven by media cycles and headlines rather than results. In this and many other portfolio areas, the Brumby government is letting Victoria down.

The flow-on effects of the Brumby government’s incompetence was not really covered in the article, so I will briefly refer to it by saying that every dollar that is taken out of an existing budget to make up for the government’s shortfall reduces the effectiveness of the original programs for other students. In short, everyone loses and is affected. That is yet another demonstration that it will be time for a change of government in Victoria in 2010. The charges are piling up against the Brumby government: the train system is on the verge of collapse, our water security is already in dire straits—no pun intended—and there are reports that the proposed solutions may well not go ahead. Not only that but people cannot find hospital beds, and the literacy and numeracy standards of Victorian students—and by that I mean all Victorian students—need to be improved.
Throughout Australia we are seeing the consequences of Labor administered state governments that can no longer rely on the sound economic management of the coalition to preserve their credit ratings and provide revenue to make up for their waste and mismanagement. New South Wales has possibly the worst government this country has ever seen. It even makes former Prime Minister Gough Whitlam look as though he had a clue. Victoria and New South Wales traditionally have a rivalry over who is the biggest and best, but at present it could be a race to the bottom. Victoria is quickly following the lead of New South Wales: a change of Premier without an election, a ministry that has become a shadow of its former self, and too many ministers being carried by spin doctors and the Premier’s media unit instead of being genuine reformers. The people of Victoria, and in particular the Koori people, deserve better. As a Victorian, it is my responsibility to comment on these matters. I leave this for the judgment of the Senate.

**Nation Building and Jobs Plan**

**Senator LUNDY** (Australian Capital Territory) (11.19 pm)—Australia is battling a global recession that is pushing up unemployment as a result of falling growth. The Rudd Labor government has taken decisive action through the economic stimulus package to protect Australia from the worst effects of this global recession. In addition to the $42 billion stimulus package, the government has announced a range of measures to assist job seekers and redundant workers and will continue to act as necessary. There is $300 million to ensure redundant workers receive intensive assistance and support immediately rather than having to wait up to three months, 20,000 training places have been made available for people made redundant, $145.6 million is allocated to support out-of-trade apprentices and trainees, and there is a $950 learning and training bonus for income assistance recipients undertaking a structured training course.

These are all very specific measures to help with the specific problems we are facing and enduring during particularly difficult times for many Australians. However, I am confident that with the Rudd Labor government working with other governments around the country we will emerge from the global financial crisis stronger than ever. There is perhaps no program more specific than the broad-ranging $42 billion Nation Building and Jobs Plan that has been put in place to prime the pump of the economic activity and above all to protect and provide Australian jobs. It points to the sense of responsibility that the Rudd Labor government carries into this economic crisis.

It is worth highlighting the key elements of this package, because they are indeed significant. There is of course the building an education revolution, which I will go into a little more detail about; the energy-efficient homes program; the household stimulus package; housing construction measures; regional and roads measures; small business and general tax breaks; and support for pensioners. The immense project that is destined to at last expand and invigorate the education sector is the $14.7 billion Building the Education Revolution, which I would argue is singularly the most important element. Canberra schools, like many other schools around the country, have benefited from this investment. Large-scale infrastructure such as libraries and multipurpose facilities will be built or upgraded. Minor infrastructure will benefit from the same renewal processes. A billion dollars overall will be provided to build around 500 new science and language laboratories in Australia, and indeed in Canberra’s schools.

I think the value of such an aggressive, proactive approach has limited some of the
worst effects to date of the global economic turmoil. They are also effective measures, and we are starting to see the evidence of that. We are also trying to reverse the disastrous deterioration in public infrastructure that has occurred as a result of 10 lazy years of the Howard government. I cannot help recalling and reflecting on the opportunity that the then Treasurer, Mr Costello, had to convert what were good times in the productive mines of Australia to good sources of revenue for the Australian government—and reflecting on why they completely neglected the opportunity to invest those good times into public infrastructure. I think history will judge such timid, self-satisfied squandering as reckless at best and destructive at worst.

The shock of recent economic developments has, as part of a sophisticated employment stimulus, made certain the community infrastructure will be refreshed and renewed. This is infrastructure that Australia knew was taking a battering under the Liberals. It is social infrastructure that Labor knows forms the physical framework within which the community survives and thrives, and the Labor Party’s robust course of action in the crucial field of education, with today’s schoolchildren being tomorrow’s leaders. Education is a civic minded, sophisticated, engaged community’s investment in the future through the next generation.

If you drill down into the detail of the package, there is $955 million under the early education package. There are a number of quality programs. One example here in the ACT is that we will receive some $13 million over the next five years to help ensure that every ACT child can access early childhood education in the year before school. Research tells us that disadvantaged kids benefit disproportionately from high-quality preschool and kindergarten education, and the Rudd and Stanhope governments intend to ensure that the demonstrated importance of this early stimulus is appropriately addressed. We know that 30 per cent of Australian four-year-olds, including about half of all Indigenous children, do not go to preschools. Whilst the statistics for the ACT are not as dire as that, we all acknowledge that these statistics need reversing, and our measures will help commence that process.

It is through the national partnership that the Australian, state and territory governments have confirmed their commitment that by 2013 every child in the country will have access to 15 hours of affordable, meaningful early childhood education per week for 40 weeks a year, delivered by university trained early childhood teachers. As part of this vital partnership, all spheres of government have similarly confirmed a set of performance indicators to assess and report on progress to ensure that this data on development and evaluation is accumulated accurately and effectively, and additional funding of $15 million over five years has been provided.

Again drilling down into other aspects of the plan, we find that some 15,600 families will get a back-to-school bonus of $950 to help with the cost of kids returning to school, and 6,700 students seeking work will receive a training and learning bonus of $950 to support their study costs. The education area is finally receiving the attention it deserves, but the initiatives of this government to alleviate the worst economic effects of the moment have been applied in a number of other areas as well. Another excellent example is the establishment of a new innovation fund. This panel is to help Australia’s most disadvantaged job seekers find work. ACT organisations appointed to the panel will be able to apply for the funding, success being contingent on the capacity to demonstrate new and innovative ways to connect disadvantaged job seekers to training and jobs.
Another aspect of the package is the Rudd government’s commitment to funding the construction of 20,000 new homes, a number of which will, of course, be here in the ACT, thus providing our local builders, carpenters, electricians, plumbers and other tradespeople with the chance to gain valuable work in difficult times. Most of these homes will be completed by the end of this year, so the program will provide work in the immediate future. Smaller, but no less meaningful for those affected, is the welcome extra federal funding for the Personal Helpers and Mentors Program. Here in the ACT, the program boost will exceed $1.2 million—good news for those in this often marginalised area of the community.

Having outlined just a selection of the ways in which the stimulus package is helping the ACT, I want to commend my colleagues for the timely and, above all, courageous programs that are accruing to assist Australia through very difficult times. For the community that I represent in this place, this is a most welcome input. Tough times demand clear heads and bold policies, as the Labor governments of the 1940s under Prime Ministers John Curtin and Ben Chifley knew and understood only too well, and the present economic crisis is bringing out the best in the Labor Party. Thankfully, it is a Labor government that is in government in this turbulent global climate. It is the compassion and depth of knowledge and understanding of the economy that will serve Australia so well during this period. I note with interest the thoughtfulness with which the stimulus packages have been put together, with an eye not only to providing jobs where they are most needed but also to looking after some of the broader social infrastructure challenges that we know we have been facing now for well over a decade. I would like to finish by reinforcing the importance of the investment in social infrastructure, such as schools and community facilities—the sorts of places that people spend the vast majority of their lives; they form the heart of our community and will continue to do so for a long time.

