Senate

Official Hansard

No. 7, 2009
Monday, 22 June 2009

FORTY-SECOND PARLIAMENT
FIRST SESSION—FIFTH PERIOD

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FORTY-SECOND PARLIAMENT
FIRST SESSION—FIFTH 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
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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

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

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

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

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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 Home Affairs</td>
<td>Hon. Brendan O’Connor MP</td>
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<td>Minister for Indigenous Health, Rural and Regional Health and Services</td>
<td>Hon. Warren Snowdon MP</td>
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<td>Minister for Small Business, Independent Contractors and the Economy</td>
<td>Hon. Dr Craig Emerson MP</td>
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<tr>
<td>Minister on Deregulation and Minister for Competition Policy and</td>
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<td>Consumer Affairs</td>
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<td>Assistant Treasurer</td>
<td>Senator Hon. Nick Sherry</td>
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<td>Minister for Ageing</td>
<td>Hon. Justine Elliot MP</td>
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<td>Minister for Early Childhood Education, Childcare and Youth and</td>
<td>Hon. Kate Ellis MP</td>
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<td>Minister for Sport</td>
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<td>Minister for Defence Personnel, Materiel and Science and Defence</td>
<td>Hon. Greg Combet AM, MP</td>
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<td>Minister for Employment Participation and Minister</td>
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<td>Assisting the Prime Minister on Government Service Delivery</td>
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<tr>
<td>Parliamentary Secretary for Infrastructure, Transport, Regional</td>
<td>Hon. Maxine McKew MP</td>
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<td>Parliamentary Secretary for Defence Support and</td>
<td>Hon. Dr Mike Kelly AM, MP</td>
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<td>Parliamentary Secretary to the Prime Minister and</td>
<td>Hon. Anthony Byrne MP</td>
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<td>and Parliamentary Secretary Assisting the Prime Minister for Social</td>
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<td>Parliamentary Secretary for Multicultural Affairs and Settlement</td>
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<td>Parliamentary Secretary for Industry and Innovation</td>
<td>Hon. Richard Marles MP</td>
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SHADOW MINISTRY

Leader of the Opposition
Shadow Minister for Foreign Affairs and Deputy Leader of the Opposition
Shadow Minister for Trade, Transport, Regional Development and Local Government and Leader of The Nationals
Shadow Minister for Broadband, Communications and the Digital Economy and Leader of the Opposition in the Senate
Shadow Minister for Innovation, Industry, Science and Research and Deputy Leader of the Opposition in the Senate
Shadow Treasurer
Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House
Shadow Minister for Infrastructure and COAG and Shadow Minister Assisting the Leader on Emissions Trading Design
Shadow Minister for Finance, Competition Policy and Deregulation
Shadow Minister for Human Services and Deputy Leader of The Nationals
Shadow Minister for Energy and Resources
Shadow Minister for Families, Housing, Community Services and Indigenous Affairs
Shadow Special Minister of State and Shadow Cabinet Secretary
Shadow Minister for Climate Change, Environment and Water
Shadow Minister for Health and Ageing
Shadow Minister for Defence
Shadow Attorney-General
Shadow Minister for Agriculture, Fisheries and Forestry
Shadow Minister for Employment and Workplace Relations
Shadow Minister for Immigration and Citizenship
Shadow Minister for Small Business, Independent Contractors, Tourism and the Arts

The Hon. Malcolm Turnbull MP
The Hon. Julie Bishop MP
The Hon. Warren Truss MP
Senator the Hon. Nick Minchin
Senator the Hon. Eric Abetz
The Hon. Joe Hockey MP
The Hon. Christopher Pyne MP
The Hon. Andrew Robb AO, MP
Senator the Hon. Helen Coonan
Senator the Hon. Nigel Scullion
The Hon. Ian Macfarlane MP
The Hon. Tony Abbott MP
Senator the Hon. Michael Ronaldson
The Hon. Greg Hunt MP
The Hon. Peter Dutton MP
Senator the Hon. David Johnston
Senator the Hon. George Brandis SC
The Hon. John Cobb MP
Mr Michael Keenan MP
The Hon. Dr Sharman Stone
Mr Steven Ciobo

[The above constitute the shadow cabinet]
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Monday, 22 June 2009

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

COMMITTEES
Economics Legislation Committee
Report
Senator O’BRIEN (Tasmania) (12.31 pm)—On behalf of the Chair of the Senate Economics Legislation Committee, Senator Hurley, I present the report of the committee on the provisions of Tax Laws Amendment (2009 Budget Measures No. 1) Bill 2009, together with the Hansard record of proceedings and documents received by the committee.

Ordered that the report be printed.

BUSINESS
Rearrangement
Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (12.31 pm)—I seek leave to move a motion relating to the order of government business this week. It has been circulated in the chamber.

Leave not granted.

Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (12.31 pm)—Pursuant to contingent notice, at the request of the Leader of the Opposition in the Senate, Senator Minchin, I move:

That so much of the standing orders be suspended as would prevent Senator Minchin moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion to rearrange the order of government business this week.

Question put.

The Senate divided. [12.36 pm]
(The President—Senator the Hon. JJ Hogg)
Senator PARRY (Tasmania) (12.40 pm)—At the request of Senator Minchin I move:

That a motion to rearrange the order of government business for this week may be moved immediately and have precedence over all other business till determined.

Question agreed to.

Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (12.40 pm)—I move:

That, commencing from the time business is called on following discovery of formal motions today, the orders of the day for the following bills, deemed urgent by the government:

Rural Adjustment Amendment Bill 2009
Health Workforce Australia Bill 2009
Tax Laws Amendment (2009 Budget Measures No. 1) Bill 2009
National Greenhouse and Energy Reporting Amendment Bill 2009
Car Dealership Financing Guarantee Appropriation Bill 2009
Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009

as well as the order of the day relating to Appropriation Bill (No. 1) 2009-2010 and 2 related bills, be called on and determined before the order of the day relating to the Carbon Pollution Reduction Scheme Bill 2009 and related bills is called on.

Senator PARRY—The bills listed in the motion are bills that the government have indicated to us are urgent. If we consider the Carbon Pollution Reduction Scheme bills before these other motions, there could be a risk that these bills are not considered. It is our view that the public need the assurance that these budget measures bills will be debated properly prior to the consideration of any other legislation. These are bills that commence either at the beginning of this financial year or some time shortly thereafter, as opposed to the Carbon Pollution Reduction Scheme suite of legislation, which does not commence until one year after that, in 2010.

What we are doing is consistent with the position that we put to the chamber last week and the condition that we have maintained with government during meetings with leaders and whips—in particular, indicating that we would support the government in facilitating this program. We flagged with the government last week that we thought that these bills should be considered first and, once we discovered that they were not, we decided that we needed to step in and assist the process of bringing on these bills. This could have been managed a lot better by the government. We have been arguing strongly for a more consistent approach to legislative arrangements in this chamber and, in particular, the introduction of bills that need to be considered before others.

We want to ensure that the government’s appropriation bills are passed, and there can be no criticism in this chamber for those bills not seeing the light of day during this sitting week. In the last week prior to the commencement of the next financial year it would be irresponsible of the government and certainly irresponsible of us not to facilitate these bills being passed this week, as they need to start on 1 July. I think the government should realise that this is the last sitting week and, to deal with this legislation, it has to be done in this fashion.

I will go through some of the bills. The Rural Adjustment Amendment Bill 2009 amends the Rural Adjustment Act 1992 to allow for the appointment of members to the National Rural Advisory Council for three terms. Government has informed the opposition that this bill is required urgently, yet it is still not appearing on the list ahead of the CPRS. This bill is to allow for the reappointment of four members whose terms will
recommence on 1 July this year. The current members’ terms expire in eight days time, so this sitting week is the last opportunity for the Senate to consider this bill for the reappointments to occur. This bill is urgent and the coalition wishes to support the government in its consideration today.

Then we have the Health Workforce Australia Bill 2009. This establishes Australia’s Health Workforce as an independent statutory body to implement the COAG health workforce outcomes as agreed in November last year. The powers of the statutory body relate to funding, coordinating of clinical training, supporting clinical training supervision, health workforce research and planning, simulation training and providing advice to health ministers. Given this measure was agreed to by COAG back in November of last year, consideration of this bill should also be a matter of priority and should not be put off into the future.

Then we move to the Tax Laws Amendment (2009 Measures No. 1) Bill 2009. This bill limits the exemption of income earned in overseas employment. The bill also reduces concessional contribution caps. The bill is also a revenue bill, a thing that the government has declared an urgent need for. We have been asked to pass this bill, so again we want this bill considered prior to other less urgent, less important and less significant legislation. Also, the Senate Economics Legislation Committee will today report on this matter.

The National Greenhouse and Energy Reporting Amendment Bill 2009 is another bill that the government wants urgently considered. This bill enhances the framework for auditing energy under the energy reporting program. It brings auditing requirements into line with the requirements of the act. The government has declared to the opposition that passage is required in these sittings so that subordinate legislation can be dealt with following royal assent, including regulations for auditor registration requirements. We are told that delaying passage would limit availability of auditors to audit under energy reporting programs. We support this bill being considered urgently.

The Car Dealership Financing Guarantee Appropriation Bill 2009 is another bill that the government has told us needs to be passed by 30 June. Again, this is the last sitting week and this bill has not been listed before less urgent bills. The scheme cannot commence until the bill is passed, and appropriations need to be made to guarantee securities issued by a special purpose vehicle established to raise funds to support local dealerships. The four major banks will not buy OzCar, the special purpose vehicle, until the guarantee is enacted. Again, this demonstrates that this is an urgent bill that needs to be considered this week. The government has told us this needs to be in place by 30 June this year. The Economics Legislation Committee will report on this bill tomorrow in the Senate.

The Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009 will exempt the value of payments made under the Skills for Sustainability for Australian Apprenticeships and the Tools for Your Trade programs from treatment as assessable income for taxation, social security and veterans affairs purposes. The government has declared that this bill is also urgent and that royal assent in seven days time would be required to enable the family tax benefit indexation and benchmarking changes to be implemented by 30 June this year. The Community Affairs Legislation Committee will be reporting on this bill on 23 June, tomorrow.
Then we have the appropriation bills. These bills and their urgency go without saying. These are the supply bills for government expenditure and they are urgent by their very nature. They must be passed and finished with by 30 June. We certainly need to consider them in these sittings.

We have clearly established the urgency of the bills that I have just listed, which are mentioned in the motion. These bills should be considered prior to the introduction of the Carbon Pollution Reduction Scheme suite of bills, the debate on which we know, by its very nature, will be a long discussion. Many senators in this chamber wish to speak about that significant legislation, which does not commence until 2010. We have been on the record indicating that the Carbon Pollution Reduction Scheme bills do not commence for a long time and that we have other far more urgent issues, which we have listed and put before the Senate chamber for consideration.

We will no doubt get to the CPRS bills as the week moves forward and once we have dealt with these urgent matters. But we know that we cannot afford for these urgent bills not to be passed. I am surprised that the government have left these bills until the last possible minute, running the huge risk that these bills will not even come before the Senate before the end of this regular sitting week, the last sitting week before the commencement of the new financial year. So we have had to step into the breach and assist the government. We have flagged this continuously and we have assisted the government with bringing on their urgent legislation.

At the leaders and whips meeting, we were given a list of urgent and highly desirable bills. We have now facilitated the list of the urgent and highly desirable bills that the government would like passed in an order that we consider the public of Australia would demand. We need to consider the urgent budget measures bills, we have put this motion to the Senate and I urge senators to support the coalition in having these bills considered before we move on to other legislation.

**Senator CHRIS EVANS** (Western Australia—Leader of the Government in the Senate) (12.48 pm)—What an extraordinary contribution! What an absolutely extraordinary, disingenuous, misleading and courage-lacking contribution. The senator failed to address what the senators for the National Party—

**Senator Ian Macdonald**—Madam Acting Deputy President, I rise on a point of order: the Leader of the Government in the Senate has just made some outrageous imputations against the mover of this motion. I would ask that you demand that he withdraw those imputations.

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Senator Macdonald, there is no point of order. I remind Senator Evans, though, about the nature of the debate.

**Senator CHRIS EVANS**—Thank you, Madam Acting Deputy President. What we have seen today is the Liberal Party seeking to facilitate what it has stated publicly over recent weeks. I have to be fair—Senator Joyce has been blatant in his public comments that the coalition will do anything they can to prevent them having to have a debate about the CPRS, anything in their power to stop the debate coming on. That is what this is about. This is about a filibuster and an attempt to prevent debate.

**Senator Joyce**—Madam Acting Deputy President, I rise on a point of order: I feel I have been misrepresented. I said ‘I’ will do anything.
Senator Marshall—That’s not a point of order. That’s just another filibuster.

Senator Joyce—I will take the interjection, Senator Marshall. What Senator Evans said was that the Liberal Party, or the National Party, said that—

The ACTING DEPUTY PRESIDENT—Senator Joyce, you cannot take an interjection during a point of order.

Senator Joyce—I have said that I will do anything to stop this vote coming on. What Senator Evans said I said is something completely—

The ACTING DEPUTY PRESIDENT—Senator Joyce, there is no point of order. This is a debating point.

Senator CHRIS EVANS—Thank you, Madam Acting Deputy President. You can tell the coalition are sensitive—in a minute there have been two points of order trying to deny what is obvious to everyone. This is not about assisting the government. This is not about assisting the process of the Senate. It is a cowardly act designed to avoid having to debate a policy position, to debate a bill, on which they are all over the place, on which they are deeply divided. The Liberal Party are deeply divided, such that they cannot agree on any way forward in dealing with the CPRS, and the National Party are in open revolt against the Liberal Party’s position that they ought to support the Carbon Pollution Reduction Scheme.

Senator Parry’s contribution was extraordinary in that, as I say, he did not at all address that issue. What this government has said to the opposition and the minor parties is that we have a list of priority bills which we seek to have dealt with in this week. What we will also do, as we tried to last week, is to sit the extra hours—as the Senate always has—to pass the bills that the government determines are priorities.

We have the extraordinary position on this occasion that the opposition have decided that they will decide what the government’s order of business is! Now, we know that you did not like losing and we know that you have had trouble adapting to opposition, but it is extraordinary that you come into this place and say: ‘Well, we are really still the government. We will decide which bills come on and in which order we debate them, because really we are trying to help the government.’ What an absolute disgrace! What an absolute misrepresentation of the position.

It is unsurprising to anyone that we suddenly find the CPRS is at the back of the list. Why? Because, as Senator Joyce has said publicly, they will do anything to stop these bills being debated. They do not want these bills debated. They do not have the courage of their convictions to come in and adopt a position on the bills. They are too scared and they are too wracked by division to be able to come into this chamber and have a united position. So their answer is: ‘Let’s hope it all goes away. Let’s do what we can so we don’t have to deal with it. It’s all too hard. We are scared. We are running scared of adopting a position on the major issue in Australian public policy today.’

Their position is to come into this chamber and move mealy-mouthed motions that seek to put it off, to defer and to filibuster. Quite frankly, I am embarrassed for Senator Parry, that he did not have the courage to address what this is all about. We know what it is about—be honest! As I say, at least Senator Joyce has been honest. He said he will do whatever he can to prevent it happening.

The government’s position is that we retain the right to set the order of business. I encourage the Independents and Greens to think about this. I refer them to standing order 65:
Government business on Notice Paper

Ministers may arrange the order of their notices of motion and orders of the day on the Notice Paper as they think fit.

It has always been accepted in this Senate that the government sets the orders of the day. The government sets the order of business for dealing with government business and legislation. This is an unprecedented attempt to take over and prevent the government from proceeding with its legislative agenda.

The opposition want to set the legislative agenda based on what suits them, based on their cowardice about dealing with the CPRS. That is not acceptable and I urge the Independents and the Greens to think very carefully about supporting this motion. If there is a view in the Senate that the CPRS is not to be debated, as some are arguing, let us have that debate. But do not pretend in this sly and underhand way that this is a procedural motion to do that. This motion seeks to ensure that the CPRS does not come on until late in the week and the opposition can then argue, ‘It’s all too late to deal with’.

We have the situation today, on a day when the opposition say they are holding the Treasurer to account and calling on the Prime Minister and Treasurer to resign, that not only are they seeking to delay the Carbon Pollution Reduction Scheme but they are moving a matter of public importance about education. Why is there suddenly an interest in moving a motion about education on the day that they are calling on the Prime Minister and the Treasurer to resign? It is because they are only interested in one thing: not having to front up to the major public policy debate this country is having and not having to front up to take a decision on the CPRS.

Senators like Senator Cash have said quite clearly to Malcolm Turnbull, the Leader of the Opposition, that they are not prepared to back him. And his answer to that is not to have the courage of his convictions to adopt the policy that even the Howard government advocated but to actually say: ‘We are too scared of the internal divisions and we are too scared of what the National Party will do, so we will look to put off decision day. We will look to filibuster.’ This is an extraordinary proposition, that the opposition set the order of business.

You might notice also that the question of the alcopops bill has disappeared. Again, it is something they do not want to have to deal with. It was listed on the Notice Paper for this week but suddenly we find that, no, that has gone too. They want to determine what they will debate this week because they are too scared of the key debates. They do not want to debate the alcopops legislation because they are scared of adopting a position. They do not want to vote on the CPRS because they are so internally wracked with division that they want to put it off. It is all too hard.

If they had the courage of their convictions and had moved a procedural motion to that effect I would have been more impressed. Quite frankly, this is an underhand, disingenuous attempt to get them what they want, which is the capacity to filibuster the sittings of the Senate to a point where they do not have to deal with this bill this week. There is no other rationale for the decision. We asked for extra hours and we were not able to obtain those, bar on Tuesday last week. We will again seek extra hours to deal with all priority bills this week. The government is prepared to sit every night late, Friday night and beyond, in order to deal with its legislative program. It is the government’s legislative program, which empowers the government to move the government program, to have the order of business set by the government and to have the Senate deal with
the legislation in the order set by the government.

In an unprecedented move the opposition seek to take on that power themselves in order to facilitate their weakness and incapability to deal properly with a major piece of legislation. It is so lacking in subtlety. It is just an extraordinary piece of politics. I urge the Senate to reject this motion. If we are going to have a debate about the CPRS then let us have a debate about the CPRS. If you are going to have a view adopted about when we deal with the CPRS, let the Senate decide that. Do not let this underhand, sneaky method of trying to delay the bills succeed. This is important legislation. Everyone knows it has been listed for this fortnight and everyone is ready for the debate. Let us have that debate.

We will deal with the bills that the government has outlined as priorities. We will sit until they are completed and we urge the rest of the Senate to adopt the common practice of sitting until those bills are dealt with. They include the CPRS. It is not for the opposition to tell us what bills the government may or may not proceed with. The government has the right and the precedent to set the orders of the day. This is just a weak attempt to avoid being held accountable for a public policy position. We have had green papers. We have had white papers. We have had endless debate. Let us be honest about this. Debate the CPRS rather than trying to defer it and talk it out.

As I said, this is a most disingenuous attempt to deal with the weakness of the coalition. I urge the Senate to reject that approach, to debate the CPRS as called on by the government and as has been expected, and also to deal with the rest of the legislation according to the order provided by the government. We are perfectly willing to sit as long as is needed to deal with all the bills, including the CPRS, listed as priority by the government. There can be no other reason for this motion than the attempt by the opposition to filibuster to the point where they do not have to deal with this bill this week. That is unacceptable and I urge the Senate to reject it.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.01 pm)—The Greens will not be supporting this motion. This is the beginning of a filibuster by the opposition to avoid the debate about the climate change legislation, which is listed by the government as priority for this week. We have had differences with the government about the lack of sitting times for the Senate and about the bill itself, but from the very first minute of the sitting this week the opposition has engaged in a calculated filibuster to stop the climate change bills being determined by the Senate. That is dismissal of an obligation to this nation to deal with these serious pieces of legislation. Instead of the future of the nation, its environment, its economy, its employment prospects and its lifestyle, which are all critically threatened by the onrush of climate change, the opposition is transfixed by a second-hand utility and a lost or fake email.

I do not dismiss those matters, but the opposition has not got the priorities right here. This is a parliament whose bounden duty is to deal with issues confronting the interests of this nation and the voters who put us here, and here we have game playing and a rapidly drawn up motion that is not even grammatically correct and which lists no defined order—it has a list of bills, but it does not say in what order they should be presented—as it tries to take over government business and set aside rule 65 of the standing orders. I say to my fellow crossbenchers, Senator Fielding of Family First and Senator Xenophon: consider this very carefully. If you are going to join with the opposition in taking over the order in which government legislation comes
before this place, take the responsibility which goes with it. It is a very dangerous course of action. The Senate has the power to do it by numbers, but think it out very carefully before you undertake that course of action, because you are then responsible for the whole legislative program and the passage of legislation in here. If you want to take that responsibility on, think very carefully about it and wear the consequences.

I submit it is a foolish course of action and has not been thought out. It is all the more foolish because there is an ulterior motive in what the opposition is proposing to the Senate. That simply should be seen for what it is. By the way, the political content of this motion is notable. Pieces of legislation listed as urgent by the government are not included. For example, the Migration Amendment (Abolishing Detention Debt) Bill 2009, which changes the immigration legislation, is not here, because the opposition does not agree with it. The Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2009, which tries to undo the rorting system brought in by the Howard government, is not on the list. The alcopops bill is not on the list.

Senator Parry—It’s not on the paper.

Senator BOB BROWN—Senator Parry complains that they are not on the urgent list. No, that is set aside by this motion from the opposition. What the government thinks is urgent and not urgent no longer pertains. If the opposition has its way with this piece of legislation, it is responsible for what is urgent and what is not, and I am pointing out some pieces of legislation that it has left off the list for consideration altogether because they are not politically convenient to the opposition.

The opposition is on very dangerous ground here. Where it is safe is in believing this is going to delay debate this week and make it more difficult to get the government’s legislation through. Every minute we spend on this ill-thought-out effort by the opposition to take over the running of government business in this place is a minute lost on determining the legislation—

Senator Ian Macdonald—Why don’t you sit down, then? You’re talking about every minute—here’s another.

Senator BOB BROWN—I say to you on the opposition benches: you brought this on; if you are now moving to silence other people in the place, get up and move it if that is part B of this debate.

Senator Ian Macdonald—That’s your argument. You’re having a bad time, Bob.

Senator BOB BROWN—If the interjector on my right cannot substantiate the interjection he would be better to abide by another standing order, which he is breaking at the moment. I put to my fellow cross-benchers that they should not be supporting this proposal by the opposition unless they fully understand the very serious ramifications of doing so.

I say this to the Leader of the Government in the Senate, Senator Evans: the Greens have made it clear from the outset that we would not be obstructing the government in presenting climate change legislation and getting it through this parliament. We disagree—and we will come to that matter later this week—with the proposal put forward by the government because it is weak, unsatisfactory and will not do the job of confronting and reversing climate change. Nevertheless, we are in the business of the government’s legislation—which the opposition basically agrees with—being dealt with by the Senate. That is the proper course of action, and this motion deserves to be lost.

Senator IAN MACDONALD (Queensland) (1.07 pm)—What a surprise! The Greens are rolling over to the Labor Party...
yet again. They are, after all, the left-wing faction of the Labor Party, and we should not be surprised at that. But I could not help but smile at Senator Brown’s comment about a calculated filibuster. I well remember the Regional Forest Agreements Act back in 2001, I think it was, where Senator Brown strung out the debate on that particular bill in a filibuster for over 28 hours. He just spoke for 20 minutes at a time in the Committee of the Whole and used some little-known rules of the Senate to be able to speak once for the allotted time—15 minutes, I think—and then speak for another 15 minutes immediately after it. Talk about filibuster! The Greens created it. The Greens discovered it. It is a Greens tactic. It just shows how hypocritical the Greens are.

One day, when we have time—I do not want to waste the time of the Senate now—we will remind the Greens of their hypocrisy in opposing the Traveston Crossing dam and then giving preferences to the Labor Party, who are committed to building the Traveston Crossing dam. I will never let you forget that, Senator Brown. You got in your canoe, went down the Mary River and told all the people in the Mary River Valley that you were concerned about the lungfish. And what happened? He pledged undying loyalty to the people of the Mary Valley and the lungfish, and what did he do? He arranged for his party in Queensland to give preferences to the Labor Party, who were committed to building the Traveston Crossing dam. So do not talk about filibusters and hypocrisy; just have a look in the mirror, Senator Brown.

His hypocrisy is compounded through his lecturing us that every minute this debate goes on is a minute less for us to talk about the CPRS, and then he continues to talk for another five minutes after that, so delaying it. What hypocrisy! How could you live with yourself, Senator Brown, with that sort of rubbish? I know you had a bad week and Senator Abetz got under your skin about that outrageous money-raising effort that you went to. I know you had a bad effort on Thursday afternoon. You thought that would be hugely popular, and then you saw the opinion polls, which showed that people thought you had done nothing more than a stunt. What hypocrisy!

But I did not want to take up the time of the Senate. I have been distracted by Senator Brown and the hypocrisy of the Greens political party. I did want to address, though, the substance of Senator Parry’s motion.

First of all, I note the failed minister Senator Wong, who has had the running of this bill taken from her by someone who was originally a parliamentary secretary and was promoted to actually look after the CPRS Bill in the light of Senator Wong’s inability to deal with it at all. When Mr Combet and Mr Rudd rolled Senator Wong on this bill, they determined to put the commencement of this bill off for one more year. So what is the great urgency when the government and Mr Combet have rolled Senator Wong and made sure the introduction does not start until a year from now? What is this great urgency? I would love someone to tell me about that. There is no urgency for that particular bill, but we will deal with it.

I want to bring back to senators the memory—he is still alive but no longer with us in the Senate—of that distinguished senator Dr John Herron, who in a very famous contribution to the Senate a decade or so ago pointed out the health impacts on senators of dealing with legislation late at night and sitting extended hours. The Senate at that time agreed with then-Senator Herron that sitting for long, extended hours was simply not good for the health not only of senators but also of staff who are required to look after this place. The government have had a whole year to get a lot of bills through, but they have just fiddled around. They could not run
the chamber; they could not run the government business. They have told us time and time again that the bills that Senator Parry has listed are indeed urgent and have to be passed by 30 June.

We accept the government’s position that those bills are important. Just from a quick look at the bills Senator Parry has mentioned, the Car Dealership Financing Guarantee Appropriation Bill seems very important to the government and to a certain dealership in Ipswich. I know all senators—the government particularly—would want to make sure that we have time to discuss that and do not end up at five o’clock on Saturday morning trying to deal with that particularly important bill. I can imagine, of course, that the government might like to deal with it at five o’clock next Saturday morning so that no-one would get too inquisitive about what this particular bill is about, who might benefit from it and which senior members of government might have friends who might benefit from the bill. So I can understand why the government may well want to deal with that at 5 am in the hope that the journalists and the public will not be around to report that particular bill. But it is important—we have been told that by the government.