**Senate adjourned at 11.29 pm**

**DOCUMENTS**

**Tabling**

The following government documents were tabled:

- *Sydney Airport Demand Management Act 1997*—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 October to 31 December 2008.
- *Treaties*—
  
  - *Bilateral*—Text, together with national interest analysis—
    
    
Multilateral—Convention on Cluster Munitions Adopted at Dublin on 30 May 2008—Text, together with national interest analysis.

Tabling

The following documents were tabled by the Clerk:

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


Broadcasting Services Act—National Television Conversion Scheme Variation 2009 (No. 1) [F2009L01059]*.


Civil Aviation Act—

Civil Aviation Regulations—Civil Aviation Order 100.66 Amendment Order (No. 1) 2009 [F2009L00825]*.

Civil Aviation Safety Regulations—

Airworthiness Directives—Part—

AD/PA-42/18—Elevator Upper Skin Cracking [F2009L00871]*.

107—

AD/PHS/16—Blade Retaining Rings [F2009L00937]*.

AD/PHZL/39 Amdt 1—Propeller Damper Replacement [F2009L00936]*.

AD/PHZL/50—A-4025 Spring Retainer Inspection [F2009L00935]*.

AD/PHZL/58—Piston Nut B474 [F2009L00934]*.

AD/PHZL/62 Amdt 4—Propeller Blade Pilot Tube Bore [F2009L00933]*.

AD/PMC/12 Amdt 3—Propeller Hub Replacement [F2009L00931]*.

AD/PMC/18 Amdt 1—Propeller Hub Modification or Replacement [F2009L00930]*.

AD/PMC/27 Amdt 1—Attachment Studs [F2009L00929]*.

AD/PMC/33—Propeller Hubs Modification to Oil Filled Standard [F2009L00928]*.

Instruments Nos CASA—

EX07/09—Exemption — extension of time for drug and alcohol education program [F2009L00772]*.

EX08/09—Exemption — CASR Part 99 DAMP requirements for foreign aircraft AOC holders [F2009L00847]*.

EX16/09—Exemption — CASR Part 99 DAMP requirements for CAR 30 organisations overseas [F2009L00848]*.
Commissioner of Taxation—Public rulings—

Fuel Tax Determination FTD 2009/1.

Criminal Code Act—Select Legislative Instruments 2009 Nos—

34—Criminal Code Amendment Regulations 2009 (No. 1) [F2009L00835]*.
35—Criminal Code Amendment Regulations 2009 (No. 2) [F2009L00834]*.
36—Criminal Code Amendment Regulations 2009 (No. 3) [F2009L00838]*.
37—Criminal Code Amendment Regulations 2009 (No. 4) [F2009L00837]*.
38—Criminal Code Amendment Regulations 2009 (No. 5) [F2009L00836]*.
39—Criminal Code Amendment Regulations 2009 (No. 6) [F2009L00833]*.

Customs Act—Tariff Concession Orders—

0825249 [F2009L00770]*.
0825778 [F2009L00771]*.
0827978 [F2009L00343]*.
0829304 [F2009L00638]*.
0829954 [F2009L00639]*.
0830062 [F2009L00640]*.
0832485 [F2009L00780]*.
0832574 [F2009L00781]*.
0823641 [F2009L01024]*.

Excise Act—

Excise (Alcoholic strength of excisable goods) Determination 2009 (No. 1) [F2009L00998]*.
Excise (Volume – Alcoholic excisable goods) Determination 2009 (No. 1) [F2009L00992]*.

Radiocommunications Act—


Retirement Savings Accounts Act—Select Legislative Instrument 2009 No. 45—Retirement Savings Accounts Amendment Regulations 2009 (No. 2) [F2009L00986]*.

Social Security (Administration) Act—Social Security (Administration) (Declared relevant Northern Territory areas — Various) Determination 2009 (No. 2) [F2009L01060]*.

Superannuation Industry (Supervision) Act—Superannuation Industry (Supervision) Amendment Regulations 2009 (No. 2) [F2009L00983]*.

Telecommunications (Carrier Licence Charges) Act—Determination under paragraph 15(1)(b) No. 1 of 2009 [F2009L00846]*.

Governor-General’s Proclamations—

Commencement of provisions of an Act Migration Legislation Amendment Act (No. 1) 2009—Schedules 1 to 3—15 March 2009 [F2009L01026]*.

* 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—

Infrastructure, Transport, Regional Development and Local Government portfolio agencies.

Office of the Official Secretary to the Governor-General.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Treasury: Media Monitoring
(Question No. 38)

Senator Minchin asked the Minister representing the Minister for Competition Policy and Consumer Affairs, upon notice, 12 February 2008:

As at 26 November 2007, with reference to the department and all agencies in the Minister’s portfolio:

(1) How many employees are engaged in positions responsible for public affairs, media management, liaison with the media and media monitoring.

(2) What are the responsibilities of these staff.

(3) What are the Australian Public Service classifications of these positions.

(4) For each of the financial years 2007-08, 2008-09, 2009-10 and 2010-11, what is the current operating budget for these media-related sections within the department or agency.

Senator Sherry—The Minister for Competition Policy and Consumer Affairs has provided the following answer to the honourable senator’s question:

As published in Hansard on 10 November 2008, the Treasurer provided the following response on behalf of all Treasury portfolio Ministers.

The information provided below relates to the minister’s portfolio after the machinery of government changes which took place on 3 December 2007.

Australian Accounting Standards Board

(1) One person (part of their time).

(2) The media-related responsibilities are preparing media releases and liaison with media representatives.

(3) Not applicable – existing AASB staff are not employed under the Public Service Act.

(4) 2007-08 $20,000
    2008-09 $21,000
    2009-10 $21,000
    2010-11 $22,000

Australian Bureau of Statistics

(1) Four employees are engaged in positions responsible for public affairs, media management, liaison with the media and media monitoring.

(2) The responsibilities for these staff are media liaison, media monitoring, public affairs and staff communications.

(3) The APS classification of these positions are EL2, EL1, APS6 and APS5.

(4) Media-related activity occurs within the Corporate Communications Section of the Australian Bureau of Statistics. Excluding the marketing activities also undertaken by this section, the components of the operating budget which are directly related to the activities of public affairs, media management, liaison with the media and media monitoring are estimated below. The increased budget in 2007-08 is associated with the release of the 2006 census results in 2007, and the 2010-11 increase is associated with promotional work for the 2011 census.

2007-08 - $0.5m
Australian Competition and Consumer Commission

(1) Two

(2) Staff are responsible for the development, clearance and dissemination of Australian Competition and Consumer Commission (ACCC) and Australian Energy Regulator (AER) news releases and speeches, including posting to the relevant websites. It responds to and assists the media and others with inquiries and research about the ACCC and AER. It provides advice to the ACCC and AER Executive on media strategy and the promotion of ACCC and AER. It monitors news developments, including Parliament, and disseminates pertinent information in a timely manner. It coordinated media interviews and news conferences. It assists in the education and development of staff in respect of media activities. The Media Unit also liaises with other agencies’ and organisations’ media units in areas of common interest. It provides editorial assistance in the development of a wide range of ACCC written content.

(3) Executive Level 2 and Australian Public Service Level 5.

(4) The ACCC’S media functions are incorporated with the Executive Branch’s operating budget. There is no separate budget for a media related section of the agency.

Australian Office of Financial Management

(1) Nil.

(2) Not applicable

(3) Not applicable

(4) Not applicable

Australian Prudential Regulatory Authority

(1) 2

(2) Public affairs, media management, liaison with the media, media monitoring, internal communications, marketing communications, strategic advice and staff management.