I just want to briefly mention the appropriation bills, which are the supply bills, as we all know here. They have to be passed by 30 June. They should be dealt with first. I am not fully in the loop about how long each bill would take, but I would guess that we would be able to knock most of those bills off in a day or perhaps a day and a half and get them out of the way.

There are important bills like the Rural Adjustment Amendment Bill. This government has shown time and time again that it has absolutely no interest in rural and regional Australia. The fact that it brought in this bill, which does demonstrate at least some interest, is good, and the bill should be dealt with. But, in another instance of the government’s back-flipping around, it has now decided that perhaps rural adjustment and the appointment of the committee are not quite so important. It is an important committee. It needs to be dealt with, as Senator Parry pointed out. I think the current appointments to that committee run out in seven days. That bill has to be passed by 30 June. It would not take long to debate. So why don’t we do that before we move on to the CPRS Bill, a bill which the government has said is so non-urgent that it will not be introduced until 12 months time? What is the urgency of dealing with that when we could deal with the rural adjustment bill and get that advisory committee to continue with the work it does to try and assist rural and regional Australia?

The Health Workforce Australia Bill, about an independent statutory body, has been around the ridges since November last year. You will recall, Madam Acting Deputy President, that in the Senate at the start of this year we sat around twiddling our thumbs while the government sought to find some business that the Senate could deal with. Here was a bill that was determined by the Council of Australian Governments in November last year, almost eight months ago, and that legislation now has to be passed within the next 10 days or so. That should be dealt with. It will not take long—I can guarantee that. It is a bill that I think we could easily deal with.

A lot of my constituents have expressed to me concern about uncertainty on the taxation of overseas employment. They are not necessarily opposing the Tax Laws Amendment (2009 Budget Measures No. 1) Bill but they are concerned about the uncertainty that the bill creates. That bill has to be dealt with very, very quickly. It has to be dealt with before the end of this June. Madam Acting
Deputy President, you will know, as we all know and as every Australian knows, that the government has put this nation into hock to the extent of some $300 billion plus, and it certainly needs every bit of revenue that it can take, so one would think it would be more keen than others to get that tax law amendment bill dealt with at the earliest possible time.

These issues need to be dealt with first. It is no good us being here voting on the CPRS at seven o’clock on Thursday night, or on Friday night or Saturday morning, and then having to deal with these other issues following that. These are important bills, and they deserve more than being squeezed in when people’s health is at risk, when the health of attendants in this chamber is at risk, because the government has not been able to manage the program. That is what Senator Parry and the opposition are trying to do—and it is not, for Senator Brown’s information, the opposition that are doing it. If the business of the Senate is rearranged, it will be rearranged by the Senate, not by the opposition. It is important that we give the government the opportunity to deal with these bills that we have been told time and time again are particularly important.

Finally, I urge upon senators the Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill, which deals, amongst other things, with the plight and the welfare of our veterans. I always have the view that anything that assists our veterans needs to be done in the time limit. To do that, the bill has to be passed by 30 June, by the end of this financial year, and it should be dealt with early so that there is no prospect that it could slip over into another year and cause benefits that would be going to veterans not to be passed.

I do not want to hold up the Senate. I am conscious that I could speak for another seven or eight minutes. Indeed, there are issues about which I have to try and convince the crossbench senators. We just ignore the Greens—they are just, as I started off saying, the left-wing element of the Labor Party. I would not even try to convince them, but I would try to convince Family First and Senator Xenophon that this is a sensible measure dealing with some very important bills, bills that the government has been telling the independent senators for weeks now have to be passed: ‘They’re urgent bills; they’ve got to be passed.’ Why not do that today, perhaps running into a bit of tomorrow, and get them out of the way so that we have plenty of opportunity to address the CPRS Bill?

I emphasise again that the CPRS Bill does not come into play under the government’s plan for another 12 months, so tell me the urgency about that. Mr Combet certainly understood the distress and the danger that that bill would cause to our economy and made sure that it was left for another year so that it could be properly thought through, better drafted and better designed. Mr Combet had his way. It is not going to start until the middle of next year, so what is the hurry in these next two or three days? I urge the Senate to support Senator Parry’s motion.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (1.21 pm)—It is quite obvious that we are heading towards the debate on the emissions trading scheme—one of a range of possible carbon pollution reduction schemes but one that is completely ridiculous for our nation at this point in time. That debate will be one of our most hard-fought debates. So it is prudent to clear the decks of other issues
prior to the winter break and to go out and find the other bills that we can get through so as not to unduly put at risk things that do not need to be collateral damage in this debate.

You could start with the Rural Adjustment Amendment Bill 2009. This bill is to allow the National Rural Advisory Council to be appointed for a third term. It is a small, non-controversial matter. We could get through it. It is easy. We could get that one out of the way straight away. If we do not, then that body will be basically left without the capacity to continue to operate. Then what do we do? We should not be affecting those people, because they have an extremely important job to do. They are out there looking after the crisis in rural Australia, especially the people who are still affected by the drought, and trying to restructure things. It is something that we could be dealing with right now, in an expedient way, and clearing the decks of it. There is a tax laws amendment bill which concerns, so I am led to believe, overseas employment. That bill should be dealt with now, as should the Health Workforce Australia Bill 2009.

We all know that, as soon as this ETS debate starts, it is going to be hard-fought and bitter and go on for days and days. We have to allow the Australian people every possible chance to understand the full ramifications of what this ETS means. The Labor Party is putting forward the idea that the only form of carbon pollution reduction scheme is their ETS. Well, there is actually a multiplicity of forms of carbon pollution reduction scheme, of which their emissions trading scheme is a very peculiar and distinct subset.

If you look at that Carbon Pollution Reduction Scheme, the debate we are going to have is going to be about the capacity of Australia to reduce the amount of carbon in the atmosphere, in the air we breathe, by 0.0000000798. This is obviously a ridiculous place for Australia to take itself in the middle of a global economic recession. That is the reason there is going to be so much fervour in the fight over this, because we are trying to make sure that the costs that will be passed on to people are not passed on for the sake of a mere gesture—a political gesture with no effect on the global climate but with an absolutely dramatic and detrimental effect on the economy of regional Australia, on farmers, on coalminers and on all the people who are going to be dragged into this gesture-like piece of politics that will destroy regional communities and take away the capacity of people to work with confidence in the future of regional Australia. What else would you expect but an immense debate on that? However, we seem to be using this as a gun to people’s heads. We are going to delay these other bills that could be so expeditiously dealt with and got out of the way, and for what? For a tactic, by which we make these other people, such as those involved in rural adjustment, collateral damage.

Let us be honest: it really does not matter whether we start this debate on the ETS now or start it tomorrow; it will go all week. And it should go all week, because it is a ridiculous process for Australia to be putting forward an emissions trading scheme prior to Copenhagen and in the form that is currently before us. It would not have mattered whether we started this debate today or last Thursday. This debate will go on for as long as it takes to convince the Australian people of the ramifications of what will happen to them if they proceed with this current emissions trading scheme—what will happen to their lives and what will happen to the economics of this nation—and how completely and utterly pointless it is. Even if you have a genuine concern about the environment, it still is completely and utterly pointless.

The trap that is obviously being laid is the argument that this is a filibuster. Whatever
tactic it takes to save the Australian people from this process is a genuine and a worthwhile tactic, and if that has to be to debate this for as long as possible, if the outcome protects the weakest in our economy from the effects of what is a peculiar, detrimental and environmentally pointless piece of legislation, then so be it.

It is always interesting when people throw out the word ‘filibuster’ as if it were a graver sin than murder. The first time it was actually brought into play was by Cato the Younger in 60 BC, and the whole point of it was to stop Julius Caesar making himself the tyrant of Rome. Well, that was a pretty good tactic. He failed in the end, but it was a pretty good tactic to try and bring about a just outcome. And if this debate is part of a process to get to a just outcome—and what you are trying to get in the end is justice for the weakest in our economy—then whatever tactic is available will not be precluded because of some sort of sensibility about what is appropriate in this chamber. We are allowed to debate this issue for as long as needed to give everybody a chance to bring up the issue.

We should debate it, because every day the momentum behind this issue and the belief of the Australian people is changing. More and more, they see that this is going to come and rest on their heads. It is going to rest on their heads in the way they pay their power bills. It is going to rest on their heads as some obscure, bureaucratic, Kafkaesque nightmare that will descend on those in rural places, as people start looking at how many cows you have and how much they are belching and deciding what sort of carbon tax you are going to have to pay after 2013 or 2015—when they will undoubtedly bring it in. The government always seem to be looking at the back end of the cow but not looking at the front end and understanding exactly what the true ramifications of this scheme will be.

I have been looking at some of the modelling that has been put forward. The National Australia Bank talks about the price of carbon ranging between $10 and $100. If a beast produces 70 kilograms of methane and if under the Kyoto protocol—which we have been signed up to or dragged into or made a political point about or a ploy for—we have an uplift factor of 21 on 70 kilograms; that is 1,470 kilograms of carbon. Let’s be even; let’s call it a ton and a half of carbon per beast per year. Let’s make it halfway between the National Australia Bank’s modelling of $10 and $100 for a credit—that is, $50—multiply that by 1½, so that gives $75 per beast per year. If we look at the ramifications, we will not have a cattle industry. It will cease to exist in this nation, and for what? It is for this number—a 0.0000000798 reduction in carbon. It is absolutely manic.

BlueScope Steel has said that 25,000 people will lose their jobs. That is just one company. For what? For a 0.0000000798 reduction in carbon. This is how peculiar this whole scheme is. The only people at the end of the day who will be barracking for this scheme are people driving their 7 series BMWs in their Giorgio Armani suits who work as traders in the middle of town. They will be collecting the money from the pain that is inflicted on everybody else, because somebody somewhere has to pay. It will always be the weakest members in our economy that end up paying. We talk about the noble gesture of changing the climate when, in the authenticity of that statement, you have not got a skerrick of a hope of changing the climate from a domestic position.

This is a forerunner to the sort of debate that we are going to have. In the meantime, we can get out of our system the Rural Adjustment Amendment Bill, the Health Workforce Australia Bill, the tax law amendment bill—all these issues can be dealt with expeditiously. We can clear the decks of those is-
sues and then move on to the debate in proper. I hear the Greens talking about the morals of filibustering. From a party which created the stunt last week of trying to draft off the people in the Caroona—

Senator Milne—Mr Acting Deputy President, I raise a point of order about a senator reflecting on the motives of other senators and ask him to withdraw.

The ACTING DEPUTY PRESIDENT (Senator Trood)—I think Senator Joyce was probably making a debating point. There is no point of order.

Senator JOYCE—As I said, last week we had the theatrics—call it what you may—of the way the Greens acted first of all by using the people of the farming areas of Caroona as a pawn in a motion that they decided to bring into this chamber where they did not lobby anybody. There was a notice of motion where they did not lobby the Labor Party, they did not lobby the Independents, they did not lobby the Liberal Party and they did not lobby the National Party. They just brought the motion in and created absolute division that day, and brought hurt and pain to people who are already under immense pressure in the Liverpool Plains. They brought Mr Windsor into the gallery so they had a beautiful shot for *Four Corners*, but forget about the reality of actually trying to do something. Forget about actually getting off your seat in the chamber and walking round this place to actually—

Senator Marshall—Mr Acting Deputy President, I raise a point of order to do with relevance. Again, I put it quite clearly that there is a question before the chair. Senator Joyce is now wandering all over the place using examples of debates that may have been had or are going to be had. He really should either address the question before the chair or end this stunt and sit down.

The ACTING DEPUTY PRESIDENT—As I said a moment ago, the general position in the chamber is that we allow senators a measure of latitude when they are addressing any question before the chair, but I would encourage Senator Joyce to be relevant to the matter at hand.

Senator JOYCE—I would like to see the government stand up and explain to the whole chamber why we could not have a more judicious and expedient flow of legislation that takes into account the reality of exactly where we are in this legislative program. What we want to see from the government is why we cannot rearrange business
in such a form as to clear the decks of those things that could be expeditiously dealt with and not unnecessarily cause collateral damage because collateral damage itself is a form of stunt. It is a form of a tactic of hurting people who do not need to be hurt for the purpose of putting pressure on people. I do not think that is necessary. It has been fore-shadowed for months, almost years now, that this is going to be one of the major debates that this chamber ever has.

Senator Wong—You’re not fronting up to it. You’re being a coward. Have the courage of your convictions. Be a man. Have the debate.

Senator Joyce—I take the interjection, Senator Wong. There are lots of things I have been called, but I have never been accused of being cowardly or running away from debates. And this is from a person who does not even have the spine to stand up to Mr Combet!

Senator Minchin—Mr Acting Deputy President, I raise a point of order. I wish to draw attention to the behaviour of Senator Wong. She is normally very well behaved but on this occasion she is lowering the standards of this place. Her behaviour—her yelling across the chamber and accusing the Leader of the National Party of being a coward—is disorderly and I would ask you, Mr Acting Deputy President, to bring her to rule.

The ACTING DEPUTY PRESIDENT—Senator Wong, that kind of behaviour is indeed disorderly. I ask you to restrain yourself.

Senator Joyce—I have always believed that the definition of cowardly is ‘to run away from a fight’ and I do not intend to do that. I am going to fight this every step of the way.

I do note that there are people within the Labor Party who have differing views but who never have the capacity to stand up to their own party organisation for fear of being expelled. That fear is overwhelming and it is the key thing that differentiates that side from this side. If we have a belief, we have the liberty to express that belief. They do not have a belief; they are told what to believe. So it is the absolute height of hypocrisy to get a claim of cowardliness coming from people who never, ever show any ticker whatsoever to really stand up when it counts. This is especially true given the debacle of Mr Combet coming in and standing over the top of Senator Wong. Senator Wong did not have the capacity to stand up to him and stand her ground.

I am looking forward to the debate. I will partake in it in every way, shape and form. I will do everything I possibly can to protect the Australian people from an absolutely ridiculous scheme that will send the Australian economy into a tailspin in the middle of a recession. How can we possibly have equilibrium based modelling that is premised on the fact of full employment when we are in the middle of a recession, for goodness sake? How on earth did we go forward with a policy premised on the capacity of green jobs to miraculously appear, like manna from heaven in Nimbin, for people in the coalmining areas of Mackay as they venture south like some new form of migrating bird to find Penny Wong’s marvellous green jobs. We cannot even find one. It was an absolute farce the other day in the Senate Economics Legislation Committee when it was put to us that the idea of green jobs is to have a landscape festooned with windmills which will employ the industrious people of Australia. This is the ludicrous type of policy agenda that is coming forward.

There was a book written by Charles Mackay called Extraordinary Popular Delusions and the Madness of Crowds. This ETS is going to be like one of those.
Senator Marshall—Mr Acting Deputy President, I raise a point of order, again, of relevance. There is a question before the chair. Senator Joyce is now seeking to debate the very issue that this resolution seeks to avoid on his behalf. He should not be having it both ways. He should either have the courage to oppose this resolution and allow us to get on with the debate or support this resolution which is trying to avoid that debate. He should not be able to have it both ways. He should stop this stunt and sit down.

The ACTING DEPUTY PRESIDENT—You are verging on debating the point of order now, Senator Marshall, but I would suggest to Senator Joyce that he focuses on the issue.

Senator JOYCE—I will close with a question for those who might have made the allegation that what we are doing is cowardly. Do you have the ticker to bring forward these items and allow us to expedite them as quickly as we possibly can? Will you allow us to get them out of the way so that we can accommodate your desire to entertain the debate? I bet you will not. I lay the challenge to you: if you have some authority and ticker left over there, bring these things on and let us get them out of the way. We can get them out of the way this afternoon. Then, if you are fair dinkum, we can start your debate. If you do not want to do that then who is pulling the chain?

Senator FIELDING (Victoria—Leader of the Family First Party) (1.42 pm)—Family First will vote on this motion with good prudence and not politics; good governance and not games. They are important principles here. I do not take the rearrangement of government business lightly. But it is an absolute farce to think that, because the government have not been able to order the business, we might be sitting again late in the evening in order to make very important decisions. We have fewer sitting days this year and all they want us to do now is sit longer at the last minute. They have made the claim that the bills listed have a deadline of 30 June. It is prudent then to treat these bills first in order to deal with them. Then we can focus on the CPRS legislation. That is prudence, not politics. Politics would be whacking the CPRS legislation upfront to try to get it through quickly so you can get to other, more urgent, issues. They have to play fair here. They should not play games. It is their fault that the chamber is left in this position of rearranging their business. It is the government’s job to order the business in this chamber but this week they have failed. It is not about games; it is about them getting on with the issue of organising business in a way that is conducive to the process of good decision making. Doing it late at night is just ridiculous. They have said that those pieces of legislation listed in the opposition motion need to be passed by 30 June. Let us get on with it and have the debate on those. Then let us get to the CPRS legislation and have the debate on that. It is prudence, not politics, to do it. It is good governance, not game playing.

I do not take this motion lightly and I do not see it as game-playing and I do not see it as politics. I see it as prudent and good governance. I urge senators to think about their vote and to think about it in those terms and vote for this motion. Let us get these pieces of legislation that have a deadline of 30 June through. We can get through those debates then get to the CPRS legislation, rather than the other way around. It is not stalling; it is about prudence. It is about politics; it is about prudence. It is not about games; it is good governance. I urge all senators to look at this. This is the first time I have supported—I believe; I may be corrected—a rearranging of business in this way. Yes, it is the government’s job to do it, but they have failed to order the business in a constructive manner.
way and a way conducive to good decision making. I urge senators to support this motion because it is prudent. It is politics not to support it; it is game-playing not to support it, and it is good governance to support it. I urge senators to support this motion.

Senator WONG (South Australia—Minister for Climate Change and Water) (1.45 pm)—I rise to speak on a motion which is essentially about ensuring that the opposition do not get to debate the CPRS; that is what it is about. Senator Fielding, I will take up your challenge to consider good governance and I make this point to you: the government has been clear for months now that we would be debating the CPRS in the June sittings. You may wish to make that assertion because you do not support the bill or because you agree with other aspects of what the opposition say. But it is incorrect to say that the government is simply whacking it through. This is major legislation that the government has been upfront about in saying it would be debated in the June sittings. It has been listed for the June sittings and is the first item for debate in this week of the June sittings. So there is no element of surprise.

I think it is important to remind the chamber of the facts of how we got to this point. Let us just remember where we have been. This has been one of the most considered and scrutinised areas of public policy that this chamber has had to deal with. We have had extensive discussion—I think my office counted, just on climate change matters alone, some 13 inquiries by the parliament in the last year. Let us remember what happened—

Senator Cormann—What about releasing the modelling?

Senator WONG—I know Senator Cormann, who is interjecting, just wants to oppose this. You know what I say to you, Senator Cormann? Why don’t you be brave enough and bring it into the parliament? Why don’t you be brave enough to debate it? What is occurring over there is an act of cowardice. But I will come to that.

In terms of what has occurred, this was a policy with which we went to the election. I hasten to add it was a policy Family First went to the election with. Senator Fielding, your policy in the lead-up to the election was for an emissions trading scheme—also the Greens, and of course the opposition. The opposition also went to the election with an emissions trading scheme as part of their election commitment—something they now have forgotten. I think there is over 10 years of analysis—I am pretty sure it was the 10-year anniversary of the very first report to the Howard government on emissions trading which we passed early this year. So the country has been debating this for over a decade. Both major political parties went to the last election with a commitment to legislate an emissions trading scheme. The opposition, the alternative government, went to the election with a commitment to an emissions trading scheme. This was based on the taskforce that Prime Minister Howard put into place, the Shergold taskforce. I remind the opposition that they said, ‘Let’s not wait until the rest of the world acts.’ So there has been a change of position over there. As I said, Senator Fielding—I think you were on the phone—Family First also went to the election with an emissions trading scheme as part of your election policy.

We go to the election and we then go through a process of consultation. The government a year ago put out a green paper: a detailed set of policy propositions building on work that had already been done, and I will give credit where credit is due, by the previous government, and doing far more detailed work. That was put out in June or July for consultation. In addition, the government does the largest economic modelling

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exercise in the nation’s history, where the Treasury models a range of emissions reduction scenarios predicated on the Garnaut review as well as the government’s own position, that comes out in October. Whilst this is occurring, Professor Garnaut is also doing his report and he issues a range of reports—modelling reports, interim reports, reports on various issues. Then of course is the Garnaut review, which held public meetings in every state and territory, which had many people around the country contributing to it.

The government then put out our white paper in December of last year and set out in detail the policy propositions which we propose. I think it was some 800-odd pages, from memory, building on the green paper, considering what the Treasury modelling had said, considering what the Garnaut review had said and putting forward a set of propositions saying, ‘This is what we will legislate; this is what the government’s policy is.’ This takes us to December, and at that point the government is already saying, ‘This is when we will legislate; we want to legislate mid next year.’ We also put out exposure draft legislation on the CPRS, which was sent to the Senate Standing Committee on Economics. The economics legislation committee reported and the Senate considered the exposure draft of the legislation at that time. I mention that because the government actually chose to send draft legislation to a Senate legislation committee because we recognised the importance of this issue and because we wanted the Senate to engage early on this issue.

The government announced in May revision to some aspects, including the timetable of the CPRS, after consultation with the Business Council of Australia and the Australian Industry Group as well as the Australian Conservation Foundation, WWF, the Climate Institute, the ACTU and ACOSS. This is the level of discussion there has been and the level of consideration. The government then put this legislation into the parliament as we said we would be consistent with the timetable we have previously made public. That is the backdrop to the debate we are having now.

What have the opposition been doing? That really explains what we are seeing today in this chamber. What we are seeing is really an extension of a tactic that the opposition have been engaging in for months. All they are taking today is the next step in their delay tactic path, which has been consistent. I have to be honest with you, Mr Acting Deputy President. I will say this about the opposition: they are not consistent on anything in climate change policy. They are completely divided. The only thing they can agree on is the need for delay. That is the only thing those opposite can agree on, and that is why they moved the motion that is before the chamber now.

Let’s remember what the opposition have said over this last year and a half or so on whether or not they were going to take any position on this issue of public policy importance, this issue of importance to the nation. Let’s remember how many excuses they have come up with. They said they would delay until the Garnaut review, but they have not had an answer. They said they would make a decision after the Treasury modelling, Oops! That came and went—no decision. They said they would make their decision after the white paper. Oops! No decision. They said they would make their decision after the Senate committee had reported. Oops! No decision. And now they say they do not want to make a decision until after these bills have been
discussed or, alternatively, they actually do not want to talk about it until next year. That is what is occurring.

This is an extraordinary act of weakness by those opposite. Essentially what the alternative government are saying to the Australian people is this: ‘We are so divided we can’t make a decision, so we want the national parliament to hold off.’ That is what your position is. ‘We are so divided we can’t make a decision, so we want the national parliament to hold off.’ What a pathetic act of cowardice from the alternative government. If you had the courage of your convictions, you would come in here and debate this bill, but you do not have the courage of your convictions. You are hiding behind a weak and cowardly procedural tactic, and everybody knows it.

The fact is the opposition are only united on one thing, and the one thing is that they do not want to vote. That is the only thing the opposition are united on. I want to remind them of this, because they seem to be unable to listen to the Australian people who voted for action on climate change. They seem to be unable to listen to the Business Council of Australia, to the Australian Industry Group and to a range of large companies who are saying very clearly: ‘We need certainty.’ I remind the opposition of the comments of the Investor Group on Climate Change, a group of investors who have around about $500 billion of funds under investment, saying that they want certainty. We are not delaying a signal to investors by deferring the start of the scheme by one year, but those opposite are continuing the same investment uncertainty which bedevilled them in government.

One wonders whether or not the opposition remember being in government. Do they remember that John Howard, their great—

**Senator Cameron**—Their great leader, in inverted commas.

**Senator WONG**—Thank you, Senator Cameron—I was trying to think of a phrase. John Howard was the great leader of the Right, the great leader of the conservative cause, who had a change of heart on the issue of climate change. Part of why he did was that business was saying to the government of the day, ‘We want certainty.’ Business is still saying that, and yet those on the other side seem to be unable to come to a position on this because they are still so divided.

I think senators opposite are cowards for not debating this, but I will say one thing about Senator Joyce. For all the argy-bargy in the previous debate, at least he has been honest about it in the public arena. He said, ‘We want to filibuster—we don’t want to vote.’ He has been upfront about it. He says, ‘We’ll just keep talking to delay a vote.’ At least he is honest about it, but Senator Minchin, Senator Parry and those who know that that is actually not a reasonable thing for the alternative government to say are trying to hide behind a procedural motion that says, ‘We think all these bills are so important, so we won’t support the government when they want additional hours but we will support ensuring that we delay discussing the CPRS vote.’

It is a position driven not by what is in the national interest but by what is in the interests of the internal position of the Liberal Party. The fact is that they have been so divided on this issue that the only issue they can agree on is delaying a vote. It is the only issue on which the opposition can agree. Our challenge as the government to the opposition is this: if you have the courage of your convictions, if you really believe this legislation is the wrong thing to do, then bring it on and debate it. But you are not—you are scur-
rying away in a pathetic act of weakness, trying to delay and filibuster this bill, making mealy-mouthed contributions which everybody in this chamber knows are simply about avoiding a vote.

Senator CORMANN (Western Australia) (1.58 pm)—In the minute that is remaining, I will speak in support of the motion moved by Senator Parry and draw the attention of the chamber to the fact that we have a small formality to deal with by the end of June, and that is some budget measures that are time sensitive and that the government have told us have to be finalised by 30 June.

The motion that has been moved by Senator Parry is a very sensible motion and I suggest the government take the time, which they will have available to them when dealing with the legislation listed in the motion, to go back to the Treasurer, Wayne Swan, and ask him to provide the information about the Carbon Pollution Reduction Scheme to the Senate that the Senate has been asking for for eight to nine months before we deal with this legislation. The government, for eight to nine months now, has been refusing to comply with successive orders of the Senate that were seeking information about the impact of the Carbon Pollution Reduction Scheme on the economy and jobs. So far, inappropriately, the government has refused to comply with very reasonable orders of the Senate, and so this is now an opportunity for the government to show some transparency and some accountability. Perhaps Senator Wong could go and talk to the Treasurer, Wayne Swan, and say: ‘Look, we have a few hours left and we now have some other legislation to deal with that is urgent and important. Let’s change our attitude to this. Let’s make sure that the Senate and the people around Australia have some proper information about what the impact of the Carbon Pollution Reduction Scheme will be.’

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Education: School Closures

Senator MASON (2.00 pm)—My question is to the Minister representing the Minister for Education, Senator Carr. Given that the Rudd Labor government’s own guidelines for the Building the Education Revolution program state that schools ‘planned for closure will not receive funding’, why is the Rudd Labor government not abiding by its own guidelines for the program’s implementation?

Senator CARR—I indicated throughout last week that the program guidelines for Building the Education Revolution provide, in the case of schools that are receiving money—and those arrangements are benefiting a very large number of students and teachers in a very large number of schools right across Australia—where it has clearly been demonstrated that a school is amalgamating, the continuing school of course receives the benefit of that money. I have advised that there has yet to be demonstrated a case where that has not occurred. All of the cases that have been brought to public attention to date have in fact been demonstrated to have been consistent with the guidelines. Senator Mason, if you are now able to tell me that there is an entity that is not abiding by the guidelines, which I presume will be your next question in that very sneaky way in which you obviously seek to creep up on us, I will await further developments.