(3) APRA’s staff are not employed under the Public Service Act.

(4) (i) 2007-08 $203,000

(ii) 2008-09 $203,000

(iii) 2009–2011 Budgets are not yet allocated

Australian Securities and Investment Commission

(1) 4 in total – 1 x National Media Manager and 3 x Media Advisers

(2) The responsibilities of these staff are –

• Drafting and distribution of media releases in regards to enforcement and compliance activities, consumer education and policy announcements

• Respond to media enquiries from media representatives

• Development of broader communications plans to support regulatory functions

• Provide advice to internal stakeholders and facilitate access to media as appropriate

• Media monitoring for the agency

• Media Manager has responsibility for overseeing management of staff and operations

(3) The Australian Public Service classifications of these positions are –
National Media Manager – Executive Level 2
Media Advisers – Executive Level 1

(4) The operating budgets for the media-related section are –

- 2007-08 - $546,021
- 2008-09 - $556,561
- 2009-10 - $567,305
- 2010-11 - $578,257

Australian Taxation Office

(1) 11

(2) They work with various business lines and senior executive to manage our relationship with the media and help maintain community confidence. Their business-as-usual work involves handling enquiries from journalists, managing interviews, writing and distributing media products, reviewing key documents for issues and developing handling strategies for annual and external scrutineer reports. We also deliver targeted information on two issues to media to support broader communication strategies.

(3) Their classifications are:

- 1 x Executive Level 2.2
- 1 x Executive Level 2.1
- 6 x Executive Level 1
- 1 x APS level 6
- 2 x APS level 5

(4) In 2007-08 the operating budget is $1.2m. The Tax Office does not have forward year budgets for the financial years 2008-09, 2009-10 and 2010-11.

Corporations and Market Advisory Committee

(1) Nil
(2) Not applicable
(3) Not applicable
(4) Not applicable

Inspector-General of Taxation

(1) Nil
(2) Not applicable
(3) Not applicable
(4) Not applicable

National Competition Council

(1) The National Competition Council does not have any employees engaged in positions responsible for public affairs, media management, liaison with the media and media monitoring.

(2) Not applicable
(3) Not applicable
(4) Not applicable

Productivity Commission

(1) One.
(2) The responsibilities of this staff member is:

- Coordinate contact with the media, including answering enquiries, arranging interviews, and issuing media releases.
- Prepare communications and release strategies.
- Produce and distribute information material on the Commission and its work program including quarterly newsletter.
- Produce and distribute reports.
- Manage mailing lists.
- Advise on copyright issues within the Commission.
- Manage tabling of reports in Parliament.
- Liaise with website team.

(3) The Australian Public Service classification of this position is EL2.

(4) For each of the financial years 2007-08, 2008-09, 2009-10, 2010-11, the current operating budget is:

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Royal Australian Mint

(1) Two.

(2) Public relations, media management, media liaison and media monitoring.

(3) APS 6 and APS 4.

(4) 2007-08 $189,950
    2008-09 $193,300
    2009-10 $201,000
    2010-11 $209,000

Treasury

(1) Three.

(2) Responsibilities are as follows:

(a) The media contact officer is responsible for all media liaison and is the principal contact point for media enquiries and responses on behalf of the department — the primary responsibility of this staff member is to manage a team responsible for Cabinet and parliamentary liaison (including the handling and distribution of Cabinet and parliamentary documents) and ministerial correspondence.

(b) Staff involved in media monitoring prepare media reports for the department which summarise issues in elect print and electronic media — the primary responsibilities of these staff are to contribute to organisational and policy strategy and assist with coordination.

(3) Staff and media-related duties

- Media monitoring: APS 5 (part-time); EL1 (as part of other duties)
- Media contact officer: EL2 (as part of other duties)

(4) EPD media-related sections – budget for Issues Management and Liaison Units.

Neither Issues Management or Liaison Unit are dedicated to public affairs, media management, liaison with the media and media monitoring.

QUESTIONS ON NOTICE
Based on the portion of staff time allocated to these activities, in 2007-08 the operating expenses were approximately $106,300 (calculated using staff salaries). The Treasury does not have forward year budgets for the financial years 2008-09, 2009-10 and 2010-11.

Treasury: Government Appointments and Grants
(Question No. 142)

Senator Minchin asked the Minister representing the Minister for Competition Policy and Consumer Affairs, upon notice, on 12 February 2008:

With reference to Senator Minchin’s letter to the Minister representing the Prime Minister, dated 1 February 2008, can the following information be provided prior to each round of Estimates and for Additional Estimates by 13 February 2008:

(1) (a) What appointments have been made by the Government (through Executive Council, Cabinet and ministers) to statutory authorities, executive agencies and advisory boards within the Minister’s portfolio; and (b) for each appointment, what are the respective appointee’s credentials.

(2) How many vacancies remain to be filled by ministerial (including Cabinet and Executive Council) appointments.

(3) What grants have been approved by the Minister from within the Minister’s portfolio.

(4) What requests have been submitted to the Department of Finance and Deregulation to move funds within the Minister’s portfolio.

Senator Sherry—The Minister for Competition Policy and Consumer Affairs has provided the following answer to the honourable senator’s question:

As published in Hansard on 10 November 2008, the Treasurer provided the following response on behalf of all Treasury portfolio Ministers.

Australian Accounting Standards Board

(1) Senator the Hon Chris Evans as Minister representing the Prime Minister in the Senate will respond on my behalf.

(2) Nil.

(3) Nil.

(4) Senator the Hon Nick Sherry as Minister representing the Minister for Finance and Deregulation in the Senate will respond on my behalf.

Australian Bureau of Statistics

(1) Senator the Hon Chris Evans as Minister representing the Prime Minister in the Senate will respond on my behalf.

(2) As at 7 April 2008, the Australian Statistics Advisory Council has three vacant positions.

(3) Nil.

(4) Senator the Hon Nick Sherry as Minister representing the Minister for Finance and Deregulation in the Senate will respond on my behalf.

Australian Competition and Consumer Commission

(1) Senator the Hon Chris Evans as Minister representing the Prime Minister in the Senate will respond on my behalf.

(2) The Australian Competition and Consumer Commission (ACCC) currently has five full time members and three associate members. The Trade Practices Act 1974 does not require a specific number of members.

(3) Nil.
(4) Senator the Hon Nick Sherry as Minister representing the Minister for Finance and Deregulation in the Senate will respond on my behalf.

**Australian Office of Financial Management**
(1) Senator the Hon Chris Evans as Minister representing the Prime Minister in the Senate will respond on my behalf.
(2) Nil.
(3) No grants have been approved.
(4) Senator the Hon Nick Sherry as Minister representing the Minister for Finance and Deregulation in the Senate will respond on my behalf.

**Australian Prudential Regulatory Authority**
(1) Senator the Hon Chris Evans as Minister representing the Prime Minister in the Senate will respond on my behalf.
(2) Nil, this is a question for Government.
(3) APRA has no grants that have been approved by the Minister.
(4) Senator the Hon Nick Sherry as Minister representing the Minister for Finance and Deregulation in the Senate will respond on my behalf.

**Australian Securities and Investment Commission**
(1) Senator the Hon Chris Evans as Minister representing the Prime Minister in the Senate will respond on my behalf.
(2) The Australian Securities and Investments Commission has two Commissioner positions which remain to be filled by Ministerial appointment.
(3) Nil.
(4) Senator the Hon Nick Sherry as Minister representing the Minister for Finance and Deregulation in the Senate will respond on my behalf.

**Australian Taxation Office**
(1) Senator the Hon Chris Evans as Minister representing the Prime Minister in the Senate will respond on my behalf.
(2) Nil.
(3) Nil.
(4) Senator the Hon Nick Sherry as Minister representing the Minister for Finance and Deregulation in the Senate will respond on my behalf.

**Corporations and Market Advisory Committee**
(1) Senator the Hon Chris Evans as Minister representing the Prime Minister in the Senate will respond on my behalf.
(2) The Committee does not have a set number of members.
(3) Nil.
(4) Senator the Hon Nick Sherry as Minister representing the Minister for Finance and Deregulation in the Senate will respond on my behalf.

**Inspector-General of Taxation**
(1) Senator the Hon Chris Evans as Minister representing the Prime Minister in the Senate will respond on my behalf.
(2) Nil.
Senator the Hon Nick Sherry as Minister representing the Minister for Finance and Deregulation in the Senate will respond on my behalf.

National Competition Council
(1) Senator the Hon Chris Evans as Minister representing the Prime Minister in the Senate will respond on my behalf.
(2) There is one vacancy on the National Competition Council, but there is no present intention to fill that position.
(3) Nil.
(4) Senator the Hon Nick Sherry as Minister representing the Minister for Finance and Deregulation in the Senate will respond on my behalf.

Productivity Commission
(1) Senator the Hon Chris Evans as Minister representing the Prime Minister in the Senate will respond on my behalf.
(2) Section 23 of the Productivity Commission Act 1998 provides for the Commission to consist of a Chair and not fewer than 4 nor more than 11 other Commissioners. As at 1 October 2008, the Commission comprised of a Chairman and 8 other Commissioners (5 on a part-time basis).
(3) Nil.
(4) Senator the Hon Nick Sherry as Minister representing the Minister for Finance and Deregulation in the Senate will respond on my behalf.

Royal Australian Mint
(1) Senator the Hon Chris Evans as Minister representing the Prime Minister in the Senate will respond on my behalf.
(2) Nil.
(3) Nil.
(4) Senator the Hon Nick Sherry as Minister representing the Minister for Finance and Deregulation in the Senate will respond on my behalf.

The Treasury
(1) Senator the Hon Chris Evans as Minister representing the Prime Minister in the Senate will respond on my behalf.
(2) In accordance with Senate Order 94, details of vacancies within the Treasury portfolio for the period 24 June 2008 to 29 September 2008 were tabled out of session in the Senate on 10 October 2008.
(3) In accordance with Senate Order 95, details of grants approved within the Treasury for the period 24 June 2008 to 29 September 2008 were tabled out of session in the Senate on 10 October 2008.
(4) Senator the Hon Nick Sherry as Minister representing the Minister for Finance and Deregulation in the Senate will respond on my behalf.

The honourable Senator is welcome to attend Estimates hearings in future and request the information sought in this Question on Notice.

Treasury: Western Australia
(Question No. 250)

Senator Cormann asked the Minister representing the Minister for Competition Policy and Consumer Affairs, upon notice, on 12 February 2008:

QUESTIONS ON NOTICE
(1) (a) Since 24 November 2007, what federal funding, programs and/or services to Western Australia have been cut and/or discontinued in any of the Minister’s portfolio agencies; and (b) what savings have been made from these cuts.

(2) (a) What plans does the Government have to cut and/or discontinue federal funding, programs and/or services to Western Australia in any of the Minister’s portfolio agencies in the coming period; and (b) what estimated savings would be made from these cuts.

Senator Sherry—The Minister for Competition Policy and Consumer Affairs has provided the following answer to the honourable senator’s question:

As published in Hansard on 10 November 2008, the Treasurer provided the following response on behalf of all Treasury portfolio Ministers.

Australian Accounting Standards Board

(1) Not applicable.

(2) The Government will undertake a comprehensive review of expenditure. The Government will release the review’s findings in the 2008-09 Mid-Year Economic and Fiscal Outlook.

Australian Bureau of Statistics

(1) (a) Since 24 November 2007, the ABS has reduced its 2008-09 work program to ensure that is operated within appropriation. Reductions have been made across the full range of ABS activities, and primarily to national statistical programs. In Western Australia, as in other states and territories, there will be a reduction in state specific statistical activities.

(b) The work program was reduced to ensure that the ABS operates within appropriation.

(2) The Government will undertake a comprehensive review of expenditure. The Government will release the review’s findings in the 2008-09 Mid-Year Economic and Fiscal Outlook.

Australian Competition and Consumer Commission

(1) Nil.

(2) The Government will undertake a comprehensive review of expenditure. The Government will release the review’s findings in the 2008-09 Mid-Year Economic and Fiscal Outlook.

Australian Office of Financial Management

(1) Nil.

(2) The Government will undertake a comprehensive review of expenditure. The Government will release the review’s findings in the 2008-09 Mid-Year Economic and Fiscal Outlook.

Australian Prudential Regulatory Authority

(1) Nil.

(2) The Government will undertake a comprehensive review of expenditure. The Government will release the review’s findings in the 2008-09 Mid-Year Economic and Fiscal Outlook.

Australian Securities and Investment Commission

(1) Nil.

(2) The Government will undertake a comprehensive review of expenditure. The Government will release the review’s findings in the 2008-09 Mid-Year Economic and Fiscal Outlook.

Australian Taxation Office

(1) Not applicable.

(2) The Government will undertake a comprehensive review of expenditure. The Government will release the review’s findings in the 2008-09 Mid-Year Economic and Fiscal Outlook. There are currently no plans to cut funding to programs in WA.
Corporations and Market Advisory Committee
(1) Not applicable.
(2) The Government will undertake a comprehensive review of expenditure. The Government will release the review’s findings in the 2008-09 Mid-Year Economic and Fiscal Outlook. There are currently no plans to cut funding to programs in WA.

Inspector-General of Taxation
(1) Nil.
(2) The Government will undertake a comprehensive review of expenditure. The Government will release the review’s findings in the 2008-09 Mid-Year Economic and Fiscal Outlook.

National Competition Council
(1) Nil.
(2) The Government will undertake a comprehensive review of expenditure. The Government will release the review’s findings in the 2008-09 Mid-Year Economic and Fiscal Outlook.

Productivity Commission
(1) Nil.
(2) The Government will undertake a comprehensive review of expenditure. The Government will release the review’s findings in the 2008-09 Mid-Year Economic and Fiscal Outlook.

Royal Australian Mint
(1) Nil.
(2) The Government will undertake a comprehensive review of expenditure. The Government will release the review’s findings in the 2008-09 Mid-Year Economic and Fiscal Outlook.

Treasury
(1) Nil.
(2) The Government will undertake a comprehensive review of expenditure. The Government will release the review’s findings in the 2008-09 Mid-Year Economic and Fiscal Outlook.

Treasury: Media Management Contract
(Question No. 465)

Senator Minchin asked the Minister representing the Minister for Competition Policy and Consumer Affairs, upon notice, on 30 May 2008:
Since 1 July 2006: (a) has the department or any agency in the Minister’s portfolio engaged: (i) CMAX Communications, (ii) Maximum Communications, (iii) Mr Christian Taubenschlag, (iv) Ms Tara Taubenschlag, or (v) any company operated by Mr Christian Taubenschlag or Ms Tara Taubenschlag; and (b) if so, in each case: (i) when was the engagement, (ii) what was the nature of the engagement, (iii) what was the value of the engagement, (iv) what was the term of the engagement, (v) was the engagement entered into after a competitive process; if not, why not, and (vi) did the Minister or any of his/her staff have a role in recommending this engagement.

Senator Sherry—The Minister for Competition Policy and Consumer Affairs has provided the following answer to the honourable senator’s question:
As published in Hansard on 13 November 2008, the Treasurer provided the following response on behalf of all Treasury portfolio Ministers.