Senator MASON—Mr President, I ask a supplementary question. Is the minister aware that, under the Glenorchy project in Tasmania, the Roseneath and Claremont primary schools will close? Why has $475,000 been allocated to those schools, contrary to the government’s own guidelines?

Senator CARR—The Roseneath Primary School matter—once again we have this very
covert way in which you have presented this—was covered by the *Australian* newspaper, the newspaper of choice for the outsourced worker, the Liberal Party, on 22 June. It claimed that BER funding was being used to pressure the Tasmanian schools community to rush to mergers and closures. I remind the Senate that the Commonwealth has no influence over the merger of schools. The issue of school mergers is one for the state and territory governments. In regard to this particular BER application, Roseneath Primary School is scheduled to merge with Abbotsford Primary School. This is occurring in accordance with the BER guidelines, which state:

Where two or more schools have a planned amalgamation over the next three years into either a new school site or an expansion of one of the existing schools, then the indicative funding allocation for the schools to be merged may be combined to be used for capital or refurbishment in the new school. *(Time expired)*

Senator MASON—Mr President, I have a further supplementary question. Why did the Tasmanian state government receive ‘specific approval’ from the Commonwealth to divert BER funds for doomed existing schools into not just ‘amalgamating schools’ but also ‘new’ schools, as reported in the *Australian* today?

Senator CARR—Once again I would urge Senator Mason to protect his own reputation here by not relying on reports that he reads in the *Australian*, because on each and every occasion to date it has been demonstrated that those reports have not been accurate in their presentation. Perhaps the *Australian* should not rely upon sources within the Liberal Party, as we have seen with certain fake emails of late. Perhaps that is the type of circumstance that is developing. The article in the *Australian* claimed that certain moneys were being spent in a particular way, but according to the BER application Claremont Primary School is scheduled to merge with the Mount Faulkner Primary School, and this is taking place in accordance with the BER guidelines, which state:

Where two or more schools have a planned amalgamation over the next three years into either a new school site or an expansion of one of the existing schools, then the indicative funding allocation for the schools to be merged may be combined to be used for capital or refurbishment in the new school. *(Time expired)*

Economy

Senator MARK BISHOP (2.05 pm)—My question is to the Assistant Treasurer, Senator Sherry. Over the last year we have seen a wave of unprecedented economic turmoil stemming from the subprime crisis in the United States, the global credit crunch, the global financial crisis, the worst global recession in 75 years and the combined challenges these have presented to the international and Australian economies. Can the Assistant Treasurer update the Senate on what actions the Rudd government has taken, and continues to take, to step in to fill the gap left by the private sector to stimulate the economy, to support jobs and to protect working families from the effects of global recession? I would particularly appreciate the Assistant Treasurer outlining how these decisive actions, such as the nation-building plan, will allow Australians to be confident about our nation’s future, will support jobs now, will invest in our critical infrastructure for the future and will ensure that our economy is well placed to make the most of the global recovery. Also, how will the largest modernisation of the nation’s schools— *(Time expired)*

Senator SHERRY—I thank Senator Bishop for that very detailed and effective question. The senator is quite correct—the Rudd government has been acting swiftly and decisively to deal with the global financial and economic crisis and to cushion the
The government has had to step in to fill the gap left by the private sector during this global recession. I note, of course, that Australia is not in a technical recession—we had 0.4 per cent growth in the March quarter, unlike almost every other advanced economy in the world.

In the 2009-10 budget, the Rudd government made some tough choices, including some unpopular ones. These are tough choices that are necessary to make during this time of unprecedented global financial and economic crisis. Let me list just some of the decisive actions we have taken. We have put in place the $42 billion Nation Building Economic Stimulus Plan. That includes $14.7 million to Building the Education Revolution. We put in place a $10.4 billion Economic Security Strategy. We put in place a $22 billion nation-building infrastructure plan to invest in infrastructure, which was so badly neglected by the former Liberal-National Party government. We put in place a bank deposit and wholesale funding guarantee. We put in place a state debt guarantee. We boosted and extended the First Home Owner Grant scheme. We put in place a $1.5 billion Economic Security Strategy. We put in place a $22 billion nation-building infrastructure plan to invest in infrastructure, which was so badly neglected by the former Liberal-National Party government. We put in place a bank deposit and wholesale funding guarantee. We put in place a state debt guarantee. We boosted and extended the First Home Owner Grant scheme. We put in place a $1.5 billion Economic Security Strategy. We put in place a state debt guarantee. We have delivered on promised tax cuts. We have supported the ban of the dangerous naked short selling. And we have moved to regulate credit agencies. (Time expired)

Senator MARK BISHOP (2.08 pm)—Mr President, I ask a supplementary question. The Assistant Treasurer highlighted in his response the many ways in which the Rudd government has supported the Australian economy and supported jobs, including immediate and decisive stimulus, nation-building infrastructure and the biggest school modernisation program in Australian history. Can the Assistant Treasurer also inform the Senate, in light of these actions—plus a range of other steps, such as the Rudd government’s historic investment in road, rail, ports, hospitals and a national broadband network—whether the level of business confidence has been impacted and, if so, what does that mean for Australia? Also, is the Assistant Treasurer able to update the Senate on how small business confidence has responded to the comprehensive actions of the Rudd government to support small businesses across Australia through the $141 million small business tax break, to help small businesses invest in new capital, the establishment of the small business support line—(Time expired)

Senator Troeth—I rise on a point of order, Mr President. I realise that the senator’s time has just expired, but I understand that when asking questions one does not make a statement; one asks a question. I ask you to rule on this, regarding Senator Bishop.

Government senators interjecting—

The PRESIDENT—Order! Senator Troeth, in fairness to you, I did not hear the last part, because there was disorder on my right. What was the last part of your point?

Senator Troeth—Mr President, I said that asking a question is simply supposed to be that, rather than a statement such as Senator Bishop has just made, and I ask you to rule on that.

Senator Chris Evans—On the point of order, Mr President, I think Senator Bishop was well within the precedent and rules in terms of asking the question. But the point Senator Troeth is making about statements and questions is one I have made previously, and if the opposition wish to have a discussion about that I would be happy to, because we will make sure that the opposition observe those rules if that is your ruling.
The PRESIDENT—Order! Your time has expired. The question was in order. I do remind senators in the chamber that there should not be statements in the question. It is question time, so the question should be put to the appropriate minister.

Senator SHERRY—Thank you, Mr President. Senator Bishop was quite rightly asking about the considerable range of very effective programs the Rudd Labor government has been putting in place to tackle decisively the world financial and economic crisis and to cushion the Australian economy against that crisis. Most of these programs have been opposed by those opposite in the Liberal-National Party. The Liberal-National Party do nothing, sit on their hands and wait and see; whilst this Rudd Labor government is taking decisive action. The specific question referred to the importance of small business in these times of financial and economic crisis around the world. We have put in place important measures to help small business during these difficult times. The Sensis business index for small and medium enterprises shows that small and medium business confidence has increased strongly in the last quarter and that net perceptions of the economy have improved for the first time since—(Time expired)

Senator MARK BISHOP (2.11 pm)—Respecting your guidelines, Mr President, I ask a further supplementary question. Assistant Treasurer, is it true that the Rudd government’s decisive and comprehensive actions have resulted in significantly increased business confidence, including one of the highest increases in consumer confidence in the last 22 years? While the Rudd government’s early actions have provided assistance to the economy, where the private sector has been unable to do so, can the Assistant Treasurer update the Senate on any threats to this continued upward trend? In particular, can the Assistant Treasurer point to any alternative strategy and can he confirm that one such strategy amounts to doing nothing today—despite the world’s worst global recession in 75 years—but waiting and seeing what might befall our economy? Assistant Treasurer, who is on the public record as having such a strategy? Why is this the worst possible way to respond to current economic events? What risk would the Australian people face if those who believe in this strategy were ever able to implement such a strategy?

Senator SHERRY—I have outlined a range of the very effective measures that the Rudd Labor government has taken in order to cushion the Australian economy from the worst of the global financial and economic turmoil we have seen. I have referred to the 0.4 per cent economic growth in the March quarter. That is, of course, in marked contrast to the average 2.2 per cent—I think it is—negative growth of every comparable economy. The Liberal-National Party has adopted an alternative strategy—that is, basically, saying no to everything the Labor government would suggest. Say no, sit on your hands, wait and see, wait for the wave to hit us, wave around false and fake e-mails—

Senator Abetz—I would be very careful talking about false documents if I were you, Senator Sherry! Be very careful.

Senator SHERRY—that is the extent of the contribution you get from the Liberal-National Party on this urgent international financial economic crisis. They have no positive suggestions and nothing constructive to add—it is just wait and see, sit on your hands and do nothing. (Time expired)

Employment

Senator PAYNE (2.14 pm)—My question is to the Minister for Employment Participation, Senator Arbib. Is the minister satisfied that proper arrangements are in place to ensure that the Indigenous Employment Pro-
gram’s Employment Panel and Economic Development and Business Support Panel—

Senator Abetz interjecting—

Senator Sherry—Senator Abetz, you should be standing up and apologising instead of waving around fake emails!

Senator Abetz—You should be very careful talking about false documents, Senator Sherry! Be very careful.

Senator Sherry—Get up and explain your false email!

The President—Order! Senator Sherry and Senator Abetz! Senator Payne is entitled to be heard in silence.

Senator Payne—Mr President, may I start again. My question is to the Minister for Employment Participation, Senator Arbib. Is the minister satisfied that proper arrangements are in place to ensure that the Indigenous Employment Program’s Employment Panel and the Economic Development and Business Support Panel for Indigenous and Torres Strait Islanders can commence in nine days time?

Senator Arbib—I thank the senator for her question. It is an important issue. Certainly I do want to inform the Senate that this transition in terms of the Indigenous Employment Program and Job Services Australia is going to be a major, major task for the government. It is a large-scale transition. As Senator Fifield has rightly pointed out in terms of Job Services Australia, 47 per cent of job seekers will be changing over to a new provider—compare that to 2003 when over 80 per cent of job seekers actually changed over, and in the previous job system 100 per cent.

In relation to Indigenous employment and the changeover, electronic lodgement has taken place through AusTender. It was the method stipulated in the request for tender. Electronic lodgement allowed tenderers additional time to prepare their tender processes. Over 450 tenders have been lodged for the Indigenous Employment Program tender and they were received from a large variety of organisations. I am satisfied that the work that has been done by DEEWR and by the officials concerned is appropriate. While of course the changeover will be bumpy because any changeover is, the reform will provide better service, and better personalised service, for Indigenous people, and the programs will be on place on time—1 July.

Senator Payne—Mr President, I ask a supplementary question. I thank the minister for that information. Is the minister aware that the successful tenderers for both of the panels, both due to start next Wednesday, 1 July, are yet to be made public?

Senator Arbib—I am happy to seek out that information and provide that information to Senator Payne. This is a major reform of the Job Network system. The more time I spend in the portfolio, the more I see that the previous system was broken. If you go out and talk to providers, you will find the first thing they say is, ‘It was a conveyor belt; the old conveyor belt system.’ A week ago I visited an Indigenous training provider working in the construction sector. I spoke to about 15 young Indigenous people and they were ecstatic with the support that they were getting but also that it was not just training for training’s sake. What most impressed them and why they are happy is that they believe it is going to get them into work and into jobs. That is what Job Services Australia is about. That is what the changes in Indigenous programs are about. They are actually about getting real work—(Time expired)

Senator Payne—Mr President, I ask a further supplementary question. I assume the minister’s visit to the provider and the construction centre was part of the hard-hat led recovery. Does the Labor government really
believe that nine days is a reasonable time in which to expect new providers to find their business premises, to hire staff, to set up their IT systems and to be up and running by next Wednesday? How is that a realistic assessment?

**Senator ARBIB**—Can I say again that there will be bumps on the way in this transition. There is no doubt about that because it is a big, big reform. The old system was not working and it certainly was not working for Indigenous people. There is no doubt about it. Coming back to my point, these young Indigenous men and women are learning trades. For them it is not training for training’s sake. They talked about Work for the Dole and they said, ‘We went to that program but we were just made to pick up trash. That is what they had us doing in Work for the Dole—picking up trash.’ It was not about learning skills and learning trades, but the new system is exactly about that—providing skills to get young people, Indigenous people and long-term unemployed people into real jobs, jobs of the future. That is why we are working with the Indigenous covenant as well. Their target is 50,000 positions and we are working closely with them on their program. *(Time expired)*

**Climate Change**

**Senator LUNDY** (2.19 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Can the minister advise the Senate on how long scientists have been examining climate change? Can the minister outline the latest evidence that climate change is occurring? Is it the case that climate change is slowing down or accelerating? Can the minister advise the Senate, in particular, on what is happening in the world’s oceans? Can minister update the Senate on the melting of the Arctic ice caps? Can the minister advise the Senate on the particular significance of the melting of the Arctic ice caps?

**Senator WONG**—I thank Senator Lundy for her question and for her interest in the science of climate change. Discussion on the link between global warming and carbon pollution in fact began in the 1890s. The fact is that mainstream science has been establishing the link for over 20 years. Those opposite might like to be aware that, globally, 13 of the 14 warmest years on record occurred between 1995 and 2008. Just last week, we saw the release of the Copenhagen synthesis report. This report represents the most significant update of climate science since the Intergovernmental Panel on Climate Change fourth assessment report in 2007. If senators in this chamber want to have a look at it, this report does make for disturbing reading. What it tells us is that climate change is happening faster and having an even bigger impact than we previously thought. The report confirms that the ocean has warmed significantly in recent years and current estimates indicate that ocean warming is about 50 per cent greater than had been previously reported by the IPCC. I will repeat that: current estimates indicate that—

**Senator Bernardi interjecting**—

**Senator WONG**—Yes, you should listen to this, Senator Bernardi. I know that you need some convincing on the science of this issue. Current estimates indicate that ocean warming is about 50 per cent greater than had previously been reported by the IPCC. One of the most dramatic developments since the last IPCC report is the rapid reduction in the area of Arctic sea ice in summer. The IPCC had predicted the loss of significant amounts of Arctic sea ice in summer. The IPCC had predicted the loss of significant amounts of Arctic sea ice, but in both 2007 and 2008 almost two million square kilometres more Arctic sea ice was lost than
in previous years. Two million square kilometres—

Senator Bernardi—How are those polar bears up there doing, Penny?

Senator Wong—Well, Senator Bernardi, I will take that interjection because I think that is an interjection that just reminds us that those opposite simply do not believe that climate change has—(Time expired)

Senator Lundy—Mr President, I ask a supplementary question. I thank the minister for that update on the science and ask: isn’t it the case that it has been the commonly held view in Australia for some time that carbon pollution—or, as it is sometimes called, greenhouse gases—is what is causing climate change? Wasn’t it in fact the previous Prime Minister, Mr Howard, who said that there is ‘no doubt’ that greenhouse gases are having an adverse effect on the environment? Has there been any recent suggestion that Mr Howard was wrong in making that claim?

Senator Wong—What is extraordinary is that the suggestion he might have been wrong seems to be coming from the people who were once his strongest supporters. It was John Howard who finally, in the face of the evidence, did confirm that global warming, or climate change, was occurring and that carbon pollution was contributing to it. So it is somewhat bizarre, one would have thought, that those opposite, some of them his strongest supporters—and I note their heads are down now—are no longer out there backing the Howard legacy. I thought Senators Minchin, Bernardi and Abetz were those who were the diehard Howard legacy defenders—but not on the issue of climate change, only on the issue of Work Choices.

I note that the current Leader of the Opposition reinforced this point in a speech to the Sydney Institute, where he said:

… climate change is a fact, not a theory.

He did not check with Senator Minchin before he said that. This is the same Mr Turnbull who on Friday said, ‘It would be smug on the part of the climate change lobby to say that the science is beyond doubt.’ Isn’t that extraordinary! What an extraordinary—(Time expired)

Senator Lundy—Mr President, I ask a further supplementary question. I again thank the minister for her answer. Can the minister outline to the Senate what the new report referred to in her first answer concludes? What does the report say about whether we need to take action on climate change and how soon that action should take place? Minister, does the report include advice about the ways in which we can turn climate change around? Finally, can the minister advise the Senate on whether there may be something missing from our response to climate change?

Senator Wong—the report to which I was referring concludes:

If ambitious mitigation goals are to be achieved, then emissions reductions programmes and carbon pricing should be implemented as quickly as possible, and within stable policy frameworks.

That is what we are trying to do. We are being stymied by those opposite. The key to tackling climate change is to create these price signals, with long-term expectation and long-term certainty. Again: those opposite stand in the way of that. Most importantly, this report confirms that ‘inaction is inexcusable’ and that we already have the tools needed to tackle climate change. The chair of the team who wrote the report, Professor Katherine Richardson, said at the launch:

Society has all the tools necessary to respond to climate change. The major ingredient missing is political will.

The professor really could be talking about those opposite, because what is missing in
this debate is political will on that side to act on climate change. (Time expired)

Employment

Senator FIFIELD (2.25 pm)—My question is to the Minister for Employment Participation, Senator Arbib. Is the minister aware that Wesley Uniting Employment, who provided employment services for 11 years under Job Network, will be closing 60 of their 68 sites, resulting in 350 staff losing their jobs, under Job Services Australia next Tuesday?

Senator ARBIB—Senator Fifield has asked a number of questions regarding the Job Services Australia changeover and I take him back to my answers last week: this was a competitive process based on protocols and guidelines developed under the previous government, but the core of this is improving the service and improving the system for job seekers.

Under the old system there were seven programs—seven doors that a job seeker would have to go through. With Job Services Australia there is one door, a personalised service for job seekers. Not only have the government put an extra billion dollars into the system; at the same time we have put in place the redundancy compact. Under the Howard government, if you were made redundant you would have to wait to go into stream 2 of the Job Network; you would have to wait for personalised service, wait to get the support you needed. Under Job Services Australia, if you are made redundant there is immediate access to the system. It provides personalised support, tailoring it to make sure people get the retraining they need to get back into the job market. That is what Job Services Australia is about.

With regard to tenders, of course there are some organisations that have missed out; there is no doubt about that. I have great sympathy for them because they have put their hearts and souls into this. But in any competitive process there are winners and losers. Unlike the previous government, we have done our best and have worked to try to assist those organisations. The Agency Adjustment Fund, $3.5 million—(Time expired)

Senator FIFIELD—Mr President, I ask a supplementary question. Is the minister aware that, as a result of the Rudd government’s bungling of employment services, Wesley Mission have been forced to withdraw $3 million from services they provide to the community?

Senator ARBIB—I again say that under the Rudd government we are assisting and attempting to assist those organisations that have missed out in the competitive process. I was talking about the Agency Adjustment Fund. That is $3.5 million—about $100,000 per organisation—going to those organisations that have missed out, which will assist them in transitioning. There are also other programs available to them. There is the Innovation Fund: $41 million. A number of these organisations are tendering directly to the Innovation Fund. There is the Jobs Fund: $650 million. On top of that, organisations that have missed out can apply to subcontract under the main tenderers. So there are still opportunities and, of course, the government is working on the transition. It will not be an easy transition, but certainly we are putting job seekers first. (Time expired)

Senator FIFIELD—Mr President, I ask a further supplementary question. Is the minister aware that the cuts Wesley Mission has been forced to make as a result of this bungled employment services tender include, amongst others, a campsite for disadvantaged children, rehabilitation work in jails and a regional Homes for Hope program in Port Macquarie?
Senator ARBIB—I say again that it is extremely unfortunate for those organisations that have missed out that they have not been successful. This, though, is a new system. It is not based on the previous conveyor belt—the one size fits all. This is about getting it right for job seekers and it is also about getting it right for the long-term unemployed—the long-term unemployed that the previous government really did not care about. I am very sorry that organisations have missed out in the competitive process. I am very sorry, but, in the end, this is about putting job seekers first.

Senator Fifield—Wesley Uniting will feel so much better now; thanks for that!

Senator ARBIB—Senator Fifield might go on like this with his feigned response, but I went back and checked on his interest in this area. I had a long look at it and found that the last time he asked a question on employment it was about Work Choices—a question to Senator Abetz. (Time expired)

Pulp and Paper Manufacturing Industry

Senator BOB BROWN (2.31 pm)—My question is to the Minister for Innovation, Industry, Science and Research. I refer to the pulp and paper industry strategy group which he announced last week, and I ask: how much is that group going to cost the taxpayer between now and November or whenever it reports? I also ask the minister, who has said that there is a balance to be sought between environmental concerns and economic activity by the pulp and paper industry: who are the environmentalists on this wall-to-wall industry group of lobbyists being facilitated by the government to draw up a lobbying plan for the government to get their hands on taxpayers’ money or taxpayer funded facilitation of the industry?

Senator CARR—I thank Senator Brown for his question. On Friday, 19 June I announced a review of the Australian pulp and paper manufacturing industry. The review will develop a long-term industry wide strategy for achieving a world-class sustainable pulp and paper industry. I have established a pulp and paper industry strategy group to undertake the review, including senior representatives from industry, unions, the CSIRO and all levels of government. The industry strategy group will develop a roadmap for the sustainable future of the pulp and paper industry and report back to me by November. An issues paper is currently being developed and will be made available publicly at the end of July.

The future of the Burnie and Wesley Vale mills is currently under consideration by Tas Paper, or PaperlinX, and I understand a decision may be made by the end of June. While the government are concerned at any prospective job losses, we will not pre-empt Tas Paper’s strategy review of the mills nor the strategy industry group’s long-term review.

Senator Bob Brown—Mr President, I rise on a point of order. I thank the minister but—more than halfway through the time allocated—the question was: how much will the pulp and paper industry strategy group cost taxpayers and who are the environmentalists in that group?

The PRESIDENT—Senator Carr, you have 41 seconds remaining to answer the question.

Senator CARR—the industry group will, as I have indicated to the Senate, be tasked with developing an industry-wide strategy for achieving a world-class, sustainable pulp and paper industry. We are concerned about the maintenance of jobs, we are concerned about the maintenance of the industrial capability of this nation, and we are concerned—

Senator Bob Brown—Mr President, I rise on a point of order. For the third time I ask the minister, through you, Mr President,
to answer the question: how much will this strategy group cost and who are the environmentalists in it, seeing that the minister himself has said that it is to achieve a balance between the environment and industry?

The PRESIDENT—Senator Carr, you have 16 seconds remaining to address the question that has been asked by Senator Bob Brown.

Senator CARR—Senator Brown, you know full well the members of the industry strategy group, because the list was published on Friday. Our concern is for the protection of jobs. Our concern is to protect the welfare of the Australian people. Senator, I trust you will join me in that effort. (Time expired)

Senator BOB BROWN—Mr President, I ask a supplementary question. The minister says in his press release that his concern is to get the balance right between environmental costs and economic activity, and I ask him: is one of the environmentalists Mr John Gay, the Managing Director of Gunns Limited, who is on the record as saying that there are too many protected species and he thinks that more ring-tailed possums and wombats, for example, should die to facilitate his business? How much will members of the strategy group be paid by the government? If they are not being paid, how much is it expected that the costs of their facilitation to arrange this lobby to government to get taxpayer funding will be? What is the expected cost that the minister has assessed here?

Senator CARR—The costs associated with the activities of individual members of the strategy group will be based on Remuneration Tribunal advice. As to the fees for pre-meetings and preparation and the actual cost time of meetings, the Rem Tribunal rate is $597 per day, excluding GST. The other costs associated with the operation of the group for individual members are the direct travel costs, accommodation—where that is required—and meal costs.

As to the role of Gunns in this particular industry group: Senator, I do not share your hostility towards the operations of Gunns in the industry. They are the largest single contributor in terms of investment in the industry. It is appropriate that we consult with the—(Time expired)

Senator BOB BROWN—Mr President, I ask a further supplementary question. Gunns are the single largest destroyer of forests and wildlife, including endangered species, in Australia. I ask the minister: what facilitation has he or the government or Australia’s international outreach through embassies given to Gunns in any way in its search for an investment partner for the Gunns pulp mill? If the minister cannot answer that, could he come back to the Senate with a considered answer?

Senator CARR—With regard to the pulp mill in Tasmania, the government has indicated that it will follow all of the appropriate procedural guidelines for the assessment. The pulp mill has been given approval to operate and it is now going through other measures that Minister Garrett currently has before him. As to the matters to do with the search for finance on an international basis, I am not aware of any support that the government has provided in that regard. If there is anything further that the Minister for Trade has to offer in that regard, I will come back to Senator Brown.

Community Television

Senator TROETH (2.38 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Was the minister aware of the concerns of the community television about allocation of digital spectrum before the budget and before he set the firm time lines for the switchover to digital television? If so,
why didn’t he consider these valid concerns and allocate funding in the budget for the sector to broadcast in digital in line with his public and private assurances?

Senator CONROY—I thank Senator Troeth for that question. I know that she has a long and ongoing interest in community television. As she has correctly identified, the government did not resolve the issue and that challenge community television has to move from the analog era to the digital era. It is 18 months since we came to government. The previous government first announced that it was going to move from analog to digital in 2001. By 2007, when they lost the election, seven long years later, they had done absolutely nothing to identify a pathway for community television to survive the analog to digital switch. So it has always been a little rich for those opposite to cry crocodile tears when it was in their hands to solve this dilemma and give them the spectrum and give them the funds to build a multiplex. All of these issues were in the former government’s hands.

This government has been engaged in extensive consultations. We have met many times with the representatives of community TV. We have considered a range of issues. There have been proposals put forward by community TV which they themselves have subsequently withdrawn to try and find this pathway. We continue to be committed to delivering an outcome and a pathway for community television to move from the analog world to the digital world. We will be having further meetings with them in coming months to work through these issues with them.

If it were as simple as Senator Troeth implied in her question, why didn’t you fix it when you were in government? Why were you unable to resolve this? There have been a whole range of spectrum issues— *(Time expired)*

Senator TROETH—Mr President, I ask a supplementary question. Thank you for the history lesson, Senator Conroy. I am asking you, the responsible minister, about this: isn’t it true that spectrum is available that could be allocated to the community television sector today? If that is the case, why won’t you act to give community television and viewers certainty?

Senator CONROY—It is again a little disingenuous of those opposite to suggest that there is suddenly spectrum available today that was not available previously—because the previous government’s policy was to introduce what were referred to as channel A and channel B, and that took all the spectrum. We have been considering all of these issues: whether to proceed with a channel A and channel B option or to allocate spectrum to community television. There are a range of choices in the mess that this government inherited from those opposite, and we are going to give careful consideration to them. What we have committed to and what we will ensure is that community television will have a pathway to the digital future—unlike those opposite, who were considering taking spectrum away from community television to boost channel A and channel B. *(Time expired)*

Senator TROETH—Mr President, I ask a further supplementary question. Again, I appreciate the historical perspective but, Minister, we are talking about here and now. When the window is closing, why—

The PRESIDENT—You should not be making a statement at the start of a question, Senator Troeth.