Australian Accounting Standards Board
The AASB has never at any time engaged any of these companies.
Australian Bureau of Statistics
The ABS has never at any time engaged any of these companies.

Australian Competition and Consumer Commission
Since 1 July 2006 the Australian Competition and Consumer Commission has not engaged CMAX Communications, Maximum Communications, Mr Christian Taubenschlag, Ms Tara Taubenschlag, or any company operated by Mr Christian Taubenschlag or Ms Tara Taubenschlag.

Australian Office of Financial Management
The AOFM has never at any time engaged any of these companies.

Australian Prudential Regulation Authority
APRA has never at any time engaged any of these companies.

Australian Securities and Investment Commission
ASIC has not engaged in any way with any of the companies mentioned above since 1 July 2006.

Australian Taxation Office
The ATO has never at any time engaged any of these companies.

Corporations and Markets Advisory Board
CAMAC has never at any time engaged any of these companies.

Inspector-General of Taxation
The IGT has never at any time engaged any of these companies.

National Competition Council
The NCC has never at any time engaged any of these companies.

Productivity Commission
The Productivity Commission has never at any time engaged any of these companies.

Royal Australian Mint
The RAM have not engaged any of these companies or people since 1 July 2006.

The Treasury
The Treasury has never at any time engaged any of these companies.

Minister for Foreign Affairs, Minister for Trade and Parliamentary Secretary: Overseas Travel

(See Question Nos 694 and 695)

Senator Minchin asked the Minister representing the Minister for Foreign Affairs and the Minister representing the Minister for Trade, 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.

QUESTIONS ON NOTICE
(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 following answer has been provided by the Minister for Foreign Affairs and the Minister for Trade to the honourable senator’s question:

**Notes**

The costs of travel by any Special Purpose Aircraft for the below overseas visits will be tabled in Parliament by the Department of Defence in accordance with established practice.

The Department of Finance and Deregulation (Finance) is responsible for the payment of overseas travel costs of Ministers, an accompanying spouse and Members of Parliament (Staff) Act 1984 employees. Costs from three of the trips had not yet been reconciled at the time of writing. Some costs were still outstanding. We have only reported reconciled costs.

All costs of travel paid for by Finance are tabled in the Parliament every six months in a document titled *Parliamentarians’ Travel Paid by the Department of Finance and Deregulation*.

Regarding part (4), where a trip included multiple destination countries it was not possible to disaggregate costs between countries.

“Travel” has been taken to include airfares only; ground transport expenses, such as car hire, are included under “any other expenses”.

With regard to “any other expenses”: significant costs incurred have been provided. To calculate all costs would represent an unreasonable diversion of resources.

* At the time Finance provided input to DFAT, individual accounts had not yet been received, so it was not possible to disaggregate costs between the Minister/Parliamentary Secretary, Spouse and/or staff, and between accommodation and other costs.

** The Minister/Parliamentary Secretary and/or his staff did not incur accommodation and/or certain other costs as the host country granted him full or partial Guest of Government status.

*** Spouse accommodation costs included with Minister/Parliamentary Secretary.

**Mr Smith**

The Minister for Foreign Affairs completed four trips during the period.

**Trip 1**

As at 23 December 2008, at which time costs from the trip had been reconciled.

(1) Vietnam (Hanoi) and Thailand (Bangkok), transiting through Hong Kong.

(2) 1 to 5 July 2008.

(3) For a series of bilateral discussions with ministerial counterparts.

(4) (a) $5,854.69; (b) $0**; and (c) $3,979.08.

(5) Two.

(6) None.

(7) (a) $12,475.42; (b) $0**; and (c) $323.24.

(8) (a) One;

(b) (i) $8,754.63; (ii) $610.59; and (iii) $141.91.
**Trip 2**
As at 25 November 2008, at which time costs from the trip had not been reconciled.

(1) Fiji and Solomon Islands.
(2) 14 to 17 July 2008.
(3) To attend the first meeting of the Pacific Forum Ministerial Contact Group in Fiji and to attend the second Forum Ministerial Standing Committee meeting in the Solomon Islands.
(4) (a) Special Purpose Aircraft;
    (b) and (c) Costs paid by Finance for accommodation and other expenses have not yet been reconciled. Costs paid by DFAT for other expenses were $2,750.53.
(5) Two.
(6) None.
(7) (a) Special Purpose Aircraft;
    (b) and (c) Costs paid by Finance for accommodation and other expenses have not yet been reconciled.
(8) (a) Three (one for the whole trip, one for Fiji only and one for the Solomon Islands only);
    (b) (i) $6,148.00; (ii) $1,962.00; and (iii) $996.00.

**Trip 3**
As at 23 December 2008, at which time costs from the trip had been reconciled.

(1) Singapore.
(2) 21 to 24 July 2008.
(3) To attend the East Asia Summit Foreign Ministers’ Meeting, the ASEAN Post Ministerial Conference, including an ASEAN-Australia Ministerial Meeting, and the ASEAN Regional Forum.
(4) (a) $2,437.69; (b) $0**; and (c) $22,327.59.
(5) Two.
(6) None.
(7) (a) $7,038.82; (b) $4,427.00; and (c) $957.95.
(8) (a) Three;
    (b) (i) $16,210.85; (ii) $6,656.08; and (iii) $902.62.

**Trip 4**
As at 24 November 2008, at which time costs from the trip had been reconciled.

(1) Indonesia (Jakarta and Makassar), transiting through Singapore.
(2) 10 to 13 August 2008.
(3) To hold bilateral discussions with ministerial counterparts in relation to police and security cooperation, trade and economic matters and Australia’s bilateral development assistance program.
(4) (a) $5,768.66; (b) $0 (Minister stayed at Residence); and (c) $3,508.33.
(5) Two.
(6) None.
(7) (a) $12,505.86; (b) $800.62; and (c) $92.00.
(8) (a) One for the whole trip, and a further three DFAT A-based Embassy staff to Makassar;
    (b) (i) $9,111.59; (ii) $813.92; and (iii) $1,019.16.
Mr Crean
The Minister for Trade completed three trips during the period.

Trip 1
As at 21 November 2008, at which time costs from the trip had been reconciled.
(1) Switzerland (Geneva), transiting through Bangkok, London, Zurich and Singapore.
(2) 17 July to 1 August 2008.
(3) To attend the World Trade Organisation (WTO) Ministerial Meeting, to participate in a ministerial services “signalling” conference and to convene a Cairns Group Ministerial Meeting.
(4) (a) $20,417.93; (b) $38,398.79; and (c) $48,523.49.
(5) Two.
(6) None.
(7) (a) $46,614.58; (b) $9,515.88; and (c) $3,772.60.
(8) (a) One;
   (b) (i) $12,077.28; (ii) $6,362.50; and (iii) $3,357.79.

Trip 2
As at 24 November 2008, at which time costs from the trip had not been reconciled.
(1) China (Beijing and Guangzhou), transiting through Kuala Lumpur.
(2) 7 to 14 August 2008.
(3) To lead Austrade’s Olympics-related Business Club Australia events and to meet ministerial counterparts.
(4) (a) Special Purpose Aircraft; $2,657.00;
   (b) and (c) Costs paid by Finance for accommodation and other expenses have not yet been reconciled.
   Costs paid by DFAT for other expenses were $33,554.00.
(5) One.
(6) One.
(7) (a) Special Purpose Aircraft; $5,304.88;
   (b) and (c) Costs paid by Finance for accommodation and other expenses have not yet been reconciled.
(8) (a) One (in Guangzhou only);
   (b) (i) $5,215.00; (ii) $648.55; and (iii) $147.91.

Trip 3
As at 21 November 2008, at which time costs from the trip had not been reconciled.
(1) Singapore.
(2) 27 to 30 August 2008.
(3) To attend the 40th ASEAN Economic Ministers – Closer Economic Relations Consultations, the East Asia Summit Economic Ministers’ working lunch, and to conduct a range of bilateral meetings with key regional ministerial counterparts.
(4) (a) $8,110.20;
   (b) and (c) Costs paid by Finance for accommodation and other expenses have not yet been reconciled. Costs paid by DFAT for other expenses were $25,806.39.
(5) Two.
Mr McMullan
The Parliamentary Secretary for International Development Assistance completed two trips during the period. Mr McMullan also travelled to South Africa, Kenya and Ghana from 29 August to 7 September 2008 – this trip has not been included as it was not completed within the timeframe of the question.

Trip 1
As at 21 November 2008, at which time costs from the trip had been reconciled.

(1) Cook Islands, transiting through Auckland.
(2) 20 to 24 July 2008.
(3) To represent the Minister for Trade at the Pacific Islands Forum Trade Ministers’ Meeting.
(4) (a) $2,226.94; (b) $522.59; and (c) $315.00.
(5) One.
(6) One.
(7) (a) $4,453.88; (b) $389.08***; and (c) $118.55.
(8) (a) Two;
   (b) (i) $5,766.00; (ii) $1,175.00; and (iii) $720.00.

Mr Kerr
The Parliamentary Secretary for Pacific Island Affairs completed two trips during the period.

Trip 1
As at 26 November 2008, at which time costs from the trip had been reconciled.

(1) Solomon Islands (Honiara and Malaita Province).
(2) 6 to 8 July 2008.
(3) To represent the Prime Minister at the 30th anniversary of independence celebrations, and to visit
development projects in Malaita Province.

(4) (a) $2,171.30; (b) $0**; and (c) $248.42.

(5) One.

(6) None.

(7) (a) $1,721.76; (b) $246.22; and (c) $309.16.

(8) (a) None;

(b) Nil.

** Trip 2
As at 26 November 2008, at which time costs from the trip had been reconciled.

(1) Samoa, transiting through Auckland.

(2) 25 to 28 July 2008.

(3) To attend an informal meeting with US Secretary of State, Dr Condoleezza Rice, and other Pacific
Island Forum Foreign Ministers, and to hold bilateral discussions with other ministerial representa-
tives attending the meeting.

(4) (a) $2,768.83; (b) $623.51; and (c) $248.20.

(5) One.

(6) None.

(7) (a) $2,768.83; (b) $415.68; and (c) $46.95.

(8) (a) None;

(b) Nil.

** Minister for Foreign Affairs and Parliamentary Secretary: Overseas Travel
(Question No. 751)

** Senator Ronaldson asked the Minister representing the Minister for Foreign Affairs, upon
notice, on 25 September 2008:

Since the Minister took office on 3 December 2007:

(1) (a) What overseas travel was undertaken by the Minister; (b) what was the purpose of the Minis-
ter’s travel; (c) when did the Minister depart Australia; and (d) when did the Minister return to Aus-
tralia.

(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 Faulkner—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

Notes:
For travel by the Minister for Foreign Affairs between 3 December 2007 and 27 May 2008, please see the responses to Senate Questions on Notice Nos. 87 and 88 (tabled on 15 May 2008) and to Senate Budget Estimates Question in Writing 41 (lodged on 5 September 2008).
For travel by the Minister for Foreign Affairs during July and August 2008, please see the response to Senate Questions on Notice Nos. 694 and 695.
Definitions: For (2c), the reported amount only includes allowances paid by the Department of Finance, not costs for meals or incidentals. For (6)-(8), travel includes ground transport costs for the travelling party and travelling officials (not for non-accompanying post/other staff). For (8), costs have only been included for accompanying A-based staff, including post staff accompanying the Minister away from capital.

(1) and (2)
Foreign Minister’s Visit to Italy, the Holy See, the United Kingdom, the United Arab Emirates, Afghanistan, Iraq, Kuwait and France
The Minister departed Australia on 2 June 2008 to attend the FAO High Level Conference on Food Security in Italy and the Afghanistan Donors Conference in France; for bilateral discussions and to meet with Australian forces in Afghanistan and Iraq; and for bilateral discussions in the United Arab Emirates, Kuwait, the United Kingdom and the Holy See. The Minister returned on 14 June 2008.
The following ministerial staff accompanied the Minister to advise on matters concerning the countries visited, the Food and Agriculture Organisation and other matters as appropriate. The following amounts were paid as allowances:
Acting Chief of Staff $352.45

Foreign Minister’s Visit to Japan
The Minister departed Australia on 25 June 2008 to conduct discussions with Japanese ministers in Tokyo, and to attend the Trilateral Strategic Dialogue Ministerial meeting in Kyoto, as well as to hold separate bilateral meetings with the Japanese Foreign Minister and US Secretary of State. He returned to Australia on 28 June 2008.
The following ministerial staff accompanied the Minister to advise on matters concerning the relationship with Japan and other matters as appropriate. The following amounts were paid as allowances:
Senior Media Adviser $84.54
Adviser $259.74

Foreign Minister’s Visit to India (Chennai, Hyderabad and New Delhi)
The Minister departed Australia on 8 September 2008 for India to conduct bilateral discussions. He returned on 13 September 2008.
The following ministerial staff accompanied the Minister to advise on matters concerning the relationship with India and other matters as appropriate. The following amounts were paid as allowances:
Adviser $66.05

Foreign Minister’s Visit to the United States (New York)
The following ministerial staff accompanied the Minister to advise on matters concerning the United Nations and other matters as appropriate. The following amounts were paid as allowances:

Senior Media Adviser $226.10
Adviser $226.10

While in the United States (New York) in September 2008, the Minister attended the following key meetings of the United Nations:

- Secretary-General’s High-Level Meeting on African Development Needs
- 63rd Meeting of the United Nations General Assembly

The Minister conducted official meetings with the following counterparts from other UN member states, to discuss bilateral relations and other matters of mutual interest:

- Minister for Foreign Affairs of Afghanistan
- Minister for Foreign Affairs, International Trade and Worship of Argentina
- Minister for Foreign Affairs of Bahrain
- Minister of External Relations of Cameroon
- Minister of Foreign Affairs, Cooperation and Communities of Cape Verde
- Minister for External Relations of Colombia
- Minister of Foreign Affairs of East Timor
- Minister of Foreign Affairs, Trade and Integration of Ecuador
- Minister for Foreign Affairs of Egypt
- Minister for Foreign Affairs of Georgia
- Minister of Foreign Affairs of Indonesia
- Minister of Foreign Affairs of Iraq
- Minister for Foreign Affairs of Jordan
- Deputy Prime Minister and Minister of Foreign Affairs of Kuwait
- Deputy Prime Minister and Minister for Foreign Affairs of Malta
- Minister for Foreign Affairs of Mexico
- Minister of Foreign Affairs and Cooperation of Morocco
- Minister for Foreign Affairs and Cooperation of Mozambique
- Minister for Foreign Affairs of the Netherlands
- Minister for Trade, Disarmament and Arms Control of New Zealand
- Minister for Foreign Affairs of Nigeria
- Minister of Foreign Affairs of Pakistan
- Minister for Foreign Affairs of Peru
- Minister of State for Foreign Affairs of Qatar
- Minister of Foreign Affairs and Regional Cooperation of Rwanda
- Minister of Foreign Affairs of Saudi Arabia
- Minister of Foreign Affairs and International Cooperation of Sierra Leone
- Minister of Foreign Affairs of South Africa
- Minister for Foreign Affairs and Cooperation of Spain