Senator TROETH—Why won’t the minister acknowledge that funding for community television to broadcast in digital will actually assist his goal of driving take-up?
When will you provide the urgently needed funding and spectrum to support our very important community sector?

Senator CONROY—Can I again indicate that I know Senator Troeth has a long and abiding interest in the future of digital television. It is a pity that most of those opposite, when they had their chance in government, did not have the same abiding interest. We are committed to delivering a future. We will be engaging the community TV sector in further discussions over the next few months to ensure that they do have a pathway, to ensure that they do have the capacity to deliver on the government’s ambition to drive digital uptake. Senator Troeth is absolutely correct: this pathway and this transition will assist with the take-up—because, as those hundreds of thousands of Australians who currently support and watch community TV will attest, they will go out and join the push for digital set-top boxes and the like if there is a future for digital television. (Time expired)

Building the Education Revolution Program

Senator FURNER (2.44 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Will the minister update the Senate on the implementation of the government’s new Australian Laureate Fellowships scheme? How does it further the objectives outlined in the government’s innovation strategy ‘Powering ideas’? How does the scheme fit into the government’s broader education revolution? How will it contribute to Australia’s long-term prosperity and the wellbeing of Australian families and communities?

Senator CARR—I thank Senator Furner for his question. It was my great pleasure this morning to announce the first successful projects under the Australian Laureate Fellowships scheme. This scheme supports research of national and global significance by researchers of international standing. One object of ‘Powering ideas’ is to create viable career paths for Australian researchers. We have already increased support for research trainees with more Australian postgraduate awards and higher stipends. The government has established 1,000 new Future Fellowships for midcareer researchers, and the Super Science initiative announced in last month’s budget includes 100 new Super Science fellowships for early career researchers.

In September last year I announced that the Australian government will be spending $239 million over five years on a new Australian Laureate Fellowships scheme to replace the Federation Fellowships scheme. The aim of the education revolution is to transform every stage of the learning journey from preschool to postdoc and beyond. Each Australian laureate fellow will lead and mentor a team of postgraduate and postdoctoral researchers. One of our first two female laureate fellows will be a fine example of the young women in science. All of the fellows will work on projects that promise real benefit to Australia, whether in economic, environmental, social or cultural terms. They will help us combat superbugs, build safer infrastructure, create lighter materials and strengthen our democratic traditions. They will bring us a step closer to meeting the practical needs and fulfilling the aspirations of families and communities around the country and around the world.

Senator FURNER—Mr President, I ask a supplementary question. Can the minister inform the Senate how the Australian Laureate Fellowships scheme contributes to the internationalisation of Australia’s research and innovation efforts? Given that Australia produces around three per cent of the world’s research, what steps is the government taking to ensure that we have access to the 97 per cent of research that is done elsewhere?
Senator CARR—‘Powering ideas’ identifies increasing international collaboration on research and development as a national innovation priority. That is why the Australian Laureate Fellowships scheme is open to outstanding researchers everywhere regardless of nationality. The 15 inaugural Australian Laureate fellows will include overseas scholars, Australians who have been working overseas and Australians who have built international reputations from home. All will be based at Australian universities during their tenure as Australian laureate fellows. Australia cannot solve every problem on its own. We must be able to draw on the best minds in the world. This scheme will attract more researchers to Australia and enable Australian researchers to participate more fully in international networks. This is a key to tackling the big challenges before us, so many of which demand global solutions. (Time expired)

Senator FURNER—Mr President, I thank the minister for that informative response. I ask a further supplementary question. Can the minister explain to the Senate why new investments in research and innovation were such an important part of last month’s budget? How can these investments help shield Australia from the global recession and prepare the country for the better times ahead? What specific role will the Australian Laureate Fellowships scheme play in this process?

Senator CARR—The total Commonwealth allocation for research and innovation in the year ahead will be $8.6 billion. That is a 25 per cent increase on the previous year. This is the biggest increase and the biggest commitment on record. A recent OECD report confirmed that global patent activity and R&D spendings have moved in lockstep with GDP over the last three decades, increasing during periods of growth and collapsing during periods of recession. The Australian government is determined to counter this cycle. By keeping the innovation pipeline open now, we can give Australia a head start in the race to secure the jobs and the industries of the future when recovery comes. The Australian Laureate Fellowships scheme will allow the research team it supports to take more risks and develop bolder ideas. (Time expired)

Defence Procurement

Senator JOHNSTON (2.50 pm)—My question is to the Minister for Defence, Senator Faulkner. Defence analysts have roundly criticised the lack of funding accountability in both the defence white paper and the 2009-10 budget. ASPI’s highly regarded Dr Mark Thomson said:

As the first budget after a new Defence White Paper, there is a glaring absence of substantive information on funding, investment and reform.

The best that can be said is that the budget is consistent with a White Paper that’s silent on when anything will occur or what things will cost.

Minister, why were detailed costings of future procurements not presented in either the defence white paper or the 2009-10 budget, particularly in circumstances where the Chief of the Defence Force has indicated those procurements cost something between $245 billion and $275 billion?

Senator FAULKNER—I thank Senator Johnston for his question. On Tuesday, 12 May, as part of the budget, the government delivered a new financial plan which will fully fund the 2009 Defence white paper. The government will spend approximately $308 billion over the next decade. Let me say this: the government’s new financial plan has two important elements. The first is a new funding model and the second is a comprehensive program of reform and savings.

Let me go to the first. The government’s new funding model for Defence will provide greater long-term funding certainty and will
ensure that Defence has the funds it needs when it needs them. The foundation of the funding model is a new, stable indexation arrangement including the maintenance of the government’s commitment to three per cent real growth on average out to 2017-18, followed by a commitment of 2.2 per cent real growth on average for the life of the white paper.

Let me go now to the second element in relation to reform and savings. This program is planned to cut wasteful Defence spending. The strategic reform program, as well as other savings initiatives, will deliver around $20 billion—(Time expired)

Senator JOHNSTON—Mr President, I ask a supplementary question. In the interests of transparency, accounting and guidance for Australia’s defence industry, when will the government publish the eight or nine companion reviews and the Pappas review that were necessary adjuncts to the Defence white paper?

Senator FAULKNER—In relation to the companion reviews to the white paper, including the Pappas review, at this stage I have not had, in the few short days I have been Minister for Defence, an opportunity to read all those reviews in detail. I suspect, Mr President, that is not going to come as a very great shock to Senator Johnston. I of course, amongst a great deal of other reading material, am planning to read them at the earliest opportunity. When I do so, I will give consideration to what is appropriate to be released into the public arena and what is not. But I do not intend to make judgments on those matters in advance of my own personal, comprehensive examination of that—(Time expired)

Senator JOHNSTON—Mr President, I ask a further supplementary question. I thank the minister for his answer. My final supplementary is: will you, as minister, give a commitment to publish a full 10-year, fully costed defence capability plan—as the coalition did on a biannual basis—and not a piecemeal four- or five-year defence capability plan which is of little use to anyone, particularly Australia’s capital intensive defence industry?

Senator FAULKNER—The government is planning to deal with the issue of the Defence Capability Plan next week at the D and I conference in Adelaide. I will be making a wide-ranging statement at that time in relation to the Defence Capability Plan. At this stage, in advance of the conference, I have got no intention of saying any more on that issue. But I respectfully suggest to Senator Johnston that he will very interested in what I have got to say on this matter next week.

Iran

Senator FORSHAW (2.55 pm)—My question is to Senator Faulkner, the Minister representing the Minister for Foreign Affairs. I refer to the continuing reports of violence in the streets of Tehran over the weekend, the reported loss of life amongst demonstrators, as well as reports of innocent students at the university being killed, and I ask the minister if he could outline to the Senate the situation in Iran currently and the government’s reaction to what is clearly a serious situation.

Senator FAULKNER—I thank Senator Forshaw for his question. I certainly can indicate that the Australian government is deeply concerned about events in Iran. Shortly after voting was completed on 12 June, Iran’s election commission announced the election of President Ahmadinejad. From the beginning, there have been real doubts about the election outcome. The two main challengers, Mr Mousavi and Mr Karoubi, have called for the election result to be cancelled.

Senators will have seen the violence perpetrated against protestors over the past
week which has, of course, continued over the weekend. The government condemns the deaths—as I know every other senator in this place will—of at least 10 more protestors on Saturday and the injuries of many more, and we deplore reports that Iranian security forces have fired on demonstrators. The government calls on Iran to halt all violence against protestors, to ensure that all Iranians have the right to peaceful protest and to release those who have been detained for expressing their views. Of course, the government is also concerned that foreign journalists have been told to leave Iran. I think this is a further sign of Iran isolating itself.

The world’s eyes are on Iran and how Iran deals with the concerns of ordinary Iranians about the election result. Those concerns need to be addressed fairly and transparently—(Time expired)

Senator FORSHAW—Mr President, I ask a supplementary question. Minister, in your answer you of course correctly referred to the recent election for the presidency held in Iran and to the concerns raised regarding the legitimacy of that election result. Can the minister advise the Senate as to the Australian government’s view on that election?

Senator FAULKNER—I thank Senator Forshaw for his supplementary question. I can say to Senator Forshaw that there certainly are real doubts about the accuracy of the election results in Iran. This has been reflected in the opposition candidates’ call for a full rerun of the election and also, I think, in the demonstrations by ordinary Iranians day after day in Tehran and in centres around the country. Like our other colleagues in the international community, such as UN Secretary-General Ban Ki-moon, US President Obama and colleagues from the European Union, the Australian government wants to see an election result that reflects the will of the people. (Time expired)

Senator FORSHAW—Thank you, Minister. Mr President, I have a further supplementary. That is, could the minister outline to the Senate what representations the Australian government has made to Iran regarding this current and extremely serious situation?

Senator FAULKNER—I thank Senator Forshaw for that further supplementary question. The government called in the Iranian charge d’affaires in Canberra on 18 June to discuss this matter. The government expressed to him the deep concerns the Australian government had about reports of violence and the deaths of a number of protestors. We said it was very important that all Iranians have the right to peaceful protest and the free expression of their political views. We said it was clear that many ordinary Iranians had very serious doubts about the integrity of the electoral process and the official results and that the ongoing demonstrations in Iran were evidence of that. We urge the Iranian government to address seriously and transparently the issues that were raised by all three—(Time expired)

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Attention Deficit Hyperactivity Disorder

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (3.01 pm)—I seek leave to incorporate into Hansard additional information in response to a question from Senator Xenophon last week.

Leave granted.

The answer read as follows—
ADDITIONAL INFORMATION IN RESPONSE TO SENATOR XENOPHON’S QUESTIONS

1. Longitudinal Study.
   - The Department is aware of the article published in the Australian and New Zealand Journal of Psychiatry in April this year, and of research that from time to time tries to draw links between rates of prescription and socio-economic status.

2 & 3. Volatility in Prescription Rates across Geographic Areas.
   - All prescribing data reflects a complex interaction of prescriber behaviour, patient characteristics and the availability and appropriateness of adjunct or alternative therapies.
   - A simple correlation between socio-economic status derived from postcode and number of prescriptions provides only limited information about the needs of patients or the appropriateness of prescription medicines to meet these needs. There is significant variation in the socio-economic status of individual families even within postcodes.
   - It is not possible to draw any firm conclusions from such studies about the relationship between socio-economic status and choice of treatment therapies, including use of prescription medicines.
   - As the study itself notes, it is not clear whether there is any causal link between socioeconomic status and psychostimulant treatment.
   - One of the reasons the Department of Health and Ageing is funding the development of national ADHD guidelines is to ensure clinicians across Australia have equal access to the best available information when making diagnostic and treatment decisions.
   - I am advised that access to psychostimulants and other medications is strictly controlled and is only possible via prescription by a medical specialist when clinically indicated.

4. High Cost of Non-Pharmaceutical Treatments.
   - The Government would be very concerned if children are being inappropriately prescribed medications for ADHD — just as concerned as we would be if children who needed medications were unable to get them.
   - It is also important for physicians and other clinicians, parents and teachers to have clear, evidence based guidelines on the appropriate management of the condition.
   - The Australian Government funds the National Prescribing Service (NPS) to provide education to health professionals and access to medicines information to the community.
   - As a part of the 2009-10 Budget the Australian Government announced an increase of $21 million over four years to the NPS. This new funding will increase the reach of NPS programs with health professionals, through engaging with more health professionals and specialists.

• The Australian Government recognises that both pharmacological and non pharmacological options play an important role in treating ADHD.
• The Australian Government funds a range of psychological services which can support the non-pharmaceutical treatment of people with ADHD and we do not simply rely on state and territory governments to provide services for these children. These include mental health services available under Medicare and services available in all locations, including rural and outer metropolitan areas available under the Access to Allied Psychological Services initiative and the Mental Health Service, Rural and remote Areas Program.
• The Early Intervention KidsMatter suite of activities is also ensuring that broader mental health promotion and information is available to children, schools and
parents to help them understand the pathways of support available, including psychological therapies.


- Senator Xenophon asked about benchmarks to apply to state service provision for children with ADHD. States and territories do have a role in providing services to children with severe ADHD through child and adolescent mental health services.
- However this is not an issue that the Australian Government will simply pass to the states and territories to solve.
- The Australian Government has an important role in providing early intervention services for children and young people, and the Government is making available a range of psychological services for children with conditions such as ADHD.
- These psychological interventions are available through all divisions of general practice in Australia, including in rural areas, through the Access to Allied Psychological Services program, through GPs under the Medicare mental health items and through the Mental Health Services in Rural and Remote Areas program. Many of these services are available at no or very low cost to individuals and families.

Pulp and Paper Manufacturing Industry

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (3.02 pm)—In response to an answer that I gave to Senator Brown today, I wish to clarify that the sitting fees related to the Rem Tribunal relate to the deputy chairs of the industry strategy group. Ordinary members of the review receive no payments other than those for their travel costs directly associated with the review.

Water

Senator WONG (South Australia—Minister for Climate Change and Water) (3.02 pm)—On 18 June, during question time, Senator Heffernan asked me a question concerning alleged breaches of certain EPBC conditions. I seek leave to incorporate into Hansard some additional information provided by the Minister for the Environment, Heritage and the Arts.

Leave granted.

The answer read as follows—

On 18 June 2009 during question time, Senator Heffernan asked me a question concerning alleged breaches of the conditions imposed by Minister Garrett on approval of the Sugarloaf Pipeline Project under the EPBC Act resulting from recent Victorian Government Orders in Council, as well as a question in relation to a landowner being found guilty of trespassing on their own property under the EPBC Act.

The Minister for the Environment, Heritage and the Arts has provided the following information.

My Department has not made any arrests, charges or prosecutions under the EPBC Act in relation to or in the vicinity of the Sugarloaf Pipeline Project.

My Department is aware of the Orders in Council published in the Victorian Government Gazette of 28 May 2009, in relation to the allocation of water from Lake Eildon, but is not aware of any provision contained within these orders that would cause Melbourne Water (the proponent for the Sugarloaf Pipeline Project) to breach my conditions of approval. Under the EPBC Act, I may impose penalties of up to $1.1 million for breaches of approval conditions by a body corporate, and I may also vary, suspend or revoke my approval if warranted. My Department will continue to investigate any allegations of non-compliance.
Employment

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (3.03 pm)—With respect to an earlier question from Senator Payne, I wish to provide the following additional information. The reformed Indigenous Employment Program is on track to commence from 1 July 2009. The Indigenous Employment Program offers project-based funding to support employers, individuals and Indigenous businesses to train and recruit Indigenous Australians and to support Indigenous economic development. It is wrong to characterise the Indigenous Employment Program as somehow coming to a stop on 30 June 2009. There are more than 900 existing projects that will continue beyond 30 June 2009. What the government is currently doing is reforming the program to overcome the rigidities and complexities that we inherited.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Employment

Senator FIFIELD (Victoria) (3.03 pm)—I move:

That the Senate take note of the answers given by the Minister for Employment Participation (Senator Arbib) to questions without notice asked by Senators Fifield and Payne today relating to employment services.

I should point out—as Senator Arbib leaves the chamber—that in response to my question, Senator Arbib said that the last time I asked a question about employment services in this chamber was when, in government, I asked one of Senator Abetz. I am very disappointed I have made so little impact on Senator Arbib. I in fact asked Senator Arbib questions on Tuesday, on Wednesday and on Thursday last week. I thought I meant much more to Senator Arbib, but clearly not!

The killer line from those opposite in defence of their Job Services Australia tender is that the coalition introduced competitive tendering for employment services. Senator Collins usually interjects in these debates that the coalition introduced competitive tendering in government and that Labor’s tendering bungle is therefore somehow our fault. I have to say that is typical Collins logic. The coalition did indeed introduce a paradigm shift in the provision of job placement services. The old CES, the Commonwealth Employment Service, was progressively replaced by the Job Network. A system of support and placement for the unemployed was introduced which, combined with the strong economy under the coalition, saw unemployment at record lows. When the coalition was in office, we relet a number of contracts. There are always winners and losers, as those opposite have pointed out, as there are in any competitive tender. But the outcry from providers in this government’s tender is unlike anything that has ever been heard in the sector before.

The opposition’s concerns in relation to the Job Services Australia tender, as I have said previously, initially related to its design. Our prime concern was that 100 per cent of provider services were put to tender at the same time and also that the weighting for past performance was only 30 per cent. As a result, many providers with a great track record lost contracts. I cited one today in my question to Senator Arbib: Wesley Uniting Employment, which provided employment services for 11 years under the Job Network. They have to close 60 of their 68 sites, which will see 350 staff lose their jobs.

The other part of this is that there are some job services providers, like Wesley Uniting Employment, which went the extra mile. Wesley will be forced, as a result of the tender process, to withdraw $3 million from services they provide to the community—
extra things which I mentioned in my question such as a campsite for disadvantaged children, rehabilitation work in jails and a regional Homes for Hope program in Port Macquarie. Minister Arbib did not address Wesley Uniting Employment in any way, shape or form in his answer, so I can only assume he is completely unaware of that situation.

The 47 per cent of job seekers will have to find new providers and new case managers as a result of this tender arrangement. Senator Payne asked some very thoughtful questions today on Indigenous transitions. Senator Arbib did seem to confuse Indigenous employment programs with Job Services Australia transition 2. I am sure Senator Payne will touch on that, but these are two separate things. Confusion aside, the minister, again, has assured the Senate that all is well and that job seekers will be fine—we will wait and see. He has also assured us that failed tenderers will be okay, but we already know that the Agency Adjustment Fund has been well and truly oversubscribed.

We learned last week, as a result of questions from Dr Southcott, that there are now questions that need to be answered by the government in relation to the probity and integrity of this tender process. We learned that phone calls were placed between a tenderer and the former minister’s office during the tender process. The former minister’s defence was that those discussions on the phone were purely logistical in nature. But the communications protocols for this tender do not provide a get-out-of-jail card for logistical communications. They say—and it is clear—that:

— persons who have been identified as being in positions of potential influence over the operation of the tender process will not enter into discussions or otherwise engage in any activity with tenderers …

That happened. This needs to be referred to the Auditor-General for a full inquiry and it should happen immediately. This government has discovered a new found fondness for the Auditor-General, and this should be one task that he is given today.

Senator CAMERON (New South Wales) (3.09 pm)—I am absolutely gobsmacked that today, of all days, we have Senator Fifield rising, as he has, on the issue of job seekers after we have had a weekend of attacks by the press and, mainly, by the Leader of the Opposition and Senator Abetz on the Prime Minister and the Treasurer of this country. And what do we get in question time today from this rabble over here? Not a word; not a mention. I think Senator Abetz was still looking for the email. It is absolutely ridiculous that you come here on what is an important issue, but one on which you have not said a word for the last week. All you have wanted to do is attack the Treasurer and the Prime Minister of this country, but when you get an opportunity to question on these issues in parliament what do you do? You turn tail and run away from the issue. You turn tail and run away from the issue because you know that you have been completely wrong in the allegations that you have made against the Prime Minister and against the Treasurer; a Prime Minister and Treasurer who lead the government, are concerned about the unemployed in this country, and are concerned about job seekers but who have a vision and a plan for this country, which you do not have. You have no vision and no plan—nothing for the future of this country.

All you want to engage in is smear, innuendo and witch-hunts. That is the form of the opposition in this parliament—baseless attacks on the PM and Treasurer, and opposition to every initiative that is taken to protect the unemployed and the workers of this country in the face of the greatest global financial crisis we have ever seen. But what
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would you expect from an opposition that is led by the Leader of the Opposition, Malcolm Turnbull—the bully from Bellevue Hill?

The DEPUTY PRESIDENT—Order! Refer to the people in the other place by their proper titles, Senator Cameron.

Senator CAMERON—The Leader of the Opposition has bullied—

Senator Forshaw—He’s the current leader!

Senator CAMERON—He might not be there much longer—that is correct. But the Leader of the Opposition has bullied a young staffer—

The DEPUTY PRESIDENT—Order! Senator Cameron, if you read your standing orders carefully you will find that using the term ‘bullying’ is imputing improper motives. I ask you to withdraw that.

Senator CAMERON—I withdraw. We hear so much about probity, so much about tendering and so much about the proper way to do business. In 1997, the Leader of the Opposition did a deal with Larry Adler of FAI. And what was that deal? That deal was that the Leader of the Opposition, Malcolm Turnbull, would be given $1.5 million to find a buyer for FAI. And what did the Leader of the Opposition do? No independent assessment of the value of FAI; what he told Goldman Sachs was that it would be worth $20 million. And yet, it was sold for $295 million. Look at the misery and the loss that was inflicted on investors in this country then. In June 2006, legal proceedings were taken for misleading investors and misleading the public. That is the calibre of the Leader of the Opposition that we have at the moment in this country. There is no attempt to deal with the real issues facing Australians, no attempt to deal with the global financial crisis and no attempt to stand up for Australians; just more smear and innuendo. (Time expired)

Employment

Senator PAYNE (New South Wales) (3.14 pm)—I move:

That the Senate take note of the answers given by the Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery (Senator Arbib) to questions without notice asked today, relating to Employment.

I am happy to tell the chamber what there was no attempt to do. There was no attempt by Senator Cameron to deal with the issues at hand, which included Senator Arbib’s fundamental incapacity in particular to answer the question that I asked of him. There were three very simple questions, in fact, and I remind the chamber that they were whether the minister was satisfied that there were proper arrangements in place to ensure that both the Indigenous Employment Program’s employment panel and the Economic Development and Business Support Panel for Indigenous and Torres Strait Islanders would commence in nine days time. That is next Wednesday, 1 July—next week.

The minister was able to tell us—not entirely confidently—that he thought that that was pretty much under control but that it was a major task and a major transition. The opposition does not cavil with any of that; we understand and acknowledge that. But there is a commitment from this government to commence on 1 July, for which we have absolutely no evidence that the date will actually be met. In fact, when we asked about whether the successful tenderers for both of those panels in both of those extremely strategic and important areas for a very vulnerable part of the Australian community were able to be made public, what could the minister responsible for the area tell us? The silence was deafening. He said he would go
away and find out whether the tenderers in his portfolio area were able to be made public. This was for tenders due to start on 1 July—next week.

I find it very hard to believe—and I think most senators in the chamber who have any experience either with the complexities of government administration or, for that matter, the complexities of business would agree—that tenderers who have responded to a request for tender and apparently been awarded a tender are going to be able to establish themselves in the space of time available between now and 1 July. Many of them might have to find premises. They might have to hire staff. They might have to establish information technology systems. All of that must be up and running by next week. I do not think so. I do not think it is nearly as simple as the minister hoped he could tell us it was in question time. In fact, in his additional remarks that he provided to us at the end of question time there was no more illumination provided to the chamber at all. I am not sure why he wasted his time or ours with those comments.

What is more disturbing, though, as Senator Fifield pointed out in his remarks taking note here this afternoon, is the confusion in the minister’s response between the Job Services Australia activities and the separate tender for the panels. My questions were very simple questions, and the minister went on to relate to us an experience he had recently with a visit to an Indigenous training provider in the construction sector. As I commented, I assume that was part of the Prime Minister’s hard hat led recovery policy. One had to wear a hard hat to the construction site, I am sure. The minister, in indicating that, showed quite clearly that he is in fact conflating and confusing these two parts of his portfolio. But you would find some very nervous people if you were visiting Indigenous training operations in this country at the moment or if you were visiting employment programs which are waiting to see what is going to happen across the whole range of the employment and vocational training sectors. You would find communities in the state of New South Wales—in Senator Arbib’s own state—who are very concerned about the lack of certainty that they see in their particular area of activity. They are concerned about not knowing what is going to happen to them in relation to jobs and about not being able to identify these much vaunted panels.

The phrase that the government has used and used repeatedly, and which we in the opposition think is a very important part of Indigenous policy in this country, is ‘closing the gap’. The gap is getting very, very close come 1 July, and we did not have an answer here today for an activity that is supposed to be up and running next week. Looking at the website and the minister’s portfolio does not give us any more information; it is equally vague on the details and the terms going forward. The Indigenous Employment Panel and the Economic Development and Business Support Panel for Indigenous and Torres Strait Islanders are informed by the website up until the date of lodgement of tender but not beyond that, so if you are a hopeful tenderer—if you are hoping, for example, to be a staff member in one of these organisations—what possible certainty do you have between now and next week? The answer is very simple: you have nothing at this stage. It is not good enough for professionals and for people in this sector and in this minister’s portfolio to have to put up with that. It is not good enough to be unable to tell the chamber this afternoon what the status of the tenders is, who the tenderers are and what is happening moving forward from 1 July.

Senator FORSHAW (New South Wales) (3.19 pm)—I have to say that being lectured by the opposition on probity, on good gov-
ernance and on transparency has to be one of the all-time jokes of my political career in this parliament. I have been here for quite a few years, during the Keating government, the Hawke government and now the Rudd government. I have many, many examples that I can point to of the lack of transparency, of the political interference and of the straight-out rorting of government programs that went on during the Howard government years. I will mention a few of them in a couple of minutes, but I first of all want to go to the questions that were asked of Minister Arbib, particularly those relating to employment services.

This, of course, has been an issue that the opposition have tried to get up as some sort of terrible scandal. What are the real facts? The real facts are that the Rudd government put out to tender the new Job Services scheme to follow on from the previous government’s Job Network. I was here when Job Network was introduced. Senator Fifield talked about how they progressively replaced the CES. You did no such thing. What the Howard government did was gut the CES. It had its faults, but it also had many, many examples of officers—decent, hardworking public servants around this country—who provided an absolutely first-class service for job seekers. But it was because of the drive to privatise the employment services that the CES was gutted. I can recall that under the tendering system that occurred then there were people who were successful in that tendering process that did not even have an office, did not have a fax machine and did not have a phone to run an employment service. It was an absolute farce.

What has happened under this government’s program is that it has been an open and transparent tender process. Almost 3,000 bids were received from over 400 organisations across all employment services, so it was clearly a competitive process with a strong field of candidates. As has been noted by the minister on a number of occasions, not everybody can be successful, and that is unfortunate, but that is the nature of the business. That included some of the previous providers not being successful because, on balance, other services, tenders or bids were seen as preferred, being more competitive and better according to the judgment made—which has been backed up by the probity process.