QUESTIONS ON NOTICE
Minister of Foreign Affairs of Trinidad and Tobago
Minister of Foreign Affairs of the United Arab Emirates
Minister for Foreign Affairs of Uruguay

The Minister conducted official meetings with the following people, to discuss matters of mutual interest:

- Chair of the African Union Commission
- Emergency Relief Coordinator and Under-Secretary-General for Humanitarian Affairs
- NATO Secretary-General
- President of the American Jewish Committee
- Secretary-General of the Gulf Cooperation Council
- Secretary-General of the Ministry of Foreign Affairs of Oman
- Secretary-General, League of Arab States
- Special Advisor to the UN Secretary-General on Burma
- UNDP Administrator
- UNICEF Executive Director
- UN Secretary-General’s Special Representative for Afghanistan and Head of the UN Assistance Mission in Afghanistan
- US Assistant Secretary of State for East Asia and the Pacific

The Minister also participated in official meetings of the following groups, to discuss matters relevant to those groups:

- Commonwealth Foreign Ministers
  Other Attendees: Foreign Ministers and other representatives of the member states of the Commonwealth

- Community of Democracies
  Other Attendees: Representatives of the members of the Community of Democracies “Friends of Afghanistan”

- Other Attendees: Representatives of Afghanistan, Canada, Denmark, France, Germany, Italy, Japan, Netherlands, Norway, UK, US and the UN

- Friends of the Comprehensive Test Ban Treaty (as chair)
  Other Attendees: Representatives of over 90 countries (including many Foreign Ministers). The UN Secretary-General, UN Messenger for Peace Michael Douglas, former US Secretary of Defense William Perry and the Executive Secretary of the CTBT Preparatory Commission also attended “Friends of Pakistan”

- Other Attendees: Foreign Ministers of France, Germany, Italy, Japan, Turkey, the United Kingdom and the United States and representatives of Canada, China, the European Commission, European Union and United Nations, under the co-chairmanship of the President of Pakistan and the UAE Foreign Minister

- Meeting on Interfaith Dialogue and Cooperation for Peace (MMIDCP)
  Other Attendees: Representatives of participant countries – Bangladesh, Belarus, Egypt, the Gambia, Indonesia, Iran, Kazakhstan, Libyan Arab Jamahiriya, Malaysia, Morocco, Pakistan, Philippines, Senegal, Serbia, Slovenia, Tajikistan, Thailand and Trinidad and Tobago; and observer coun-
tries – Bulgaria, Greece, Holy See, Iceland, Japan, Montenegro, New Zealand, Russia, Spain, the United Kingdom, the United States and Vietnam

Meeting to Promote the Twin Goals of Restoring Peace and Ensuring Justice

Other Attendees: Foreign Ministers of the Netherlands (host), Costa Rica, Sierra Leone and Slovakia, the Secretaries of State of Foreign Affairs of Denmark and France, President Bush’s Special Envoy for Darfur, the Executive Director of Human Rights Watch, the Director of the Norwegian Institute of International Affairs, an Advisor to (then) US Presidential Candidate Obama and the Prosecutor, International Criminal Court

Meeting on Paris Commitments on Children Associated with Armed Forces/Groups

Other Attendees: Secretary of State for Foreign Affairs and Human Rights of France, the UN Secretary-General’s Special Representative for children and armed conflict, the Deputy Executive Director of UNICEF and representatives of signatories to the Paris Commitments

Supporters of Responsibility to Protect: Preserving the Spirit of the 2005 Agreement

Other Attendees: Foreign Ministers of Bangladesh, Belgium, Costa Rica and the Netherlands (chair), the Secretary of State of Foreign Affairs of Denmark, the UK Minister for Africa, Asia and UN, the Vice-Minister for Multilateral Affairs and Human Rights of Mexico, Deputy Minister of Multilateral, Global and Legal Affairs of the Republic of Korea and the President of the International Crisis Group.

(4) None.

(5)
The Department of Finance and Deregulation (Finance) and the Department of Foreign Affairs and Trade (DFAT) jointly fund official travel overseas by Mr Smith.

Finance paid for costs incurred by the Minister and accompanying Ministerial staff covering airfares, non-portfolio related meals, transport (excluding overtime costs of post staff or any costs of post vehicles), incidentals, accommodation, non-portfolio related hospitality, and tips, gratuities and porterage. Costs from one of the trips had not been reconciled at the time of writing. We have only reported reconciled costs.

DFAT was responsible for costs not covered by Finance, including the hire of the delegation office and equipment, installation of any required communications lines, telephone calls, interpreters and driver overtime. All travel expenses for departmental staff accompanying the Minister were met by DFAT. All travel expenses for AusAID staff accompanying the Minister were met by AusAID.

For his visit to Kuwait the Minister was granted Guest of Government status and the Kuwait government covered the costs of accommodation for the Minister and his party. For his visit to Japan, the Minister was granted partial Guest of Government status and the Japanese government covered the costs of accommodation for the Minister and his party.

(6), (7) and (8)

Foreign Minister’s Visit to Italy, the Holy See, the United Kingdom, the United Arab Emirates, Afghanistan, Iraq, Kuwait and France

(Costs are reconciled, as at 23 December 2008)

Costs for the Minister:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel</td>
<td>$34,531.09</td>
</tr>
<tr>
<td>Accommodation</td>
<td>$9,703.74</td>
</tr>
<tr>
<td>Other</td>
<td>$35,184.55</td>
</tr>
<tr>
<td>Costs for the Minister’s family:</td>
<td>None travelled</td>
</tr>
</tbody>
</table>

QUESTIONs ON NOTICE
Costs for the Minister’s staff:
Travel $25,101.36
Accommodation $3,764.24
Other $550.94
Costs for DFAT and AusAID staff:
Travel $64,372.28
Accommodation $12,552.47
Other $4,581.96

Foreign Minister’s Visit to Japan
(Costs are reconciled, as at 30 October 2008)
Costs for the Minister:
Travel $10,682.88
Accommodation $0.00
Other $26,493.35

Costs for the Minister’s family: None travelled
Costs for the Minister’s staff:
Travel $10,379.22
Accommodation $0.00
Other $142.42
Costs for DFAT staff:
Travel $24,358.35
Accommodation $3,682.49
Other $2,405.21

Foreign Minister’s Visit to India
(Costs are reconciled, as at 23 December 2008)
Costs for the Minister:
Travel $11,347.06
Accommodation $2,267.50
Other $12,549.91

Costs for the Minister’s family: None travelled
Costs for the Minister’s staff:
Travel $9,422.89
Accommodation $903.78
Other $66.05
Costs for DFAT staff:
Travel $31,274.42
Accommodation $8,025.07
Other $2,903.42

Foreign Minister’s Visit to the United States (New York)
(Costs are as at 23 December 2008, at which time they were yet to be reconciled)

Costs for the Minister:
Costs paid by Finance for travel, accommodation and other expenses have not yet been reconciled.
Costs paid by DFAT for other expenses were $6,942.62.

Costs for the Minister’s family: None travelled

Costs for the Minister’s staff:
Costs paid by Finance for travel, accommodation and other expenses have not yet been reconciled.
Costs for DFAT staff:

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel</td>
<td>$62,703.89</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accommodation</td>
<td>$13,847.99</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>$5,646.55</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Finance and Deregulation: Program Funding

(Question No. 877)

Senator Ronaldson asked the Special Minister of State, upon notice, on 24 November 2008:

In regard to the Minister’s administered portfolio area, for the 2008 calendar year, can lists be provided for: (a) the top 5 program overspends and their costs; and (b) the top 5 program underspends and their costs.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

The Department of Finance and Deregulation (Finance) prepares its budget on a financial year basis, rather than a calendar year. Therefore, it is not possible to provide you with an answer on a “calendar year” basis.

In lieu of the “calendar year” basis for your answer, my Department has provided data from the 2007-08 financial year (ended 30 June 2008).

Finance has 4 defined programs:

- Superannuation;
- Ministerial and Parliamentary Services;
- Property Management; and
- Insurance and Risk Management.

A full break down of each program, its budget, and its overspend/underspend is as follows:

<table>
<thead>
<tr>
<th>Program</th>
<th>Actual</th>
<th>Budget</th>
<th>Variance ($)</th>
<th>Variance (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superannuation</td>
<td>5,204,840</td>
<td>5,480,865</td>
<td>-276,025</td>
<td>-5%</td>
</tr>
<tr>
<td>Ministerial and Parliamentary Services</td>
<td>310,926</td>
<td>329,933</td>
<td>-19,007</td>
<td>-6%</td>
</tr>
<tr>
<td>Property Management</td>
<td>44,772</td>
<td>49,598</td>
<td>-4,826</td>
<td>-10%</td>
</tr>
<tr>
<td>Insurance and Risk Management</td>
<td>105,228</td>
<td>101,747</td>
<td>3,480</td>
<td>3%</td>
</tr>
</tbody>
</table>

Innovation, Industry, Science and Research: Media Monitoring

(Question No. 910)

Senator Ronaldson asked the Minister for Innovation, Industry, Science and Research, upon notice, on 24 November 2008:
What is the aggregate amount spent by the department on media monitoring during the 2008 calendar year.

**Senator Carr**—The answer to the honourable senator’s question is as follows:
The aggregated media monitoring expenditure for 2008 year to date is $276,950 (GST excl). This incorporates all expenditure by the Department for media monitoring services from 1 January 2008 to 31 October 2008.

Invoices are issued on a monthly basis and the Department is unable to determine expenditure for part months.

**Human Services: Media Monitoring**

*(Question No. 914)*

**Senator Ronaldson** asked the Minister for Human Services, upon notice, on 24 November 2008:

What is the aggregate amount spent by the department on media monitoring during the 2008 calendar year?

**Senator Ludwig**—The answer to the honourable senator’s question is as follows:

Costs are totalled by the supplier, Media Monitors, on a monthly basis. Therefore, November costs are from 1 to 30 November 2008.

**Department of Human Services (including Child Support Agency and CRS Australia)**
The Department of Human Services has spent a total of $111,015.83 (including GST) on media monitoring for the period 1 January 2008 to 30 November 2008.

**Finance and Deregulation: Media Monitoring**

*(Question No. 948)*

**Senator Ronaldson** asked the Special Minister of State, upon notice, on 24 November 2008:

(1) Can details be provided, as of 24 November 2008, of the total number of all staff in:

(a) the Minister’s office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and

(b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.

(2) Can details be provided of the aggregate salary and superannuation costs during the 2008 calendar year for all staff in:

(a) the Minister’s office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and

(b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.

(3) Can details be provided of the aggregate travel costs during the 2008 calendar year for all staff in:

(a) the Minister’s office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and

(b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.
(4) Can details be provided of the aggregate mobile phone costs during the 2008 calendar year for all staff:

(a) the Minister’s office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and

(b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.

(5) Can a breakdown be provided of every review, inquiry and committee which is being conducted in the department that has been announced since 1 December 2007.

(6) (a) How many of the department’s reviews, inquiries and committees are in progress or incomplete as of 24 November 2008; and (b) what are their reporting dates.

(7) In regard to each of the department’s review, inquiry and committee (completed and incomplete as of 24 November 2008) that has or is being conducted during the 2008 calendar year: (a) what is the number of departmental staff allocated to each; (b) what is the aggregate number of departmental staff allocated to all; (c) were external consultants engaged to assist in any; if so, which consultants and how much has each consultancy cost (please itemise for each); and (d) what have been the travel costs associated with those staff involved in each (please itemise for each).

(8) For the 2008 calendar year, what is the total cost of each departmental review, inquiry and committee, including staff wages, consultancy costs, travel and any other associated expenditure (please itemise for each).

Senator Faulkner—The answer to the honourable senator’s question is as follows:

(1) (a) (i-vi) One.¹

(2) (a) (i-vi) Between $110,914 to $144,595.²

(3) (a) (i-vi) $17,058.76.

(4) (a) (i-vi) $5,107.90.

(1) (b), (2) (b), (3) (b), (4) (b), (5–8) Please refer to the response to Question 953 asked of the Minister representing the Minister for Finance and Deregulation.

¹ This employee’s duties are not limited to media relations and advice, but also include policy research, liaison and advice as well as other operational duties to support the Minister in his portfolio responsibilities.

² Salary range is provided so as not to disclose the exact salary of the individual employee.

Prime Minister and Parliamentary Secretary: Overseas Travel

(Question No. 1004)

Senator Ronaldson asked the Minister representing the Prime Minister, 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 Chris Evans**—The Prime Minister has provided the following answer to the honourable senator’s question:

The honourable senator is referred to Senate Question on Notice 750 for the travel by the Prime Minister.

For the travel by the Honourable Anthony Byrne MP, Parliamentary Secretary to the Prime Minister:

(1) Attend the official opening of the Singaporean Campus of James Cook University and also undertook a range of bilateral meetings
(2) Two nights
(3) 2–4 September 2008, Singapore
(4) 13
(5) No officers from the Department of the Prime Minister and Cabinet travelled. One officer from the Parliamentary Secretary’s personal staff travelled
(6) $13,382.61
(7) (a) $11,030.30, (b) $676.02, (c) $1,550.12, (d) $126.17, (e) nil

For the travel by the Honourable Maxine McKew MP, Parliamentary Secretary for Early Childhood Education and Child Care:

(1) Attend the 4th APEC Education Ministerial Meeting in Peru
(2) Five nights
(3) 8–14 June 2008, Peru
(4) Five
(5) No member/s from the Department of the Prime Minister and Cabinet and the Parliamentary Secretary’s personal staff travelled. Three officers from the Department of Education, Employment and Workplace Relations (DEEWR) travelled
(6) $72,590.05
(7) Parliamentary Secretary (a) $15,139.43, (b) $315.00, (c) $405.34, (d) $76.69, (e) $648.23.

The travel costs for the officers from DEEWR are tabled in Budget Supplementary Estimates hearing Questions on Notice DEEWR Question No. EW785_09

**Special Minister of State and Parliamentary Secretary: Overseas Travel**

(Question No. 1010)

**Senator Ronaldson** asked the Special Minister of State, upon notice, on 26 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 Faulkner—The answer to the honourable senator’s question is as follows:

**Official travel to New Zealand:**

(1) To represent the Prime Minister at the funeral of Sir Edmund Hillary.

(2) Nil (in transit over night).

(3) 21 to 22 January 2008, Auckland.

(4) Funeral and official reception at Government House.

(5) Unaccompanied.

(6) $2,793.56 (as reported in documents tabled in the Senate on 4 December 2008).

(7) (a) $2,518.56 (Air New Zealand flights from Perth to Auckland and return from Auckland to Sydney).

(b) (c) and (d) Nil.

(e) $275 (reimbursement of cost of diplomatic passport).

**Innovation, Industry, Science and Research: Program Funding**

(Question No. 1083)

Senator Abetz asked the Minister representing the Minister for Small Business, Independent Contractors and the Service Economy, upon notice, on 2 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 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 answer provided for parliamentary question No. 1067.