Indeed, whilst the opposition picks out a particular service in this or that electorate to highlight what they claim are failures of transparency, proper accountability and proper process, the fact is that the overwhelming majority of current five-star providers will be delivering Job Services Australia. Many of those that missed out will, of course, benefit from the adjustment grant payments. I do not recall such an adjustment grant payment system being available when the Howard government changed the scheme.

What we have is a process that has been transparent. I can compare that, as I said, to many other examples under the previous government: education funding, where the previous government skewed education funding to disadvantage public schools; the regional rorts program, into which I chaired an inquiry by the Senate Standing Committee on Finance and Public Administration and for which I could reiterate a litany of schemes that were rejected by the departmental advisers but were nevertheless approved by the previous government; the Seaspire helicopter project, where we ended up paying over a billion dollars to cancel that failure—(Time expired)

Senator FISHER (South Australia) (3.24 pm)—I rise today to take note of answers given in question time by Senator Arbib, and in particular Senator Arbib’s continued refer-
ence to the supposed trumpeting of this government’s programs—of this government reducing seven doors for job seekers to one and reducing seven programs available to job seekers to one. What Senator Arbib has failed to explain is how and why this should be allowed to deliver a seventh of the outcomes for Australia’s job seekers. Reducing seven programs and seven doors to one just means a seventh of the jobs, if that, for Australia’s job seekers.

The second thing that his answers in question time today reveal is that Labor’s ‘earn or learn’ policy is nothing other than spin over substance—spin over a seventh of the outcomes and a seventh of the substance. It has at least three problems. To start with, Labor’s program was premised on full employment. Clearly we are not heading into that scenario. Secondly, it assumes that the majority of job seekers will find their own jobs. Thirdly, in putting the whole process out to 100 per cent tendering for the first time since the year 2000, it is going to cause significant disruption to job seekers without the necessary support. ‘Earn or learn’? ‘Earn or learn’ might as well be ‘yearn and yearn’—yearn to earn and yearn to learn. It might as well be ‘turn and churn’. It might as well be, ‘Take your turn and expect to churn.’ On the Wesley Uniting Employment services example today, coincidentally they are left with about a seventh of their sites—eight out of 68. A seventh of their sites can be left open.

The minimum early intervention aspect of Labor’s program, assuming that most job seekers will find their own jobs, totally undermines ‘earn or learn’. It means ‘yearn and yearn’—yearn to earn and yearn to learn. There is the disruption to be caused to job seekers by the transition from one job provider to another. We have three to six months, in the best case, before new employment providers are up and running to assist job seekers. How does that translate? It translates into little other than: ‘Wait your turn, job seeker, and expect to churn. Expect to churn jobs if you are lucky, and expect to churn from one job service provider to another.’

For all Labor’s debt and deficit, we get a seventh of the outcomes in employment services if we are lucky. We get a seventh of the jobs for Australia’s unemployed if we are lucky. For all Labor’s spin over substance about ‘earn or learn’, tragically, all it is to Australia’s job seekers is ‘yearn and yearn’—yearn to earn and yearn to learn. It is, ‘Wait your turn and expect to churn.’

Question agreed to.

NOTICES
Presentation

Senator Bushby to move on the next day of sitting:

That the following matters be referred to the Economics References Committee for inquiry and report by 15 September 2009:

(a) the circumstances and basis of the decision to introduce an unlimited bank deposit guarantee and of subsequent decisions to change or define the guarantee;

(b) the circumstances and basis of the decision to introduce an unlimited wholesale bank funding guarantee and of subsequent decisions to change or define the guarantee;

(c) the effect that the initial announcement of, and subsequent changes to, an unlimited bank deposit guarantee had on operations of the Australian financial sector, including for entities not regulated by the Australian Prudential Regulation Authority (APRA);

(d) the effect that the initial announcement of, and subsequent changes to, an unlimited wholesale bank funding guarantee had on the operations of the Australian financial sector, including for entities not regulated by APRA;
(e) the estimated effect of the bank deposit and wholesale funding guarantees on interest rates in Australia;

(f) how Australia’s deposit guarantee and wholesale funding guarantee schemes compare with guarantees offered in other countries and the way in which these schemes were introduced and changed in major overseas countries;

(g) the interaction between the deposit guarantee scheme and other recent measures implemented by the Government since September 2008, including the wholesale funding guarantee and the purchases of residential mortgage backed securities;

(h) the nature of the financial and economic distortions that the unlimited deposit guarantee scheme has created vis-a-vis savings products that are not covered by the guarantee scheme;

(i) the optimal cap, if any, for the deposit guarantee in the light of international experience;

(j) recommendations for ameliorating the moral hazard associated with the deposit guarantee and wholesale funding guarantees;

(k) recommendations for timelines and for policies to credibly remove the wholesale funding guarantee and to reduce the deposit guarantee to any recommended optimal cap;

(l) the effects of the bank deposit guarantee and wholesale funding guarantee on competition within the financial sector;

(m) the effects of the announcement of the unlimited bank deposit guarantee and unlimited wholesale funding guarantee on consumer and business confidence;

(n) the broader economic and social consequences of these distortions;

(o) the size and nature of the contingent liability that the unlimited deposit guarantee has created for Australian taxpayers; and

(p) other matters relevant to the bank deposit guarantee and wholesale funding guarantee that the committee considers appropriate.

Senator Milne to move on the next day of sitting:

That the Senate—

(a) acknowledges proposals submitted by the Federated States of Micronesia and Mauritius to amend the Montreal Protocol on Substances that Deplete the Ozone Layer to regulate and phase-down hydrofluorocarbons (HFCs) with a high global warming potential, and promote the destruction of banks of ozone-depleting substances at the Montreal Protocol Open Ended Working Group meeting to be held in Geneva from 13 July to 18 July 2009;

(b) notes that these proposals will strengthen the protocol to provide fast-action climate change mitigation several times greater than the emission reductions sought during the first commitment period of the Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC);

(c) recognises the importance of these and other fast-action mitigation strategies to reduce the threat of crossing tipping points for abrupt, irreversible and catastrophic climate changes – tipping points many leading scientists now warn may be only a few years away; and

(d) calls on the Government to support the proposals from the Federated States of Micronesia and Mauritius, and to recognise the need to work towards an HFC phase-out coordinated between the UNFCCC and the protocol, and to seek amendments that will enable the UNFCCC and the protocol to both play important collaborative roles in the phase-out of HFCs.

Senator Forshaw to move on the next day of sitting:

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 Wednesday, 24 June 2009, from 11 am, to take
evidence for the committee’s inquiry into Australia’s trade and investment relations with Asia, the Pacific and Latin America.

Senator McEwen to move on the next day of sitting:

That the time for the presentation of the report of the Environment, Communications and the Arts Legislation Committee on the Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2009 be extended to 17 September 2009.

Senator Moore to move on the next day of sitting:

That the time for the presentation of the report of the Community Affairs Legislation Committee on the provisions of the Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009 be extended to 24 June 2009.

Senator Bernardi to move on the next day of sitting:

(1) That so much of the standing orders be suspended as would prevent this resolution having effect.

(2) That from 9.30 am on 12 August 2009, the Crimes Legislation Amendment (Enhanced Child Protection from Predatory Tourism Offences) Bill 2008 have precedence over all government business until determined.

Senator Fisher to move on the next day of sitting:

That there be laid on the table by the Minister representing the Minister for Employment and Workplace Relations, no later than 5 pm on Wednesday, 24 June 2009:

(a) a copy of any documentation provided to the Government by the Australian Building and Construction Commissioner, the Honourable John Lloyd (or by the Department of Education, Employment and Workplace Relations), reflecting his views on the report by the Honourable Justice Murray Wilcox, Transition to Fair Work Australia for the Building and Construction Industry; and

(b) the Ministerial Directions referred to by the Deputy Prime Minister (Ms Gillard) in her second reading speech of 17 June 2009 on the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009 and issued by her (whether on 17 June 2009 or otherwise) to the Australian Building and Construction Commissioner (ABCC):

(i) under section 12 of the Building and Construction Industry Improvement Act 2005, to provide a report outlining ‘the ABCC’s resources allocation and placement compared to locations with high levels of unlawfulness as evidenced by allegations, investigations, prosecutions, audits and the like’, and

(ii) under the Act to the ABCC, concerning the application of coercive powers and the conduct of compulsory interviews.

Senator Ludlam to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to reform anti-terrorism laws, and for related purposes. Anti-Terrorism Laws Reform Bill 2009.

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

That the Senate—

(a) expresses its support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties and rule of law;

(b) condemns the ongoing violence against demonstrators by the Government of Iran and pro-government militias, as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cell phones; and

(c) affirms the universality of individual rights and the importance of democratic and fair elections.

Senator Parry to move on the next day of sitting:
That, commencing from 9.30 am on Wednesday, 24 June 2009, the orders of the day for the following bills, deemed urgent by the Government:

- Rural Adjustment Amendment Bill 2009
- Health Workforce Australia Bill 2009
- Tax Laws Amendment (2009 Budget Measures No. 1) Bill 2009
- National Greenhouse and Energy Reporting Amendment Bill 2009
- Car Dealership Financing Guarantee Appropriation Bill 2009
- Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009,

as well as the order of the day relating to Appropriation Bill (No. 1) 2009-2010 and two related bills, be called on and determined before the order of the day relating to the Carbon Pollution Reduction Scheme Bill 2009 and 10 related bills is called on.

Senator WONG (South Australia—Minister for Climate Change and Water) (3.28 pm)—I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009, allowing it to be considered during this period of sittings.

I also table a statement of reasons justifying the need for this bill to be considered during these sittings and seek leave to have the statement incorporated into Hansard.

Leave granted.

The statement read as follows—

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2009 WINTER SITTINGS

Purpose of the Bill

The bill introduces a range of measures from the 2009 Budget, including measures from the Government’s Secure and Sustainable Pension Reforms package. The measures in the bill include the following:

- increases to pension rates;
- structural reforms and simplifications, such as providing a new pension supplement and a new seniors supplement to replace a variety of current entitlements;
- revised pension indexation and benchmarking arrangements using, in part, a new Pensioner and Beneficiary Living Cost Index to complement the Consumer Price Index;
- revised pension income test arrangements;
- revised indexation and benchmarking arrangements for certain family tax benefit rates and maternity immunisation allowance;
- provide for adjusted taxable income for the Commonwealth seniors health card to include income salary sacrificed to superannuation; and
- exclude amounts received under certain Western Australian programs from the social security and veterans’ affairs income test starting on 1 July 2009 and ending on 30 June 2012.

Reasons for Urgency

The FTB rates indexation and benchmarking measure is to commence on 30 June 2009 so that the current indexation arrangements that would otherwise occur on 1 July 2009 do not occur. The measures relating to the Commonwealth seniors health card and the income exclusion for certain Western Australian payments are to commence on 1 July 2009 as part of the Budget strategy. Passage in the 2009 Winter sittings would enable these measures to be achieved.

Most remaining measures are to commence on 20 September 2009. To allow the measures to be implemented on that date, Centrelink will need to implement IT processing by the major release scheduled for the weekend of 22 and 23 August 2009. As such, those measures need to be passed by Thursday 20 August 2009, and enacted by Friday 21 August 2009.

Progressing the bill with top priority during the 2009 Winter sittings will enable the relevant deadlines to be met, thus delivering important and long-awaited increased support to Australian pensioners.
Senator WORTLEY (South Australia) (3.29 pm)—Following the receipt of satisfactory responses, on behalf of the Standing Committee on Regulations and Ordinances I give notice that, on the next day of sitting, I shall withdraw three notices of motion to disallow, the full terms of which have been circulated in the chamber and which I now hand to the Clerk. I seek leave to incorporate in Hansard the committee’s correspondence concerning these instruments.

Leave granted.

The correspondence read as follows—

(1) ACIS Administration (Commonwealth Financial Assistance) Determination 2009, made under subsections 11(3) and (4) of the ACIS Administration Act 1999.

(2) Banking (prudential standard) determination No. 3 of 2008, made under subsections 11AF(1) and (3) of the Banking Act 1959.


ACIS Administration (Commonwealth Financial Assistance) Determination 2009

12 March 2009

Senator the Hon Kim Carr

Minister for Innovation, Industry, Science and Research

Suite M1.48

Parliament House

CANBERRA ACT 2600

Dear Minister

I refer to the ACIS Administration (Commonwealth Financial Assistance) Determination 2009 made under subsections 11(3) and (4) of the ACIS Administration Act 1999. This Determination specifies automotive and other industry assistance programs for the purposes of the Automotive Competitiveness and Investment Scheme.

The Committee notes that section 17 of the Legislative Instruments Act 2003 directs a rule-maker to be satisfied that appropriate consultation, as is reasonably practicable, has been undertaken particularly where a proposed instrument is likely to have an effect on business. Section 18 of the Act provides that in some circumstances consultation may be unnecessary or inappropriate. The definition of ‘explanatory statement’ in section 4 of the Act requires an explanatory statement to describe the nature of any consultation that has been carried out or, if there has been no consultation, to explain why none was undertaken. The Explanatory Statement that accompanies this Determination makes no reference to consultation. The Committee therefore seeks your advice on whether consultation was undertaken and, if so, the nature of that consultation.

The Committee also seeks an assurance that future explanatory statements will provide information on consultation as required by the Legislative Instruments Act.

The Committee would appreciate your advice on the above matter as soon as possible, but before 24 April 2009, to enable it to finalise its consideration of this Determination. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

Senator Dana Wortley

Chair

15 April 2009

Senator Dana Wortley

Chair

Standing Committee on Regulations and Ordinances

Room SG49

Parliament House

CANBERRA ACT 2600

Dear Senator Wortley

Thank you for your letter of 12 March 2009 concerning the ACIS Administration (Commonwealth Financial Assistance) Determination 2009 made under subsections 11(3) and (4) of the ACIS Administration Act 1999.

In your letter you raised concerns that the Explanatory Statement to the Determination did not
A New Car Plan for a Greener Future was announced by the Prime Minister on 10 November 2008. The package introduced a new suite of measures to assist the automotive industry totalling $6.2 billion. The industry was consulted in the development of this package and transitional arrangements in respect to the Automotive Competitiveness and Investment Scheme (ACIS).

The Determination prevents ACIS recipients double-dipping by receiving assistance from ACIS and other Australian Government programs for the same activity (including some of the new measures announced on 10 November 2008). It is primarily in place to protect the Commonwealth and is in line with existing policy. It is therefore very unlikely that consultation with the automotive industry on the Determination would have led to a material change. Nevertheless, in compliance with Section 4 of the Legislative Instruments Act 2003, the Explanatory Statement should have made some reference to consultation. I have asked my Department to ensure that it is more mindful of this requirement in the development of future legislation.

I trust that the information I have provided will be sufficient for the Standing Committee on Regulations and Ordinances to finalise its consideration of the Determination.

Yours sincerely
Kim Carr
Minister for Innovation, Industry, Science and Research

14 May 2009
Senator the Hon Kim Carr
Minister for Innovation, Industry, Science and Research
Suite M1.48
Parliament House
CANBERRA ACT 2600
Dear Minister
Thank you for your letter of 15 April responding to the Committee’s concerns with the ACIS Administration (Commonwealth Financial Assistance) Determination 2009 made under subsections 11(3) and (4) of the ACIS Administration Act 1999. This Determination specifies automotive and other industry assistance programs for the purposes of the Automotive Competitiveness and Investment Scheme.

The Committee’s concerns centred on consultation. In your letter you note that industry consultation occurred in relation to the development of the A New Car Plan for a Greener Future, and that consultation with the automotive industry on this particular Determination would be unlikely to “have led to a material change” in the instrument.

Section 18 of the Legislative Instruments Act 2003 provides that, in some circumstances (for example, instruments that are of a minor or machinery nature, or instruments that are required as a matter of urgency), consultation may be unnecessary or inappropriate. However, the fact that consultation is unlikely to lead to a change in an instrument does not, of itself, absolve a rule-maker from undertaking that consultation.

The Committee seeks an assurance that this will also be drawn to the attention of officers in your Department who are concerned with the development of future legislation.

The Committee would appreciate your advice on the above matter as soon as possible, but before 12 June 2009, to enable it to finalise its consideration of this Determination. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
Senator Dana Wortley
Chair

9 June 2009
Senator Dana Wortley
Chair
Standing Committee on Regulations and Ordinances
Room SG49
Parliament House
CANBERRA ACT 2600

CHAMBER
Dear Senator Wortley
Thank you for your letter of 14 May 2009 concerning the ACIS Administration (Commonwealth Financial Assistance) Determination 2009 made under subsections 11(3) and (4) of the ACIS Administration Act 1999.

In your letter you sought an assurance that the need for consultation would be drawn to the attention of officers in my Department who are concerned with the development of future legislation, including circumstances where the consultation is unlikely to lead to a material change to the legislation.

I have reminded my Department that officers need to be mindful of the requirements for consultation in the development of future legislation as set out in Section 18 of the Legislative Instruments Act 2003. I am confident that, where appropriate and necessary, consultation will be undertaken with stakeholders during the development of future legislation.

I trust that the Standing Committee on Regulations and Ordinances is now in a position to finalise its consideration of the Determination.

Yours sincerely
Kim Carr
Minister for Innovation, Industry, Science and Research

Banking (prudential standard) determination No. 3 of 2008
5 February 2009
The Hon Chris Bowen MP
Assistant Treasurer and
Minister for Competition Policy and Consumer Affairs
Suite M1.24
Parliament House
CANBERRA ACT 2600
Dear Senator Wortley
Thank you for your letter of 5 February 2009 seeking my advice in relation to clauses 12 and Entities which applies to all authorised deposit-taking institutions.

The Committee notes that this instrument substantially remakes a previous Determination, with changes to clauses 10 and 11. While no issues arise from these changes, the Committee takes this opportunity to seek your advice about two other aspects of the Determination.

First, clause 12 permits APRA to deem that other entities are related entities of an authorised deposit-taking institution (ADI). The ADI must then comply with monitoring and risk-control requirements in relation to the deemed related entity. This appears to be a widely-framed discretion. There is no indication as to the circumstances under which this discretion will be exercised and whether there is prior consultation with an ADI.

Secondly, clause 35 requires an ADI to consult with APRA prior to certain events (e.g. establishing or acquiring a subsidiary). It is not clear whether this clause operates simply as a method of notification, or whether APRA approval is required before the stipulated events. Clarification of the operation of this provision would be appreciated.

The Committee would appreciate your advice on the above matters as soon as possible, but before 6 March 2009, to enable it to finalise its consideration of this Determination. Correspondence should be directed to the Chair, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
Senator Dana Wortley
Chair

11 May 2009
Senator Dana Wortley
Chair
Standing Committee on Regulations and Ordinances Parliament House
CANBERRA ACT 2600
Dear Senator Wortley
Thank you for your letter of 5 February 2009 seeking my advice in relation to clauses 12 and
35 of the Banking (Prudential/Standards) Determination No. 3 of 2008. I apologise for the delay in responding to you. In relation to the two aspects of the Determination, which have been identified by the Committee for my advice, I have been advised by the Australian Prudential Regulation Authority (APRA) that:

Paragraph 12:
Consistent with international best practice, APRA has established prudential policies governing dealings between an ADI and related parties. Related party exposures have been the source of problems for troubled financial institutions in a number of countries in recent years and for this reason banking regulators, including APRA, have introduced policies governing related party dealings. Financial institutions have demonstrated in the past considerable creativity and ingenuity in undertaking structured financial dealings, including those involving related parties. In the absence of robust prudential policies governing dealings with related parties, problems within the related entity, which could seriously affect a regulated entity (such as have been evident in the current crisis), could remain hidden.

In the face of such practices, APRA has adopted a principles-based approach to prudential regulation of related-party dealings. APRA has not sought to provide a detailed list of forms of related entities or schedules of requirements as to when entities might qualify as related entities. This provides the flexibility for ADIs to structure their groups and financial dealings but also enables APRA to be able to take action, dependent on the particular circumstances, should it consider these dealings have the potential to circumvent prudential requirements on related party dealings.

More generally, such flexibility is an essential element of a principles-based approach to prudential regulation, since a prescribed set of rules may not address all the various circumstances or structures that may give rise to heightened risk. APRA’s prudential standards therefore focus on desired outcomes, with a degree of flexibility required, on the part of both the regulator and the regulated entity, as to how those outcomes are achieved - i.e. a focus on ‘substance over form’.

Under its Service Charter, APRA is committed to appropriate consultation in its dealings with regulated entities, including in the application of prudential standards. Indeed, a principles-based regulatory regime is inherently dependent on communication and exchange of information between the regulator and the regulated entity.

In the particular circumstances of APS 222 paragraph 12, APRA would not exercise its discretion without consulting with the ADI first. Well before any decision is taken, APRA undertakes detailed consultation with the ADI in order to fully understand the nature of the relationship with the entity, the objectives of the ADI in undertaking the transaction, the details and consequences of the transaction, the extent of the risks to which it exposes the ADI, the ADI’s proposed treatment of the transaction and the consequences thereof. In response, APRA would identify to the ADI its prudential concerns and seek the ADI’s views on the matter.

Paragraph 35:
Given the impact of problems involving related party activities on banks, it has been best international practice for some time that supervisors have oversight of the acquisition or investment in any material new subsidiaries and affiliates. The Basel Core Principles state that:
Banking supervisors must have the authority to establish criteria for reviewing major acquisitions or investments by a bank and ensuring that corporate affiliations or structures do not expose the bank to undue risks or hinder effective supervision.'

However, an absolute requirement for APRA to approve all exposures/transactions would be counter-productive and hinder the efficient operation of the industry. Similarly, attempts to adopt a modified approval process, focussing only on those exposures/transactions that are materially important, inevitably break down over definitional issues of what is ‘material’. APRA’s approach is therefore based on notification and consultation, rather than an explicit approval power, to address any proposals that may be problematic.

Accordingly, paragraph 35 does not represent an approval process per se (and hence does not explicitly refer to a requirement that APRA ‘ap-
prove' such exposures / transactions). Rather, the practical implementation of paragraph 35 is that ADIs must notify APRA before any of the situations in paragraph 35 arise. Consistent with the comments above, this allows APRA the opportunity to consult with the ADI in order to fully understand the nature of the proposed exposure/transaction and the associated risks and consequences. If the proposal gives rise to prudential concerns, APRA has the opportunity to raise concerns about the ADI entering into the transaction before it is executed, potentially avoiding more significant regulatory responses subsequently.

In most cases, notification of a proposed exposure/transaction does not give rise to any prudential concerns by APRA and there is no further engagement between APRA and the ADI beyond the initial notification. The ADI is then free to proceed with the proposed exposure / transaction. Where there are concerns and if, following consultation, those concerns cannot be addressed, APRA would advise the ADI that it might be subject to other prudential requirements. This could include higher capital requirements to cover increased risk, greater reporting obligations, tighter limits on intra-group dealings, etc. If, ultimately, it considered the acquisition or investment represented a substantial prudential concern, APRA could issue a direction to the ADI to cease its proposed involvement with the subsidiary or associate.

Finally, APRA has advised that these two provisions were part of the previous version of APS 222 and no concerns were raised by the ADI industry during consultation prior to its determination, or subsequently. In other words, the broad concepts of discretion and notification appear to be accepted by all stakeholders.

I trust this information will be of assistance to you.

Yours sincerely

Chris Bowen
Assistant Treasurer and
Minister for Competition Policy and Consumer Affairs

Social Security (Administration) (Schooling Requirement) Determination 2009 (No. 1)
12 March 2009
The Hon Jenny Macklin MP
Minister for Families, Housing, Community Services and Indigenous Affairs
Suite MG51
Parliament House
CANBERRA ACT 2600

Dear Minister

I refer to the Social Security (Administration) (Schooling Requirement) Determination 2009 (No. 1) made under section 124C of the Social Security (Administration) Act 1999. This Determination specifies matters relevant to a decision regarding the suspension of a person’s schooling requirement payment. The Committee’s consideration of this instrument has raised the following issues.

Part 1 of Schedule 1 to this Determination lists reasonable excuses for failing to comply with an enrolment notice. Item 5 of Part 1 provides that it is an excuse if “the person has a reasonable belief that no school at which the child may reasonably be enrolled can provide a safe environment”. Paragraph 6(1)(b) of the Determination states that the Secretary may determine that this is a reasonable excuse if the excuse is reasonable in the circumstances. It thus appears that the Secretary must determine whether a reasonable belief is reasonable in the circumstances. The reason for the imposition of a double requirement of reasonableness is unclear.

Part 2 of Schedule 1 lists reasonable excuses for failing to comply with an attendance notice. Item 2 of Part 2 provides that it is an excuse if “the school … cannot provide a safe environment”. This is not framed as a reasonable belief, in contrast to Item 5 of Part 1. The explanatory statement provides no indication of the reasons for the difference in drafting.

The Committee would appreciate your advice on the above matters as soon as possible, but before 24 April 2009, to enable it to finalise its consideration of this Determination. Correspondence should be directed to the Chair, Senate Standing
Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
Senator Dana Wortley
Chair

28 April 2009
Senator Dana Wortley
Chair
Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600

Dear Senator Wortley
Thank you for your letter of 12 March 2009 to the Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon Jenny Macklin MP, on behalf of the Standing Committee on Regulations and Ordinances about the Social Security (Administration) (Schooling Requirement) Determination 2009 (No. 1) made under section 124C of the Social Security (Administration) Act 1999. The Minister has asked me to reply to your letter on her behalf.

The Minister has noted your comments and appreciates the time you have taken to bring this matter to her attention. However, as the legislation for this determination falls within the portfolio responsibilities of the Deputy Prime Minister and Minister for Education, Employment and Workplace Relations, the Hon Julia Gillard MP, I am required to refer your letter to her office for consideration.

Yours sincerely
Joanna Brent
Chief of Staff

1 June 2009
Senator Dana Wortley
Senator for South Australia
Chair, Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600

Dear Senator
Thank you for your letter of 12 March 2009 to the Hon Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs, on behalf of the Senate Standing Committee on Regulations and Ordinances, concerning the Social Security (Administration) (Schooling Requirement) Determination 2009 (No. 1). As the matter you have raised falls within my portfolio responsibilities as Minister for Education, your letter was referred to me for a reply on 30 April 2009. I apologise for the delay in responding.

The Senate Standing Committee on Regulations and Ordinances notes that there is an inconsistent use of terminology in relation to reasonable excuses in the two Parts of the Schedule to the Determination. Paragraph 6(1)(b) of the Determination and item 5 of Part 1 of the Schedule provides that it is a reasonable excuse for a person to fail to enrol his or her child in school if ‘the person has a reasonable belief that no school at which the child may reasonably be enrolled can provide a safe environment’ and that excuse is reasonable in the circumstances. Paragraph 6(2)(b) and item 2 of Part 2 of the Schedule provide that it is a reasonable excuse for a person failing to take reasonable steps to have their child attend school if ‘the school at which the child is enrolled cannot provide a safe environment for the child, and the child is unable to be enrolled in another school’ and that excuse is reasonable in the circumstances.

I am advised that the express inclusion of reasonableness in both section 6 of the Determination and a number of specific excuses set out in the Schedule to the Determination is intended to emphasise to decision makers that the test to apply to an excuse is an objective test. That is, the excuse must be regarded by the ordinary person as reasonable in the circumstances. The duplication of the reasonableness requirement by the terms of paragraph 6(1)(b) and item 5 of Part 1 of the Schedule to the Determination has no legal implications for the test of whether the excuse in item 5 absolves a person from the consequences of not enrolling his or her child in school. This test remains objective.
Nevertheless, I am advised that reference to the reasonable belief of a person in item 5 of Part 1 of the Schedule is legally superfluous, and the excuse can be reduced simply to ‘no school at which the child can be enrolled can provide a safe environment’. However, as the item as currently worded is legally effective and consistent with the intention that the test for an excuse be objective, I do not propose to amend the Determination at this time. The operation of the Determination in practice will be constantly reviewed by my Department and appropriate changes made to the Determination as important issues arise in connection with its operation.

Thank you for bringing this matter to my attention.

Yours sincerely

Julia Gillard
Minister for Education

LEAVE OF ABSENCE

Senator O’BRIEN (Tasmania) (3.30 pm)—by leave—I move:

That leave of absence be granted to Senator Lundy from 23 June 2009 to the end of the 2009 winter sittings on account of parliamentary business.

Question agreed to.

Senator PARRY (Tasmania) (3.30 pm)—by leave—I move:

That leave of absence be granted to Senator Brandis for the remainder of this week on account of parliamentary business overseas, and to Senator McGauran for the remainder of this week on account of personal matters.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

General business notice of motion no. 463 standing in the name of Senator Abetz for today, relating to the consideration of the Carbon Pollution Reduction Scheme Bill 2009 and 10 related bills, postponed till 23 June 2009.

General business notice of motion no. 465 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing the introduction of the Banking Amendment (Keeping Banks Accountable) Bill 2009, postponed till 23 June 2009.

(Quorum formed)

RESERVE BANK OF AUSTRALIA

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.33 pm)—I move:

That the Government furnish the Senate with a considered response to reports in the Age that firms associated with the Reserve Bank of Australia may have been involved in corrupt practices by 25 June 2009.

Question agreed to.

Senator O’BRIEN (Tasmania) (3.34 pm)—by leave—I wish to indicate that the government did not support this motion. I did not call for a division because it was clear from the voices that the opposition was supporting the Greens motion, and therefore the numbers lay with the yes vote.

MIDDLE EAST

Senator HANSON-YOUNG (South Australia) (3.33 pm)—I seek leave to amend general business notice of motion No. 466 standing in my name for today, relating to Israel and Palestine.

Leave granted.

Senator HANSON-YOUNG—I move the amended motion, as circulated in the chamber:

That the Senate supports the call by the Deputy Prime Minister (Ms Gillard) on the Australian Broadcasting Corporation program Lateline, 16 June 2009, to support:

(a) a two-state solution to the Israel-Palestine conflict; and

(b) a halt to Israel’s settlement activity.
Senator PARRY (Tasmania) (3.34 pm)—by leave—I indicate that the coalition cannot support this motion, even in its amended form. Whilst the sentiment of the motion does, in part, line up with the coalition’s views, the motion is one-sided and makes no mention of Hamas and Hezbollah recognising Israel’s right to exist and halting their campaign of terror and violence. In its current form we cannot support the motion.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE
Building the Education Revolution Program

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

The Rudd Government’s $14.7 billion Building the Education Revolution which has been poorly conceived and poorly implemented and is not providing the Australian taxpayer with value for money.

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

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

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

Senator MASON (Queensland) (3.36 pm)—The nation was told that Building the Education Revolution was the largest infrastructure fund of its kind in our nation’s history. We were told what a wonderful thing it was—it was part of the education revolution and, indeed, would revolutionise education in Australia’s primary schools. The genesis of the project is a COAG agreement of February 2009. The objectives, as laid out by the government in the COAG process, are twofold. First of all, the objective is to ‘provide economic stimulus through the rapid construction and refurbishment of school infrastructure’, and, secondly, to ‘build learning environments to help children, families and communities participate in activities that will support achievement, develop learning potential and bring communities together’. The outcomes sought by the COAG process, by the federal government spending $14.7 billion of taxpayers’ money, are twofold:

(a) Economic stimulus and job creation in local communities.

(b) Modern teaching and learning environments for school and community use.

That is from February 2009. What in fact has happened? What has been the result thus far of Building the Education Revolution? It is a rolcall of horror, a litany of failure, an embarrassment for the government—a project that has not properly got off the ground.

Let me just illustrate to you part of the problem. Let me just scratch the surface of what is going on with $14.7 billion in this country. These are just some of the problems that have occurred. Schools are not getting what they want. Let me give you some examples. Langwarrin School, in Victoria, wanted to spend money refurbishing a school wing. Instead, the Victorian education bureaucrats demanded they demolish the old wing and build a new one without any extra capacity. Isn’t that a clever way to spend taxpayers’ money! What a wonderful way to spend part of this $14.7 billion on what the government told us was a unique opportunity to refurbish Australia’s schools! What a great start!

I have another example—this goes on. Berwick Lodge Primary School, in Melbourne’s outer south-east—I think it was...
mentioned last week—requested a library and six classrooms for the $3 million that it has been allocated. It was then offered by the Victorian bureaucrats a $2.1 million gym, even though the school already has a gym. Finally, it has been offered another building which it does not even want. So that is where we were up to. There are a couple of examples: Berwick Lodge Primary School—another fiasco. Holland Park State School in Brisbane—I have some idea about this one. This one happens to be in the Prime Minister’s electorate of Griffith. In December Holland Park State School in Brisbane finished building a multipurpose hall for $1.5 million. Now the school has received $1.5 million for another multipurpose hall and another $1.5 million on top of that for a resource centre or library. Although the school has a library, it was not purpose-built, so it does not qualify as a library. And Education Queensland guidelines require schools to build a library as their first priority. So what is going to happen to Holland Park State School? They might end up with two halls or two libraries. It is another part of a tapestry of a fiasco. Schools are not getting what they want.

How about overpricing? This is an issue the opposition has been raising ever since Building the Education Revolution commenced. Lake Wangary Primary School in South Australia has been given a grant to spend $850,000 on a new hall, despite having independent advice that it could have been done for between $250,000 and $300,000. And the government wonders why the opposition is so concerned about the tendering arrangements—across the entire country with $14.7 billion up for grabs and a building industry that can barely cope with the demand. The building industry themselves cannot cope with the new demands on their work. But the government does not care; it just wants to spend the money. West of Bundaberg, Malgildie State School—which I mentioned last week in the Senate—received $250,000 to build a basic 60-square-metre shed, having previously received an independent quote for the same sort of structure for only $29,000. Paying $250,000 to build a 60-square-metre shed is not what I call value for money. But, again, this is emblematic of the problems that are occurring nationwide.

The demand now for building is so great—because the government went into this in such a rush without a proper tendering process, without proper oversight of the state processes—that now the prices are inflated. Everyone says the prices are inflated. Speak to a builder. The Hastings Public School, on the New South Wales mid-North Coast, received $400,000 to build a covered outdoor learning area—the same structure that had cost $40,000 to build only six years ago. Grant Heaton, the principal, said, ‘Inflation hasn’t increased tenfold in six years.’ He said that for that price he was expecting a ‘Taj Mahal of covered outdoor learning areas’. The school has also received $2.6 million for a double classroom with a special-purpose room. Again, it is the same problem. Schools are not getting what they want and, even when they do, they are being charged too much for it, because the money is being thrown out far too quickly. I could go on and on about this. The government is bending the rules. Fifteen Adelaide schools have been given laptops under the National School Pride Program, even though, firstly, the guidelines prohibit the provision of computer equipment in competition with the Digital Education Revolution and, secondly, the schools are all closing down. It seems the laptops will be laundered for six new schools to be opened in 2010 and 2011. This is getting worse and worse, and day by day this litany of failure gets deeper and longer and worse and more expensive. It seems that no matter how much the opposition raises the
issue, the minister in the House of Representa-
tives, Ms Gillard, the Minister for Educa-
tion, does not seem too concerned.

What really concerned me was what was
said by Mr Gavrielatos, the Federal President
of the Australian Education Union—not gen-
erally a friend, let us face it, of the coalition,
I think that is fair to say. When the AEU’s
call for review of the program was rejected
by Ms Gillard, he said:

What is the Government rejecting? The need to
evaluate the program? The capacity to improve on
a program? I find that a quite astonishing state-
ment.

He went on to say:

It is astonishing the Government would argue
against a process aimed at further improving on
the delivery of this significant announcement.

That is the key: this program should be re-
viewed. Mr Gavrielatos knows that. Princip-
pals around the nation know that. The par-
ents know that. The teachers know that.

Senator Cash—The unions know that.

Senator MASON—And, as Senator Cash
says, the unions know it. Why? Because this
is not a good spend. The taxpayer is being diddled and that is the problem. The gov-
ernment are more concerned about getting
the money out there at whatever cost. It
might not be good value, it might be terrible
value, but they just want to throw enough
money around and hope that some of it
sticks. I suppose if you spend $14.7 billion, a
couple of dollars might stick and a couple of
jobs might be created, and a couple of sheds
might be built. That just might happen if you
are lucky. If you spend $14.7 billion, some-
thing might just happen.

The problems are simple. This program
has insufficient flexibility. It is run on what
the school principal cited in the Senate last
week described as ‘notorious templates’. In
the end it is state bureaucrats who decide the
buildings that the state government schools
get. Those notorious templates, centrally
planned for government schools in the state
capitals, are the templates that are provided
to government schools—that marvellous
whiff of central planning, Senator Faulkner,
that I am sure you love so well, that marvell-
lous sense of central planning that apparently
was going to solve all our problems. It has
not, and it certainly has not solved the prob-
lems for state schools throughout this coun-
try, because these notorious templates are not
sufficiently flexible. In the end, if it is a joust
between the school community and the state
bureaucracy, guess who wins? Who wins that
joust? The state bureaucracy. If the school
community do not get their way, they do not
get anything. That is the problem and that is
the great failure in this scheme.

Secondly, overcharging is becoming
worse and worse—and I know my opposi-
tion colleagues have been arguing about this
now for weeks. The problem really is this:
state governments are oversighting the run-
ing of these programs in each state, and the
Commonwealth oversight of those state
government processes is insufficient. That fundamentally
is the problem with this program.

There are two problems: (1) there is no
flexibility with the templates and (2) the
Commonwealth oversight of state govern-
ment tendering processes is insufficient. What that means is this: when tenders are
called, they are not competitive or there is
only one because of the lack of uptake, and
the money is being thrown out too quickly. I
have heard calls all around Queensland in the
last few weeks, ever since estimates, about
quotes going up 10, 20, 30, 40 and 50 per
cent. Why? Because the government will
spend whatever it takes of the $14.7 billion
to put up a shed to create a job. That is the
essential failure of this program.

Finally, it seems there is a bit of bullying
by state governments starting. State govern-
ments are out to use the money for their own projects so that they do not have to fund schools, as they should be funding them, I might add. State governments and state bureaucrats are bullying principals and saying, ‘If you report this to the Australian or any other newspaper, you won’t get anything.’ Not only do we have a lack of flexibility and the fact that there is overcharging, we also have bullying. The bullying of primary schools is getting worse and worse.

Let me make a prediction. Over the next 12 months, we are going to see many more billions of dollars rolled out in this program. The question we all have to ask is: is this money well spent? That is the question. Is this a good spend? Is this the best way of spending $14.7 billion? Is the taxpayer getting the best value for their dollar, the best bang for their buck? The answer quite simply is no. I know that. Parents know that. Teachers know that. Unions know that. I suspect high-school students will get to know that as well. The great failure of this program has been in the implementation.

I applaud the government in that many of the objectives, in a loose sense, are fine. But throwing $14½ billion at the problem does not solve it. It is the same old Labor Party. We do not have the best spend that we are all entitled to. We do not have the best spend at all for that $14.7 billion. We do not even have a good spend. This is a third-rate spend that has no flexibility to give students and teachers, and even trade unions, what they need—there is not that. There is overcharging—10, 20, 30 and 40 per cent. And, finally, and perhaps most regrettably and increasingly, there is now bullying by state bureaucrats. On that basis this program is a failure.

Senator MARSHALL—Senator Mason objects to that comment, and I do feel sorry for Senator Mason because I know he is one of the few people in the coalition who actually cares about education. It must have hurt him to be part of a government that reduced, in real terms, spending on education over its time in government. Here he is, consigned to opposition and trying to beat something up when we are undertaking the biggest ever infrastructure spend in our schools and school communities. Because he is in opposition and has some official role, he has to try to beat up some of the things that he construes as problems with this program.

I find it a very strange tactic of the opposition to come in here and raise this issue for debate. We are very happy to debate this issue because we are so proud of the work that we are doing. We are incredibly proud of the legacy in education that we are going to leave the school community and the future generations of our kids through this program. The Australian government will invest a further $14.7 billion to boost the Australian education revolution in the next three years through the Building the Education Revolution program. This will boost jobs and invest in Australia’s long-term future through building new facilities or upgrading existing buildings in every one of Australia’s 9,540 schools. It is worth noting that members of the opposition opposed the Building the Education Revolution program’s $14.7 billion investment in our nation’s schools. I suppose that is one explanation for the beat-up that Senator Mason wants to pursue with this quite ridiculous motion and his quite hollow arguments, and I will go to the detail of some of the arguments in a moment.

The opposition actually opposed this program, but that does not stop many of them turning up to the opening of these projects, putting up their hands and saying, ‘We think it’s great,’ when the buildings and programs
are being delivered. They want to be part of it then but they seem very conveniently to forget that they opposed it in this chamber. The record stands on that. Of course they want the system to fail, so they want to talk it down and to beat up articles in the *Australian* newspaper to try to undermine the whole program. But the program is fundamentally sound. It is part of a stimulus package that this government has put in place to protect jobs and leave a legacy of substantial improvements in the education system in this country.

I trust that opposition senators have advised schools in their states and territories that they voted against and are opposed to the schools receiving this assistance. Again, is it any wonder that Senator Mason gets up with this stunt, this beat-up? The opposition voted against this investment in our schools, which yet again shows that they are against us supporting Australian jobs. In this global financial crisis they are opposed to this spending, which is going to support thousands and thousands of jobs across the whole of the country, in every school in every community. To date, the Building the Education Revolution program has commenced funding for over 20,000 infrastructure projects, valued at $10.4 billion, rolling out the money in the communities that need it most in order to support jobs.

Before I analyse some of the shallow arguments that Senator Mason put forward, I will again briefly remind the Senate of the three key elements of Building the Education Revolution. The first is Primary Schools for the 21st Century. That is a $12.4 billion long-term investment to build or improve large-scale infrastructure such as halls, gymnasiums and libraries in all primary schools, special schools and K-12 schools. The second element is Science and Language Centres for 21st Century Secondary Schools, a $1 billion investment to build approximately 500 new science labs and language-learning centres for schools with a demonstrated need and a readiness to begin construction. The third is the National School Pride program, which is $1.3 billion to refurbish existing infrastructure and embark on minor building projects.

Under rounds 1 and 2 of the Primary Schools for the 21st Century program, 5,215 Australian schools were successful in having 6,983 projects approved, totalling $9.19 billion. This is an unheard-of investment in our schools and education system, something the opposition, when they were in government, never even dreamed of doing. But they have the hide to come in here and criticise this largest ever single investment in school infrastructure.

Under the National School Pride program, 9,490 Australian schools were successful in having 13,176 projects approved, totalling $1.26 billion. The education revolution will increase the quantity of investment and the quality of education in Australia through a number of programs, including but not limited to Building the Education Revolution, the Digital Education Revolution, Trade Training Centres in Schools, the National Action Plan on Literacy and Numeracy and the education tax refund. The education revolution is more than just infrastructure, however. Already in motion are important national partnerships, including $550 million to improve literacy and numeracy, $500 million to improve teacher quality and $1.5 billion for low-SES schools. And, again, Senator Mason comes in here with a stunt, a beat-up to try to say: ‘Let’s not spend that money. Let’s not roll it out.’ He says the results so far are a failure and an embarrassment. They are anything but. We are enormously proud of the speed and quality with which this is being rolled out.

I want to take the Senate to the Senate estimates process, where Senator Mason spent
hours and hours on this issue. Senate estimates is a fantastic process of accountability which the Senate involves itself in. I, of course, chair the legislation committee on education. Senator Mason talked about the monitoring processes, and I want to quote from the estimates transcript, because it is very convenient for Senator Mason to go to Senate estimates, ask questions, get the answers, get the truth, get the evidence but then simply ignore it—to come in here as if none of that evidence had been given to him—because it does not suit the stunt and the beat-up that he wants to promote. The head of the department, Ms Paul, said:

We are undertaking probably a world-leading monitoring process to get to not only how many workers there are but how many apprentices. I think it is absolutely fantastic. This goes to the issue of job creation in the local communities, and Senator Mason says:

I accept that.

They are his words: ‘I accept that’. Ms Paul then goes on to say:

I have not heard of it in any other sphere or indeed in any other country that we have been talking about these packages.

And Senator Mason responds:

I accept what you say and the information about job creation will be comprehensive.

So he accepts the evidence of the department in Senate estimates but then comes in here and denies that Senate estimates even happened.

Let us go again to the monitoring process. Dr Nicoll, also from the department—the manager actually heading up the Building the Education Revolution project—said:

We are not monitoring that on a project-by-project basis.

This is about the actual jobs being created in the local areas. He continued:

The states and territories and the block grant authorities as part of their funding agreements are asked to give priority wherever possible to employment in local communities. In some cases it simply will not be possible to have local communities employed on some of these projects.

And what does Senator Mason say? He says: I accept that. It is the priority. That is all I am saying.

So, in terms of monitoring the process about job creation. Senator Mason well knows because we spent endless hours going into the detail of that monitoring process—and, quite frankly, it is one of the envies of the world.

What did Ms Paul say when asked about value for money? Ms Paul, the head of the department, said:

Certainly even just attending to value for money had not always been done in the past.

Oh, that is strange; she must have been talking about previous projects of the previous government. Obviously, it was never a priority for them to talk about value for money.

She went on to say:

One of the key innovations here is not only getting it out fast but having a system that actually in real time records how many people are being employed, which is absolutely phenomenal. I have recently had reason to find out a bit about infrastructure stimulus in other English-speaking countries. No-one is on as fast a track—at least of the countries that I came across—as we are. I do not know of anyone else who can actually track in real time how much work is actually being generated as a result of these projects.

Of course, these projects are part of the very important stimulus program that this government has put in place to protect the jobs of Australian workers and at the same time give this enormous boost—the single biggest boost ever—to building education infrastructure in this country.

Senator Mason wanted to make a big deal about some of the isolated criticisms that have been made. We also know through the
process how they have been relying on the *Australian* to beat up some of these issues. They bring articles into this place and then, to their great embarrassment, when the facts are out, find out that it is not quite what the *Australian* may have reported.

Principals have to sign off on every project. It is part of the Commonwealth government’s requirement that the local principal signs off on the project. If the principal does not sign off on the project, that project will not go ahead. Senator Mason was at estimates—in fact he was asking the questions about this very point—so he knows that if the principals are unhappy with the program that they are getting or the negotiations with the state bureaucrats, they simply need not sign off.

Senator Humphries—And lose the money.

Senator MARSHALL—They do not lose the money. I take that interjection from Senator Humphries, because he was there also when we talked about the state government and how people can intervene. I want to go to that very important question about what happens when the school community disagrees with the state bureaucracy, because they are actually managing the rollout. What happens when they disagree? These issues were covered in Senate estimates and the evidence is on *Hansard*. Dr Nicoll said:

I recall the issue of Bobs Farm Public School. In that case the school had sought a quote from a local builder for a particular construction that did not include insulation and appropriate fit-out for the building, and the principal felt that he or she could have received a cheaper price by going to the local builder, but the building that that builder would have provided would not have been of the quality that would have been accepted by the New South Wales Department of Education for students. It missed a whole lot of things that the school would then have had to pay for later on. We actually have standards for school buildings and the requirements for our children. It is not simply about any builder saying, ‘I think I could do that,’ at a standard that they may think is acceptable. We are talking about school infrastructure that needs to be rugged and last for a long, long time. Senator Mason then said:

I am not even saying the school community always gets it right. What you are saying is that the school community did not necessarily get it right but that the government had other objectives in the particular case; is that right?

Dr Nicoll responded:

The governments’ objective, both the Commonwealth’s and the state’s, is for the highest quality product for students to be able to operate in that we can possibly achieve.

Senator Mason then asked—and this is the crux of Senator Mason’s argument:

How do you reconcile when school communities want a certain project and the state government wants another one? How do you resolve the tension between the two?

And Dr Nicoll responded:

We look to the education authority to work with the school community. If there is not a resolution possible, it would be possible for the Commonwealth to step in. The bottom line from our point of view would be—and I know this is the Deputy Prime Minister’s view—that what the school community wants would be what the school community should get.

That is the evidence. Principals do not have to sign off and the Commonwealth can intervene when there is a dispute between the school community and the state bureaucracy. *(Time expired)*

Senator HUMPHRIES (Australian Capital Territory) (4.06 pm)—I want to address a number of things that have been raised in this debate. I will start with the point raised by Senator Marshall at the end. He talked about how robust this system of funding building projects in schools might be and
how flexible the bureaucrats are in facing difficulties or problems that the schools might have in accepting certain template projects. I certainly did hear those assurances being given by the department, but I have also read the words of Henry Grossek, the principal of the Berwick Lodge Primary School in Melbourne, who encountered in a practical sense what was going on with a particular project which his school wanted. He wanted to have certain projects that the department did not want him to have. He said in a letter to the *Australian* that ‘schools are being harassed into signing off on templates they did not want’. He went on to say that state bureaucrats are ‘being complicit in the siphoning off of vast sums from government schools, particularly given that they accepted templates with only the flimsiest of building details and a total absence of costing valuations’.

Yes, projects might eventually have been sorted out in the case of that school, but, unless principals take steps like that, are other schools going to get those sorts of outcomes? I have my doubts. Why should they be forced in the first place to accept templates that do not suit their needs? One of the things I want to come back to in this debate is the question of whether it should be the schools initiating these projects or whether it should be the bureaucrats and the government sitting here in splendid isolation in this city.

No-one would question real investment in education. No-one would want to attack a program that does actually improve the quality of classroom teaching in this country. In other circumstances you would have to say that the investment of $14.7 billion in schools would be very good news indeed. But the longer and harder one looks at this spectacularly large project, the more one begins to wonder exactly what is going on. The more one sees the options for sustained improvement in classrooms being passed by in the pursuit of flimsy headlines, the more one realises that this whole program is one of missed opportunities, rushed decisions, flawed process and the bypassing and disempowering of local communities who have a better idea than other people of what they can achieve in their own schools.

Labor are very good at spending money; what they are not so good at is spending it well. That is the point which has been raised with this matter of public importance today. It is not about the magnitude of this investment in education. Nobody begrudges putting a lot of money into education. The former government did that; this government appears to be doing it. Nobody has an issue with investing heavily in education. But we owe it to a community like ours, particularly when our economy is at such risk, to spend every dollar of government revenue in this context in the best possible way and to waste none of it. Endlessly talking about how these programs are meant to work and the size of the investment does not cover up the key question here, which is: how well targeted or planned is this investment?

It needs to be said that good schools are not defined by the quality of their bricks and mortar. You do not get a good school merely because it is new and has lots of new facilities and infrastructure. Nor are old schools or even rundown schools necessarily bad schools. The quality of infrastructure in schools is one element. It is part of the answer to producing better quality educational outcomes, but it is not, I emphasise, the whole answer. A good illustration of this is the way the government has approached the question of distance education. Initially, schools that catered for the provision of distance education in Australia were not to be eligible for Building the Education Revolution funding. They were completely off the radar. It was only when this issue was raised...
in the Senate estimates committee a couple of weeks ago that the government indicated it would be revising this position and coming back to look at whether we could in fact put money into schools which have no infrastructure but whose quality of outcomes is very important to the students who happen to be enrolled in those sorts of educational opportunities.

This goes to an important point about the government’s program: it is built around deciding in advance what schools need. Contrast that with what the previous government put forward, the Investing in Our Schools Program, which was a community driven exercise. We did not say to people, ‘You’ll have a library, you’ll have an all-purpose hall, you’ll have X number of computers.’ We said to them, ‘What do you want? What’ll make your school a better school? What does your community want to see happening in that school?’ People put their hands up in droves and they got the outcomes they wanted. They got the money they were after, they got processes they could drive in their own local communities and they were happy with those outcomes. I am afraid that what we are going to see with the so-called Building the Education Revolution program is precisely the opposite. We will see people being pushed like square pegs into round holes.

I also want to address the question raised by Senator Marshall about the previous government’s performance on education. It is raised constantly by those opposite and it is completely untrue. When we came to government, the federal government was funding government schools across Australia to the tune of $1.4 billion a year. When we left office nearly 12 years later, we were funding government schools to the tune of $3.5 billion a year. That represents an increase in real terms of 77 per cent across those 12 or so years. It is a complete untruth to suggest that the previous government neglected to fund education or in some way ran it down. I am proud of our achievements in education. I am proud in particular of the processes we used. As far as Investing in Our Schools was concerned, we did not want to have a program that was driven by state government bureaucrats because, frankly, they are the ones who have allowed current investment in schools to decline—a decline which had to be addressed by the federal coalition government with its increased recurrent funding for government education across the states.

So raw numbers do not make an education revolution. Simply throwing billions of dollars into a name, a slogan, does not add up to a change in outlook for Australian schools and Australian students. Even if $1 of every $5 in this program is misdirected or wasted, that represents a waste to the taxpayer of $3 billion. How much better could we spend $3 billion in the current environment? (Time expired)

Senator JACINTA COLLINS (Victoria) (4.14 pm)—There is one thing that has been put so far during this MPI debate that I agree with: we need some more accurate perspective. To date, only 24 schools have raised issues directly with the national coordinator. Most of these, after discussion, have reached resolution. More generally, there are procedures in place to assist in resolving any disagreements between the education authorities and a school. The examples raised by the opposition demonstrate that these procedures are effective. Let us go to the one—the only one—that has been raised whilst I have been in the chamber during this debate: the Berwick Lodge Primary School. The opposition asks about a story in the Australian relating to Berwick Lodge Primary School as an example of a school where there were some implementation issues. No-one argues against that. However, a process of consultation was undertaken in line with the guide-
lines. Indeed, the member for La Trobe wrote to the Minister for Education after this consultation had been undertaken stating:

Minister, you resolved this matter for Berwick Lodge Primary recently, which I was very pleased about.

How is it we can have the Liberal Party’s local member saying to the minister that he is very pleased he had resolved this, and yet the opposition regurgitate this case time and time again? The real reason for that is that they lack any examples of genuine problems to demonstrate the case they are trying to run.

This leads us back to the much broader perspective here. For an opposition that claim we do not have enough time in the chamber to deal with the legislation that we have in front of us—as they did this morning—I am astounded at the quality of the urgency motions that are coming forward. Last week, we had the one about youth allowance, and a resolution that the whole thing is a major catastrophe and is falling apart. When you looked at it more closely, it was around some issues with respect to students who may have chosen to undertake a gap year—hardly the perspective that was pumped forward in the nature of the urgency motion. In that debate, Senator Mason spoke briefly on that question but then suddenly went over to the Building the Education Revolution. He could not even speak on the motion in front of him for long; he had to go over to this matter. He is right in one thing that he said this morning: he is going on and on about this. If you look at questions during question time in the chamber and at other cases such as the questions we all went through in estimates, the problem for Senator Mason is that those of us who are in any way informed on these issues know the degree of regurgitation of resolved cases that is going on here, of which Berwick Lodge is probably the best example. For anyone to quote, in support of their prime case, a principal in relation to a process that has now been resolved is astounding. If I hear it one more time I will really seriously wonder at the capacity of the opposition to demonstrate any case at all.

But let us go back to the bigger picture that Senator Humphries was so keen to avoid. The $14.7 million Building the Education Revolution is a massive package that aims to address two urgent needs. The main point is one that my colleagues opposite seem to be trying desperately to avoid. I would say, in fact, that they are pretty much in denial. We are trying to support jobs in the face of the global financial crisis. But in those opposite we still have the global financial crisis deniers. If you listened to Senator Humphries a moment ago, you would not understand that we are talking about trying to get this Building the Education Revolution funding out in a way which will ensure projects commence as quickly as possible. That is why we are building projects in the fashion that we have—because it is critical to our economy to get this activity happening as quickly as possible. We are using this funding and building infrastructure to invest in education to boost tomorrow’s productivity. That is the other key urgent need. We need to enhance Australia’s education systems to boost our future productivity. The government has undertaken decisive action in relation to these two needs. Indeed, the scale of its response is unprecedented. But do not forget: the opposition has opposed this package in its entirety, as indeed it opposed any action in relation to the global financial crisis. We had the shadow Treasurer at the time saying we should just wait and see—let the global financial crisis wash over us and wait and see—rather than act in any way that could help diminish its impact on Australia and Australian jobs or that could increase our
capacity to move towards recovery as soon as possible.

The delivery of the Building the Education Revolution package is already well underway. This satisfies the need for timely action. To date, the BER has funded over 20,000 infrastructure projects valued at over $10.45 billion. In the face of this action, which is already providing a significant employment boost, the opposition have adopted a purely negative stance. They oppose everything the government has done, yet they have no education policy of their own. But, before dealing with some of the opposition’s claims in detail, it is important to note that the Building the Education Revolution guidelines clearly specify that, where possible, local tradespeople will be engaged in construction of each project, that preference will be given to businesses that have demonstrated a commitment to adding or retaining trainees and apprentices and that, where possible, new buildings and refurbishments should incorporate sustainable building principles and be designed to maximise energy efficiency.

There are three areas where I could talk about the claims that the opposition has been running against Building the Education Revolution. The first pertains to cost overruns. The second, which we were talking about before in relation to Berwick Lodge, is where there has been a difference between the school’s request and what Building the Education Revolution provides. The third is where the funding goes in terms of school amalgamations.

Let us deal first with the cost overruns. The first claim that the opposition makes is that there have been cost overruns or examples of inefficiency. For example, last week the opposition asked a question without notice in relation to Hastings Public School in New South Wales. This too, I note in passing, was part of the debate here earlier. But let us look at the facts again. This school received $400,000 for a covered outdoor learning centre. The opposition claimed that the school built a similar covered area for $40,000 in 2003. Firstly, as was pointed out by the minister, the earlier project at Hastings Public School cost $80,000, not $40,000; that is, it was $40,000 from the government and $40,000 from the parents committee. Secondly, and most importantly, the current funding for Hastings Public School is for a significant building with a solid roof. It also includes an amphitheatre, seating and a sound system to facilitate school assemblies and performances and science and artworks bases. Clearly the comparison here is inappropriate.

This raises a broader question about the spurious comparisons being made by the opposition. Many of the quotes used by the opposition are per metre construction quotes. But, as everyone knows, there is a difference between the lock-up figure for a building and the fit-for-purpose cost. The latter includes the full fit-out and naturally is higher. That is the case even without looking at the other issues, such as were raised before by Senator Marshall, which arose in estimates. We are talking about basic things in infrastructure for our children such as insulation and proper land fit-out and other things necessary before you construct. Let me look at another example. A kitchen quote at the lock-up stage would not include sinks and the electrical components. In the case of schools, the fit-out costs include things such as interactive whiteboards in classrooms, seating and sound systems in school halls and so on. These additional features are built into the cost.

Given that the opposition has made a number of claims about the cost of various projects, it is worth spelling out the nature of the tender process. It is a very robust process
that is achieving value for money. Initial estimates of project costs are based on the experience of state and territory and block grant education authorities. This is the best practice of initial estimates given the vast experience of these authorities in delivering projects. Following this initial estimate, tenders are sought for managing contractors. Once appointed, these managing contractors will hire subcontractors. Quotes or tenders are then sought for individual projects. These quotes will allow some money for contingencies. This is standard practice. Once quotes are finalised, schools may find that they have money left over. Again, this was discussed in Senate estimates. If this is the case, they can seek a project variation from the Commonwealth. In addition, there may be money left over once the situation in relation to contingencies has become clearer. Where that is the case, consultation will occur with school principals to determine how those funds can be used either to enhance the original project or add an additional project. Building the Education Revolution is about achieving value for money, and all the opposition can do is twist old reports.

Let us go back to this point about the difference between a school’s request and what Building the Education Revolution provides. The opposition has raised a number of situations where there is a disagreement between the school and the education authority on the scope of the project to be funded. Given the scope of this package and the speed with which it is being implemented because of the global financial crisis, some disputes in relation to the details of the implementation are to be expected. The key point is that the government has in place procedures to manage and resolve these situations. In case and case again, once you look at the facts of the matter these procedures are working.

Finally, with respect to amalgamations, another issue raised by the opposition is the situation in which a school is closing or amalgamating with another school. As the Building the Education Revolution guidelines make clear, for planned amalgamations indicative funding for the school to be merged can be combined and used for capital or refurbishments in the new school. Again I respond to some spurious examples raised by the opposition, for instance the Australian reporting from 12 June that Inala West State School, which is amalgamating with Inala State School, would be receiving $125,000 for classroom upgrades. The fact is that 100 per cent of the funding will go to Inala State School for classroom upgrades. The continuing school is the Inala State School, and that will get the benefit of that funding. The Australian reported on 12 June that Richlands State School, which is amalgamating with Richlands East State School, will get $75,000 for classroom upgrades. The fact is that 100 per cent of the funding will go to Richlands East State School for classroom upgrades. This is the continuing school. So the examples go on.

Let me conclude by highlighting again that Building the Education Revolution is the largest single investment in education this nation has ever seen. Senator Humphries can highlight that spending in education rose over the years of the Howard government. What he cannot escape is simple facts such as that our high school retention rates went backwards. What the previous government was doing in education was not enough, and what the Rudd Labor government is doing is spending on infrastructure that will boost our future productivity as we deal with the current threat of the global financial crisis. Building the Education Revolution is delivering a huge number of projects with value for money. In addition, it is supporting employment in the face of the global financial crisis and it is supporting employment in local communities and schools. It is doing it
in ways which will deliver local jobs, delivering and supporting local employment so that we can rise out of this global financial crisis as soon as we possibly can.

Senator CASH (Western Australia) (4.29 pm)—One would be justified in thinking that schools who were receiving grants from the Commonwealth government might actually be over the moon. But it really must say something about the atrocious implementation of this program that schools are coming out every single day of the week—in fact, if you listen to talkback radio, they are coming out phone call after phone call—calling on the government to revise the way this program is being delivered. It is shameful. Listening to those on the other side trying to justify this atrocious spending demonstrates beyond a doubt the depth to which this government will stoop to put a good spin over what they know is a very bad spend. But, then again, it is only public money, and they do not really have to care about how they spend public money. That is for us on this side to hold them accountable for, and that is what we will continue to do.

Indeed, as my colleague Senator Mason has so eloquently put it, despite all of its spin, the government simply cannot reassure the Australian community that $14.7 billion of taxpayers’ money is being spent appropriately. Let me give the Senate an example from my home state of Western Australia—and you are really going to like this one. The headline in the Australian on 20 June read: $250,000 hall for remote Yulga Jinna Remote Community School ‘a waste’

The article went on to report that the Yulga Jinna Remote Community School has only 24 students amongst three classrooms. Apparently, with funding it received from the Building the Education Revolution program, it must build a multipurpose hall which will give it, in effect, a fourth classroom. And this is where the problem lies, because the school does not need a fourth classroom for its 24 students.

Senator Williams—One each!

Senator CASH—One each. But the school does desperately need something. They have identified what they need and it is better accommodation for their teachers. The article goes on to report that the two teachers who work at this school are living in mining dongas, or transportable huts, which lack telephones or even, in one case, an indoor shower and toilet. One might say that those are harsh conditions which most Australians would find it a challenge to live in. What does the Rudd Labor government say to this remote community school? ‘You need another classroom.’ I think not. If supporting these teachers with accommodation is not a better use of the $250,000 that the school will receive, it is hard to imagine what is.

But it saddens me to say that my home state of Western Australia does not appear to be alone in dealing with the bungling, the inflexibility and the poor spend of this $14.7 billion fiasco. It would seem that yet again, as with most Labor policy, ideology wins over practicality or common sense, and once again it is the Australian taxpayer who will be footing the bill. Another media report in today’s Australian, entitled ‘Schools merger threat’, details how the Tasmanian State School Parents and Friends President, Jenny Branch, has expressed her concerns that Building the Education Revolution program funds ‘were used to exert undue pressure on parents and schools to quickly accept a major rationalisation of schools in Hobart’s north’. Here is another example, this time reported in the Brisbane Courier-Mail: an undercover playground with concrete floors and no doors was to cost $1.8 million under the Rudd government’s program. The list goes on.
I was listening to a radio program today which claimed to have received 24 complaints from schools regarding their projects. One has to wonder how many more schools are too afraid to speak up for fear of having this funding ripped from them. To quote Alan Jones from his radio program:

So this is a so-called revolution which is hopelessly lacking in detail and throwing money around willy-nilly for gymnasiums and halls, without asking whether the school where they are to be built may just happen to need—for example—more maths teachers instead.

That is not effective spending. That is ineffective spending of taxpayers’ money, and it is because of this litany of complaints that the coalition has called for an urgent review of the program. But even from the United States the Deputy Prime Minister could still be heard keeping the Labor spin machine in overdrive, claiming that the education revolution has a focus on transparency. Well, it must be a very murky form of transparency! While the Labor Party’s spin machine rolls on, the people who are losing out are Australian students and Australian schools. This is bureaucracy gone mad. It is quite clear that the nation’s chief bureaucrat, the Prime Minister, is extremely comfortable with how things are proceeding. I can tell you that the coalition are not. (Time expired)

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—The time for this debate has expired.

COMMITTEES
Economics Committee
Report: Government Response

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—Pursuant to standing order 166, I present the government’s response to a report of the Standing Committee on Economics on disclosure regimes for charities and not-for-profit organisations, which was presented to the President on 19 June 2009. In accordance with the terms of the standing order, the publication of the document was authorised. In accordance with the usual practice and with the concurrence of the Senate, the government response will be incorporated in Hansard.

The document read as follows—

Commonwealth Government response to the Standing Committee on Economics Senate inquiry into disclosure regimes for charities and not-for-profit organisations

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<thead>
<tr>
<th>Key recommendations</th>
<th>Commonwealth Government response</th>
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<tr>
<td><strong>Recommendation 1</strong></td>
<td>Agree in principle. The Commonweal</td>
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<td>The committee recommends that all Australian Governments agree on common terminology for referring to organisations within the Sector. Governments should also develop a common meaning for terms referring to the size of these organisations, including ‘micro’, ‘small’, ‘medium’ and ‘large’. This standard terminology should be adopted by all government departments.</td>
<td>th Government recognises the broad range of organisations that make up the third sector and the lack of clear terminology, particularly when various tax concessions are available. Common definitions and terminology will help to build a consistent view of the third sector and its operation within Australia. The results of the Productivity Commission’s Review of the contribution of the not-for-profit sector may assist in developing a framework which could underpin standard definitions and terminology. The Review of Australia’s future tax system (the “Henry Review”) may also examine the complex tax arrangements available to various types</td>
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CHAMBER
Key recommendations | Commonwealth Government response
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**Recommendation 2**
The committee recommends that the Government establish a unit within the Department of Prime Minister and Cabinet specifically to manage issues arising for Not-For-Profit Organisations. The unit should report to a Minister for the Third Sector. Noted. The Social Inclusion Unit within the Department of the Prime Minister and Cabinet currently provides co-ordination on these issues across government. This recognises that other departments have responsibilities that intersect with the third sector and are often more suited to provide overall policy guidance. The Social Inclusion Unit reports to the Prime Minister and the Minister for Social Inclusion.

**Recommendation 3**
The committee recommends that there be a single independent national regulator for Not-For-Profit Organisations. Noted. The establishment of a single, independent national regulator, enacted by Commonwealth legislation, requires agreement by State and Territory Governments to refer their responsibilities to the Commonwealth. It will be considered by Government, drawing on findings of reviews progressing throughout 2009 such as the Productivity Commission Review of the contribution of the not-for-profit sector. The Council of Australian Government’s Business Regulation and Competition Working Group (COAG BRCWG) has included regulatory reform of the third sector as part of its 2009 work plan.

**Recommendation 4**
The committee recommends that the Australian National Regulator for Not-For-Profit Organisations should have similar functions to regulators overseas, and particularly in the UK, including a Register for Not-For-Profit Organisations with a compulsory sign-up requirement. The committee recommends consultation with the Sector to formulate the duties of the National Regulator. As a minimum, the Regulator should: Develop and maintain a Register of all Not-For-Profit Organisations in Australia. Once registered, the Commission should issue each organisation with a unique identifying number or allow organisations with an ABN to use that number as their Not-For-Profit identifier. This could be enabled using existing ASIC website resources. Develop and maintain an accessible, searchable public interface. Undertake either an annual descriptive analysis of the organisations that it regulates or provide the required information annually to the ABS for collation and analysis. In recommending a national regulator, the Senate Committee has indicated that the Office of the Registrar of Indigenous Corporations (ORIC) which regulates Indigenous corporations under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act) would cease as an entity. The CATSI Act is a special measure for the advancement and protection of Aboriginal and Torres Strait Islander people. Any consideration of ceasing ORIC or repealing the CATSI Act requires consideration of the impact this may have on Indigenous corporations and their unique role and function.
Key recommendations
Secure compliance with the relevant legislation.
Develop best practice standards for the operation of Not-For-Profit Organisations.
Educate/Advise Not-For-Profit Organisations on best practice standards.
Investigate complaints relating to the operations of the organisations.
Educate the public about the role of Not-For-Profit Organisations.
The voluntary codes of conduct developed by ACFID and FIA respectively should be considered by the Regulator when implementing its own code of conduct.

Recommendation 5
The committee recommends that the Commonwealth Government develop the legislation that will be required in order to establish a national regulator for Australia.

Recommendation 6
The committee recommends that, once a Register is established and populated, this information should be provided to the ABS, who should prepare and publish a comprehensive study to provide government with a clearer picture of the size and composition of the Third Sector.

Recommendation 7
The committee recommends that a single, mandatory, specialist legal structure be adopted for Not-For-Profit Organisations through a referral of state and territory powers. Given the degree of change such a legal structure would mean for some not-for-profit organisations, the legal structure must be developed in full consultation with these organisations.

Recommendation 8
The committee recommends that the Henry Review include an examination of taxation measures.
Key recommendations

- **Recommendation 9**
The committee recommends that a National Fundraising Act be developed following a referral of powers from states and territories to the Commonwealth. This Act should include the following minimum features:
  - It should apply nationally.
  - It should apply to all organisations.
  - It should require accounts or records to be submitted following the fundraising period with the level of reporting commensurate with the size of the organisation or amount raised.
  - It should include a provision for the granting of a license.
  - It should clearly regulate contemporary fundraising activities such as internet fundraising.

- **Recommendation 10**
The committee recommends that a tiered reporting system be established under the legislation for a specialist legal structure.

- **Recommendation 11**
The committee recommends that the tiers be assigned to organisations based on total annual revenue.

- **Recommendation 12**
The committee recommends that the Commonwealth Government work with the Sector to implement a standard chart of accounts for use by all departments and Not-For-Profit Organisations as a priority.

- **Recommendation 13**
The committee recommends that a new disclosure regime contain elements of narrative and numeric reporting as well as financial, in acknowledgement that the stakeholders of the Sector want different information to that of shareholders in the Business Sector. The financial reporting should be transparent and facilitate comparison across charities.

Commonwealth Government response

- **Recommendation 9**
Noted. State and Territory Governments regulate fundraising activities in accordance with their own legislation. The BRCWG, as part of its 2009 work plan, is considering reform options to fundraising legislation.

- **Recommendation 10**
Noted. Refer to response to Recommendation 3.

- **Recommendation 11**
A Review of financial reporting by unlisted companies under the Corporations Act 2001 has been conducted by the Treasury and policy reforms are being considered. The Commonwealth Government is also developing a Commonwealth grants policy framework that, amongst other things, will include arrangements to minimise unnecessary red tape for grant recipients.

- **Recommendation 12**
The Commonwealth Government will also consider accounting disclosure regimes in light of the findings of the Review of financial reporting by unlisted companies by Treasury, which may address some of the issues raised by the Senate Committee. The findings of the Review of accounting standards for 'Non-publicly Accountable Entities', that is, non-listed entities, by the Australian Accounting Standards Board, and the Productivity Commission Review of the contribution of the not-for-profit sector will also be considered.
### Key recommendations

**Recommendation 14**
The committee recommends that the national regulator investigate the cost vs benefit of a GuideStar-type system (a website portal that publishes information on the aims and activities of Not-For-Profit Organisations) in Australia to encompass all Not-For-Profit Organisations.

**Recommendation 15**
The committee recommends that a Taskforce be established for the purposes of implementing the recommendations of this report. The Taskforce should report to COAG. Its membership should include:
- a government representative from the Commonwealth;
- a COAG-elected representative to speak for states and territories;
- one or more qualified legal experts with expertise with the major pieces of legislation affecting Not-For-Profit organisations;
- a representative from an organisation which manages private charitable foundations;
- an accountant with not-for-profit expertise; and
- a number of representatives from the peak bodies of Not-For-Profit Organisations, including a representative from a peak body for social enterprises.

The Taskforce should actively seek to ensure that the measures of reform that it implements do not impose an unreasonable reporting burden on small and micro Not-For-Profit Organisations.

**Commonwealth Government response**

Noted. This recommendation will be considered within the context of the reviews noted. States and Territories will be consulted in the process.

Noted. The Commonwealth Government will consider the recommendations of the Senate Inquiry throughout 2009, as findings of various reviews are reported. It will consult extensively across the third sector, business community and State and Territory Governments. It will also seek expert advice as required. The appropriate mechanism for consultation will be determined as the issues are considered.

### DOCUMENTS

**Responses to Senate Resolutions**

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—I present a response from the Minister for Families, Housing, Community Services and Indigenous Affairs to a resolution of the Senate of 13 May 2009 concerning National Volunteer Week.

AUDITOR-GENERAL'S REPORTS

Report No. 42 of 2008-09

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: Report No. 42 of 2008-09: Financial statement audit—Interim phase of the audit of financial statements of general government sector agencies for the year ending 30 June 2009.

EMPLOYMENT SERVICES CONTRACT 2009-12

Return to Order

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (4.38 pm)—In relation to a return to order made on 18 June 2009 by Senator Fifield, I table my response.
COMMITTEES
Community Affairs Committee
Additional Information

Senator FARRELL (South Australia) (4.38 pm)—On behalf of the Chair of the Senate Community Affairs Legislation Committee, Senator Moore, I present additional information received by the committee in its inquiry into the provisions of the Health Workforce Australia Bill 2009.

Migration Committee
Membership

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—The President has received a letter requesting a change in the membership of a committee.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (4.39 pm)—by leave—I move:

That Senator Fierravanti-Wells be discharged from and Senator Boyce be appointed to the Joint Standing Committee on Migration.

Question agreed to.

FAIR WORK (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 2009
GUARANTEE OF STATE AND TERRITORY BORROWING APPROPRIATION BILL 2009

Returned from the House of Representatives

Messages received from the House of Representatives agreeing to the amendments made by the Senate to the bills.

MIGRATION AMENDMENT (PROTECTION OF IDENTIFYING INFORMATION) BILL 2009

First Reading

Bill received from the House of Representatives.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (4.40 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 LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (4.40 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—

The Migration Amendment (Protection of Identifying Information) Bill 2009 (the “Bill”) amends the Migration Act 1958 (the “Act”) to ensure that identifying information obtained by the Department is protected and governed by Part 4A of the Act, which regulates the use, access and disclosure of “identifying information”. The Bill also provides that the personal identifiers and personal information disclosed under certain provisions must only be disclosed by an officer to the extent necessary in order to obtain help from an individual to identify, authenticate the identity of, or locate the subject in connection with the administration of the Act.

The Act currently provides for a strict regime for the collection, use, access and disclosure of “personal identifiers” collected under the Act. This regime was inserted into the Act by the Migration Legislation Amendment (Identification and Authentication) Act 2004. Part 4A provides for the obligations relating to identifying information and contains criminal penalties of imprisonment for 2 years or 120 penalty units, or both, for the unauthorised disclosure modification, impairment or failure to destroy identifying information as soon as practicable when required by the Archives Act 1983.

Section 336A of Part 4A, as inserted by the 2004 amendments, provided that the definition for
“identifying information” included “any personal identifier” and information and measurements derived from personal identifiers. A “personal identifier” is defined in section 5A of the Act to include fingerprints or handprints, measurements of a person’s height and weight, a photograph or other image of a person’s face and shoulders, an audio or video recording of a person’s face, an iris scan, a person’s signature or certain other identifiers prescribed by the regulations.

The Migration Legislation Amendment (Information and Other Measures) Act 2007 however, made an amendment to the definition of “identifying information” in paragraph 336A(a) to provide that it is “any personal identifier provided under section 40, 46, 166, 170, 175, 188, 192 or 261AA of the Act.” The purpose of this amendment was to put beyond doubt that the offence provisions in Part 4A only applied where the identifying information in question was a personal identifier provided under the specific sections above.

However, since the amendments to the definition in 2007, it has come to the Department’s attention that this provision is more limited than the original policy intention intended. Recent legal advice suggests that personal identifiers belonging to our clients that are not currently protected by Part 4A include those collected from other agencies (domestic or international), unsolicited external sources and from law enforcement agencies (often shared with the department as part of an investigation). In relation to these personal identifiers, DIAC has been adhering to Part 4A of the Migration Act and the Privacy Act, where applicable, so there is no question of either Act being breached.

Into the years ahead, Australia is going to be working in close concert with our international partners to pursue projects which may better facilitate travel for the legitimate traveller at the same time as assisting to uncover identity fraud or crime. In particular, identifying information such as biometrics will become an increasingly important tool in the fight against identity crime.

However, it is equally vital that identifying information – including biometrics – is shared strictly in accordance with the Privacy Act 1988 and the disclosure provisions of the Migration Act 1958.

In order to ensure that the rights and privacy of persons, whose personal identifiers are provided by international and external sources, are protected under the Act, and to assure our international partners that the data they provide will be given this protection, it makes sense to subject all personal identifiers collected by DIAC for immigration purposes to the same statutory regime, that being Part 4A of the Act.

This Bill will align the definition of “identifying information” in the Act with the original policy intention in 2004 that all personal identifiers obtained by the Department are protected and governed by Part 4A of the Act. As there are criminal penalties associated with the unauthorised disclosure, modification, impairment or failure to destroy identifying information when required, amendment of the definition by the Parliament is required as soon as possible.

In addition to the measures outlined, the Bill also introduces a limit for the disclosure of personal information under sections 336FA and 336FB of the Act. These sections authorise disclosure of certain personal identifiers for the purpose of obtaining an individual’s help to identify, authenticate the identity of, or locate, a subject. The limit will provide that, for a disclosure of information to be authorised for these purposes, the information must only be disclosed to the extent necessary in order to obtain an individual’s help.

The department ensures that identifying information is treated appropriately and in accordance with the Act and the Privacy Act 1988. In particular, the department makes every effort to ensure any disclosures of identifying information outside of the Department are done consistently with Information Privacy Principle 11(3). That is, bodies that receive this information are advised that they must not use or disclose of the information for a purpose other than the purpose for which the information was given to them.

The amendments in this Bill will further support and enhance the department’s appropriate handling of identifying information concerning our clients, including their personal identifiers.

I commend the Bill to the Senate.
Senator LUDWIG—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

TAX LAWS AMENDMENT (POLITICAL CONTRIBUTIONS AND GIFTS) BILL 2008

Consideration of House of Representatives Message

Message received from the House of Representatives disagreeing to the amendments made by the Senate and making amendments in place of those amendments.

Ordered that consideration of the message in Committee of the Whole be made an order of the day for the next day of sitting.

BUSINESS Rearrangement

Debate resumed.

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—The question is that Senator Parry’s motion relating to government business be agreed to.

Senator XENOPHON (South Australia) (4.42 pm)—I voted for a suspension of standing orders this morning because I believe that it is an important issue that we have a debate as to whether standing orders should be suspended. I also wanted to hear the debate and the arguments from all sides in relation to the reasons why the bills that Senator Parry said should be dealt with prior to any other legislation should be so dealt with. In respect of the matters raised in Senator Parry’s motion, two of those bills are currently in the Senate and the rest are not. As I understand it, the Rural Adjustment Amendment Bill and the Tax Laws Amendment (2009 Budget Measures No. 1) Bill are the two bills currently before the Senate and the other bills are in the House. That does not mean that they are not urgent and it does not mean that they ought not to be dealt with. I think it is incumbent upon the government to ensure that the business of the Senate runs smoothly. Obviously that requires the cooperation of all in the chamber, and that is the way this place works—and I think that is an important factor that needs to be considered.

It would be foolish not to consider the context of these bills, and that relates to the government’s CPRS legislation. It is my view that that is the most important piece of legislation this parliament has ever seen in terms of its economic impact, as well as, of course, its environmental impact, on this nation. Unless we get the policy framework and the legislation right, we will end up with a bad piece of policy with significant economic impact but little environmental benefit. That is just my view of the bills in their current form. The government knows my position on that, as do my other colleagues.

It is my view in relation to the CPRS bills that there should not be a vote taking place in the absence of comprehensive modelling of alternative schemes. One of the outcomes—not a majority outcome—from the Senate inquiries into this was that there should be modelling of alternative schemes. I see that modelling as important in the context of framing the debate, giving an opportunity for amendments to be filed and also for having a debate about what the appropriate targets are for the CPRS bills. I agree with the Greens—I do not believe that the targets are adequate. The targets are too heavily conditional. I think that is, in part, a function of the design of the current CPRS.

I note the Minister for Climate Change and Water’s comments in the chamber earlier today that sufficient details about alternatives were part of the government’s green paper on this bill. With the greatest respect to the minister, what struck me about the green paper was what little detail about alternative schemes was included. There certainly was not any economic modelling. There certainly
was not a robust examination of how these alternative schemes could be dealt with. On my reading, there was only enough detail of alternative schemes to dismiss them but not enough for the reader to adequately assess them. I think that is a key feature. I cannot help feeling that the government is acting a bit like a used car salesman who will only let you test-drive one car and then insists on you buying it without test-driving any other models. My perspective in relation to the CPRS bills is that I am not buying. I want to look at other models, I want them to be considered properly and I want there to be a debate about what is an adequate target for greenhouse gas abatement.

I also appreciate how unusual it is for the business of the Senate to be taken out of the government’s hands. It is not unprecedented, as I understand it, but it is also quite unusual. I do not think it is something that any of us should do lightly and it is certainly not something I would vote for without good reason. I think it is fair to say that being a crossbench Independent means you regularly get caught in the battle between the government and the opposition. That is the job. Sometimes it is appropriate and necessary to pick a side. In this instance, I want to give the government and the opposition an opportunity to sort out the business of the house. But, having indicated this, I think that it is important that the government and the opposition work hard to work out a way forward. To give them an opportunity to do so, I will not support the opposition’s motion yet—and I emphasise ‘yet’. If there is no movement by either side or by both sides I will not rule out supporting the opposition’s motion as early as tomorrow.

I also want to put this in the context of my views about having an adequate, fulsome and robust debate about the CPRS legislation. I do not think it is reasonable that we are required to vote on the second reading of these bills given that the comprehensive inquiries into them only handed down their reports last week. Recommendations were made not by a majority of senators but by coalition senators and me in relation to modelling alternative scheme designs. This would have a considerable impact on the shape of the debate in the committee stage but also on whether senators would be inclined to support the second reading of the bill in the absence of an alternative approach. I think it is unreasonable for those who are reluctant to support this bill to not have the opportunity to look at an alternative approach. I think that is important.

I do not think it is appropriate at this stage to support the opposition’s motion. I do have very significant concerns about the way the business of the house will be run in the next three to four days, in particular in the context of getting through a number of what the government have made clear are urgent bills with a number of imperatives to be passed for a variety of reasons. At the moment we do not seem to have an adequate schedule or an adequate indication as to when, in the context of the CPRS bills, those bills would be slotted in.

The government, the opposition and my crossbench colleagues all know what my position is. I have been completely upfront with all my colleagues as to what my position is in relation to this. I believe it is important that we work further on the business of the house. I do not want to take the business of the house outside of the government’s hands at this stage, but the government also knows that I think the nature and policy imperatives of the CPRS bills are critical and that it is important to have an emissions trading scheme that is effective, that delivers environmental outcomes and that does so in a way that is economically responsible. That is the main game. That is something that we need to be focusing on. I do not believe that ramming through a vote on the CPRS bills’
second reading stage this week would achieve that. At this stage, I cannot support the opposition’s motion but I may well be amenable to doing so either tomorrow or on Wednesday morning.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (4.50 pm)—I move:

Omit all words after “That”, substitute:

(1) On Tuesday, 23 June 2009:

(a) the hours of meeting shall be 12.30 pm to 6.30 pm, and 7 pm to midnight;
(b) the routine of business from 7 pm shall be government business only; and
(c) the Senate shall adjourn without any question being put.

(2) On Thursday, 25 June 2009:

(a) the hours of meeting shall be 9.30 am to 6.30 pm, and 7 pm to adjournment;
(b) the routine of business from 12.45 pm till not later than 2 pm, and from 3.45 pm shall be government business only;
(c) consideration of general business and consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) shall not be proceeded with;
(d) divisions may take place after 4.30 pm; and
(e) the question for the adjournment of the Senate shall be proposed after the Senate has finally considered the bills listed below, including any messages from the House of Representatives:

Carbon Pollution Reduction Scheme Bill 2009 and related bills
Appropriation (Parliamentary Departments) Bill (No. 1) 2009-2010 and two related bills
Car Dealership Financing Guarantee Appropriation Bill 2009
Carbon Pollution Reduction Scheme Bill 2009 and related bills

Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2009
Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] and the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] (subject to introduction)
Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008
Federal Court of Australia Amendment (Criminal Jurisdiction) Bill 2008
Health Workforce Australia Bill 2009
Law and Justice (Cross Border and Other Amendments) Bill 2009
Migration Amendment (Abolishing Detention Debt) Bill 2009
Migration Amendment (Protection of Identifying Information) Bill 2009
National Greenhouse and Energy Reporting Amendment Bill 2009
Native Title Amendment Bill 2009
Private Health Insurance Legislation Amendment Bill 2009
Rural Adjustment Amendment Bill 2009
Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009

There are some simple rules in this place. Those simple rules really rely on the cooperation of both sides to actually make this place work. The principles are well known and enunciated often in this place. You do need cooperation from all senators within this place to make it work. Part of that cooperation relies on the basic principle that the government manages the government’s program. To do otherwise creates the position where we now have the opposition suggesting a list of bills. Some of those are currently in the House, some of them are in committee and of course there is no ability to bring them on in the appropriate order at the ap-

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appropriate time to be dealt with in the appropriate way in this place. I do not think we have the opposition seriously trying to manage the Senate. What we have, I think, is the opposition trying to filibuster.

The opposition may want to disassociate itself from the remarks of Senator Joyce. Senator Joyce is perhaps the only honest senator in terms of stating his views on the record in this place about what he thinks. He thinks this whole debate should be put off and not be dealt with—not because of the merits of it but because he does not like the scheme. The Senate is the appropriate place, with the numbers within this place, for a debate to be had and for that to be tested. What we have, in effect, is the opposition picking up its bat and ball and going home. It is saying, ‘I don’t want to play here in relation to the legislation. I want to delay, delay and delay.’ That is all we are receiving from the opposition in respect of this program. What is usual is for us to construct a program to deal with the legislation, and we did that last Monday week. It was well known to the opposition, to the minor parties and to the Independents what the bills that the government required were. They were on the list and they were put out for those parties to understand.

Notwithstanding the opposition’s inability to agree to that list, we did find ourselves in the fortunate position of covering all the bills for last week. We did, in fact, conclude all the relevant bills we needed to work through. We had indicated that we would start the Carbon Pollution Reduction Scheme legislation this week and allow for sufficient hours to deal with second reading speeches. That is not unusual. There is a total of 18 packages of legislation. That is not unusual for a last week before a winter break. It is not unusual to find on that list a number of bills that might be regarded as non-controversial and, through argument, some might fall off. But, in this instance, we have put our plan forward well and truly in advance and we have said that we would deal with the Carbon Pollution Reduction Scheme. It is not unusual to allow, on Tuesday night, an open-ended second reading debate to allow the debate to be finalised. That would be the normal course of events in this place, but the opposition have chosen not to take the normal course of events. The opposition have chosen not to deal with the legislation at all. In fact, you could only characterise the opposition’s actions as delay upon delay. It is not even an excuse, because the excuse is ‘We’ll give you some bills.’ That is their response to these things.

What we now have from the opposition is high farce. High farce is being perpetrated by the opposition by their saying, ‘We will give you some bills but not the legislative program that the government has put out.’ It is a ruse, quite frankly. It is a dry ruse, because the opposition are not even serious in relation to those bills. If they were, they would include the other bills that are priority bills in the Senate and that have been on our program for some time.

The opposition might argue that they do not want to sit late or that they do not want to sit additional hours. This is a matter that is usual—to deal with the legislative program as it is and not to simply say, ‘I feel a bit tired. I don’t really want to deal with it.’ However, we are in a position where it is not an unusual number of bills to deal with. We have had many more in other circumstances. If you look at the way the coalition have dealt with it, they have ensured that the program cannot work. In fact, we are now spending some time arguing about our program, when we would be much better getting on with the business of government, having the debate on the Carbon Pollution Reduction Scheme and dealing with the legislative program as promulgated. To do otherwise is
to not allow the government to manage its program. Perhaps the opposition would like also to deal with how bills will come on, in what order they will come on, and when we would bring them on. It seems to me a really unusual circumstance for the opposition to take upon themselves the mantle of how to manage the program. They might argue that the program has not been well managed. They have certainly not assisted in ensuring that it can be dealt with in an appropriate way.

In addition, we know that this place works on the basis that you can gain agreement. That is why we have leaders and whips to deal with the program. That is why we construct a program around a moderate number of bills to be dealt with during a week. I think the opposition are, quite frankly, reluctant brides. They are reluctant to come to the table to deal with the Carbon Pollution Reduction Scheme at all, and they are dragging the Independent and other minor parties with them—except the Greens, as I understand it. It is a blatant disregard that they are now perpetrating upon this Senate. It is a disregard of how this place works. In fact, their motion is flawed, and they know it is flawed. It is flawed in two ways. Firstly, it tries to deal with the legislative program as if the opposition were in government. Secondly, it does not include an hours motion as to how we will deal with it. That is the real clue to the ruse. It does not include an hours motion as to how we will deal with these bills to conclusion by the end of this week. Unless you have an agreement to deal with these bills in an orderly fashion, you will not get to them. The opposition know that, and they are perpetrating that fraud upon the parliament by saying, 'We will not deal with these bills in any other order than the way we have put them forward, and we will deal with only these bills.' They are holding this place to ransom. It is not a right. It should not be done. They should understand that, quite frankly, and I would suggest that they follow the usual principles in this place.

I have moved an amendment to give you the second part of the leg that is missing—that is, the hours motion that should have been agreed to at the beginning of last week. This is the motion that would normally be agreed to, to deal with the program according to the way the system works. Because of the opposition’s inability to agree to that, I am taking the unprecedented step of saying, ‘This is the motion that should be agreed to.’ I am amending the motion to allow us to have sufficient hours to deal with the government’s program. Included within that list will be noncontroversial bills—priority bills that the government requires by close of business. I would ask the opposition and minor parties to support that position.

We will be in a position where we are unable to complete the program within the existing hours; I therefore ask for additional hours to deal with the bills. That may very well mean that we will sit on Thursday night and Friday to deal with the bills. It is usual to then inform the parliament. That is why we do this by agreement rather than by an outrageous debate like the one today. We do it so that we can give certainty to senators as to what hours they are likely to work, what hours they will then work between now and Friday, what hours they will have to be in this place and what bills they will likely deal with. That is why we usually do it by agreement.

We are now in a position where, because of the obstinacy of the opposition, we are forced to schedule the legislation without their cooperation and without their agreement and take what I regard as the sad step of amending the motion to include the hours that you did not include in the first place so that we can achieve the government’s pro-
gram by the end of the week. The opposition will, I suspect, take a position where they will not agree. That is a sad indictment of their position because their motion on its own does not include hours. It is, quite frankly and in truth, a filibuster, and it would be much easier for you to admit that and get on with the business of filibustering than taking these extraordinary steps that you are now hiding behind. I will not prolong the debate any longer. I am simply going to ask the Senate to pass the amendment to the motion moved by Senator Parry.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (5.01 pm)—I will be very brief. The Greens will not be supporting that amendment. We have had no consultation with the government about sitting until midnight tomorrow night, let alone sitting potentially from Thursday until Saturday or Sunday without a break. I have to say to the government that if it wants to extend sitting hours to meet the crush of business—because we do not sit often enough in this place—it should consult. We are not going to be ambushed with a motion like that any more than we will be by the opposition’s motion from this morning. So we will not be supporting that amendment.

Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (5.02 pm)—The opposition will certainly not be supporting the amendment. Last Monday Senator Ludwig tried to sneak into the chamber a variation of hours, for which we denied leave. I concur with Senator Bob Brown. There has been no discussion about these hours today and we will certainly not be supporting the amendment.

Senator XENOPHON (South Australia) (5.03 pm)—I quite clearly indicated what my position was a few minutes ago. I thought I was handing the government an olive branch, but instead they have grabbed it and tried to whack me and my crossbench colleagues over the head with it. That is what they have done. There has been no consultation. It is an ambush. In good faith I indicated that I would not be supporting the opposition’s motion on the basis that there should be a chance for the business of the House to be dealt with in an orderly fashion, for there to be time to negotiate and discuss it further. The government, the opposition and my crossbench colleagues know very well what my attitude is to a vote on the CPRS Bill and the reasons for that and I do not think anyone could reasonably say that is filibustering. I regret Senator Joyce’s statements about that, but I will not be supporting this amendment to the motion, nor will I support the original motion.

The ACTING DEPUTY PRESIDENT (Senator Bernardi)—The question is that Senator Ludwig’s amendment be agreed to.

Question negatived.

Senator PARRY (Tasmania—Manager of Opposition Business in the Senate) (5.04 pm)—I gather there are no other speakers in the chamber, so I am happy to sum up the debate. First of all, I will set out the coalition’s case again. When this parliament commenced, sitting hours were very minimal, sitting weeks were very minimal, and the government has been in constant disarray with its program. This year it has continued with that disarray, that disorganisation, and as recently as last week, when meeting with the government, it indicated to us the bills it regarded as urgent and the bills it regarded as highly desirable. We were quite surprised then when on Thursday of last week we saw the order of business for today was going to be the CPRS bills first, without any of the legislation that the government considered as being urgent. So we felt compelled today to ensure that the urgent matters were dealt with. We were astonished that the govern-
ment would not allow its budget measures through prior to considering a piece of legis-
lation that does not come into effect until the year 2012, and now we have to consider leg-
islation that has a start-up date so far in the future, without guaranteeing and assuring the
public of this country that the legislation concerning finance and important budget
measures, the appropriations bills, were not going to be passed. There was no guarantee.
We could have risen on Thursday without any guarantee of these bills having even been
considered or passed. To me that was reck-
less behaviour, so we as an opposition de-
cided to assist the government with that
process, clearly stating that these bills should
be considered first, prior to the Carbon Pol-
lution Reduction Scheme legislation. We are
not saying we are not going to debate the
Carbon Pollution Reduction Scheme suite of
legislation. That will come up, but it will
come up later this week, and we want to
commence that debate. That is not an issue.
But we do not want to commence that debate
until the urgent matters that this country
needs to have considered are considered by
this chamber and passed.

On the legislation that Senator Ludwig in-
dicated is not here, there are two bills already
here. Other bills are scheduled to come up
this week. These bills could have been here a
lot earlier if the government in the House of
Representatives had bothered to get them
across in a timely fashion. Fancy leaving
some of the most critical bills that a govern-
ment deals with on a regular basis, on a fi-
nancial year basis, until the last moment,
leaving them until the last week that parlia-
ment is sitting before the 1 July commence-
ment—not only that but also leaving them
until the latter half of the last sitting week.
That to me is irresponsible. This government
needed to have those bills considered first.

We have stepped into the breach. We have
assisted the government with this process by
enabling those bills to be considered well
and truly before we get into a lengthy, pro-
tracted debate on what will be an important
matter that this Senate needs to consider after
those urgent bills. We are simply restating
the bills that the government have asked us
to have considered as being urgent, and that
is important for everyone to comprehend and
understand.

I return to the contribution by Senator Ev-
ans. He, I might add, spoke for longer than I
did, so the accusation of filibustering that he
made is incorrect. We had an opportunity
earlier today if we were going to filibuster. If
we had had a filibustering arrangement, we
could have spoken, when the Senate com-
enced at 12.30 pm, for 30 minutes just on
the suspension motion. We did not. The mo-
tion was moved, I sat down and we had a
vote. That saved 30 minutes of time, which
has been the typical attitude that we on this
side of the chamber have had. We have con-
stantly given up time. We have constantly
given up general business time that we could
have dealt with very important issues in, we
have constantly given up matters of public
importance and we have facilitated the gov-
ernment in every way possible. Even as late
as Monday evening of last week, we facili-
tated a non-urgent bill because the govern-
ment were not ready with their program, and
they came to us with cap in hand and asked:
‘Will you consider this legislation, even
though it is not on our urgent list, because
basically we have run out of legislation?’ We
agreed.

We are constantly facilitating the govern-
ment’s program, to the extent now that we
have had to actually try and manage it for
them today. Otherwise, there was a risk that
these bills would never be considered. Sena-
tor Evans talked about the filibustering as-
pect. I spoke for fewer than 10 minutes. I had
20 minutes more for which I could have spo-
ken. Senator Wong spoke for longer than I
did. Senator Ludwig spoke for longer than I did. We had a brief contribution from the National Party, one from Senator Bob Brown and a very brief one from Senator Cormann. Senator Macdonald was also agitated into the debate by some issues that he thought were quite significant, and he raised those in a very exceptional way.

I also indicate that, I think, Senator Bob Brown—it may have been Senator Fielding—said that we should not be having legislation by exhaustion, and that is what happens when you extend hours. You end up having the legislation that we need to have discussed being debated at a late hour of a night when we have considered many other bills, and it is just not the way to run legislation, especially important legislation. It is better to do it over a methodical and clear course of time that enables senators at least to be fresh for the debate and to keep up with the debate.

It has also been pointed out that we are the opposition, not the government. That is correct, and we are not doing this on our own. It takes a majority of the Senate to decide what the government’s business will be. We have moved a motion. We are going to ask the Senate to make a decision on that motion. If we fail, we fail. If we win then the consideration of legislation will go as we have asked in our motion. We have also left scope in that motion for the government to order which bills it wants to have before it out of that list and when it wants to bring them on, providing they are brought on before the CPRS is debated.

We are very mindful of the government in this place arranging the order of business. However, when the incompetence gets to such a level as it has this year, when the sitting pattern is so minimal that we have not had enough weeks to consider legislation, a responsible opposition needs to step forward and say, ‘Okay, government of the day,’ especially after flagging it last week with you and flagging it many times in this place. I have got up on several occasions—and Hansard will bear me out—saying that the government cannot manage its own program. So we are assisting in that regard on this one occasion.

I say to Senator Ludwig through you, Acting Deputy President: we were reluctant to do so, but you obviously cannot achieve this on your own. We are trying to ensure that you are not caught at the end of this week without having vital legislation passed. Senator Ludwig said that there are simple rules under which the government runs the government program. Yes, it is very simple and, if only the government could run the government program, we would not need to step into the breach. We are very concerned that this is the last possible week and we are down to the last couple of days. Let us get the urgent stuff done first and then come back to the CPRS and debate it in a calm and rational manner, as the debate should progress.

In conclusion, I indicate that, if this vote fails now, I have already lodged a notice of motion with a slight variation to bring this on again and to ask that the government consider the urgent legislation. We will be discussing this with Senator Fielding and Senator Xenophon and hopefully encouraging support for that. If that is the case, we will not do it by way of contingency motion; it will be by way of notice of motion to have those matters considered. We do not want to waste time. We have demonstrated week in, week out when we have been sitting that we do not filibuster in these debates. I have demonstrated that already today. This is a serious matter of getting urgent legislation passed, and I cannot for the life of me understand why the government would not want
its secure financial arrangements secured in place by 1 July.

Question put:

That the motion (Senator Parry’s) be agreed to.

The Senate divided. [5.17 pm]
(The President—Senator the Hon. JJ Hogg)

Ayes……………34
Noes……………34
Majority………0

AYES
Abetz, E. Adams, J. *
Back, C.J. Bernardi, C.
Birmingham, S. Boswell, R.L.D.
Boyce, S. Bushby, D.C.
Cash, M.C. Colbeck, R.
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.
Minchin, N.H. Nash, F.
Parry, S. Payne, M.A.
Ronaldson, M. Ryan, S.M.
Scullion, N.G. Troeth, J.M.
Trood, R.B. Williams, J.R.

NOES
Arbib, M.V. Bilyk, C.L.
Bishop, T.M. Brown, B.J.
Brown, C.L. Cameron, D.N.
Collins, J. Conroy, S.M.
Crossin, P.M. Evans, C.V.
Farrell, D.E. Feeney, D.
Forshaw, M.G. Furner, M.L.
Hanson-Young, S.C. Hogg, J.J.
Hurley, A. Hutchins, S.P.
Ludlam, S. Ludwig, J.W.
Lundy, K.A. Marshall, G.
McEwen, A. McLucas, J.E.
Milne, C. Moore, C.
O’Brien, K.W.K. Polley, H.
Pratt, L.C. Sherry, N.J.
Siewert, R. Wong, P.
Wortley, D. Xenophon, N.

PAIRS
Barnett, G. Carr, K.J.
Brandis, G.H. Faulkner, J.P.
Coonan, H.L. Sterle, G.
McGauran, J.J.J. Stephens, U.

* denotes teller

Question negatived.

DISSENT FROM RULING

Debate resumed from 18 June, on motion by Senator Brown:

That the ruling of the President on 18 June 2009 (that a child of a senator should be removed from the chamber during a division) be dissented from.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (5.20 pm)—I seek leave to amend the motion standing in my name relating to that objection to:

Omit all words after “That” and substitute “the following proposed amendment to standing order 175 be referred to the Procedure Committee for consideration and report by 7 September 2009:

Paragraph (3) to read “Paragraph (2) does not apply—

paragraph (2) being that no person other than a senator or an officer be allowed in the chamber—

in respect of a senator breastfeeding an infant, or, at the discretion of the President, a senator caring for infant briefly, provided the business of the Senate is not disrupted.

The ACTING DEPUTY PRESIDENT (Senator Bernardi)—Before we continue with that, Senator Brown, leave has been requested. Is leave granted?

Senator Parry—Mr Acting Deputy President, on a point of clarification before we consent to leave, which we are certainly inclined to do: is this still a dissent motion, or is this now taking the form of another motion?

The ACTING DEPUTY PRESIDENT—Senator Bob Brown has sought leave to
make an amendment which would make it a reference to the Procedures Committee. Is leave granted?

Senator Parry—This is quite important, because the original motion was from Senator Brown, dissenting from the President’s ruling. Is this now no longer a motion dissenting from the President’s ruling? That is the first point of clarification.

Senator BOB BROWN—It would be if the amendment that I propose were to be adopted. Until that point we are still, effectively, debating a dissent motion. If I can help the leader, the intention of this amendment is effectively to withdraw the dissent motion and replace it with a reference to the committee.

Senator Ferguson—On a point of clarification: I wonder why Senator Brown did not withdraw his dissent motion and seek leave to move a separate motion.

Senator Chris Evans—Mr Acting Deputy President, I rise on a point of order. I think Senator Brown is seeking to amend the motion so as to refer the matter to the Senate Standing Committee on Procedure in the place of a dissent motion. You could have an argument about whether that is the best way of achieving it, but effectively that will be the result if it is supported. I can indicate on behalf of the government that it will be supporting the amended version. We would not support a dissent motion. I think this is a way of getting to that point, even if it is a little clumsy procedurally—that is not a criticism, Senator Brown. I think we will end up, if leave is granted, at the right spot.

Senator Parry—I indicate that we will support the change of the nature of the motion on the understanding that we are not debating a dissent motion on a ruling of the President.

Leave granted.

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**COMMITTEES**

**Procedure Committee**

**Reference**

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (5.22 pm)—The dissent from ruling motion as amended now reads:

That the following proposed amendment to standing order 175 be referred to the Procedure Committee for inquiry and report by 7 September 2009:

Paragraph (3) to read as follows:

(3) Paragraph (2) does not apply in respect of a senator breastfeeding an infant, or, at the discretion of the President, a senator caring for an infant briefly, provided the business of the Senate is not disrupted.

I thank the senators and respond to comments just made that, effectively, I have withdrawn the dissent motion on the ruling of the President last Thursday. I want to do that for some important reasons. The first one is the very gracious statement by the President which followed the events in the chamber last Thursday that he might have come to a different consideration. Secondly, I think there is the need to see, through the Procedure Committee, if we cannot find a rule which gives guidance to the President instead of leaving the President to make ad hoc rulings on what has become a recurrent issue not just for this chamber but for the House of Representatives and chambers elsewhere—in state parliaments, for example—in Australia and, indeed, overseas. If it is passed, the amended motion now asks for the Procedure Committee to consider in the next couple of months whether the rules should be altered to allow, at the discretion of the President, a senator who is caring briefly for an infant to be present in the chamber, provided the business of the Senate is not disrupted.

I point out to the chamber that the situation of Senator Hanson-Young being accom-
panied by her infant in the division at the end of debate on last Thursday is not unprecedented. For example, Senator Jacinta Collins had a baby with her in 1995, and the then President, Michael Beahan, ruled that the senator’s son could share her seat in an emergency. That was in this chamber. I am also informed that prior to 2001, Anna Burke, MP in the House of Representatives, brought her child into the chamber on two occasions, but on the second occasion she received a note from the Speaker conveying that other members had not approved. Then, perhaps more celebrated, on 7 February 2001 Mark Latham MP brought a three-month-old child into two divisions when he was left without a childminder, and the Speaker did not make a ruling on this. In other words, he did not rule that that was not acceptable. I remember very clearly 27 June 2002, when Senator Winston Crane delivered his valedictory speech in this chamber with his young daughter with him, as reported in the paper. I can recollect just general delight that Senator Crane should have made that arrangement at that time. Who can forget Senator Natasha Stott-Despoja bringing her baby—and he got a little older than ‘baby’—into this chamber on a number of occasions, without any disruption to the affairs or procedures of the Senate?

Then, of course, there was Senator Hanson-Young with her two-year-old last Thursday. I recollect that there was no disruption to the chamber from her child. She was quiet, and was happily engaged with her mother until the President made the ruling that she not be allowed to stay in the chamber. She became distressed after she was removed from Senator Hanson-Young. Indeed, so too did Senator Hanson-Young become distressed.

We are in a society—it was not the case last Thursday—in which, generally, we are parenting children at an older and older age. We are also in a society in which we want to encourage parents to be part of the political process, because that is central to the democratic aims of any society. We are certainly in a society which needs to encourage more women to enter politics.

Let me make it very clear that we do not intend that the Senate be a place for children to ordinarily be present, because that would be distracting from the matters that we have to deal with. But there are the odd occasions. We all know that parents with children can be very distressed by the separation that occurs because of the very onerous duties that fall on the shoulders of senators and members of the House of Representatives of this great nation. I think it is very sensible that we look at that matter and not leave it by default to an undirected president to have to make a ruling to allow a child to remain, which seems to be against standing orders, or to put a child out of the chamber, which goes against precedents. Our feeling is that if there is no disruption and, particularly, if there is no serious debate at hand then that is an allowable and human thing to do.

I was aware of Senator Hanson-Young’s child at the back of the chamber just before the division. She told me that she was nursing her because she was about to say goodbye for 24 hours. Then the bells rang. Senators might remember that it was my legisla-
tion on banning junk food ads during children’s TV hours that was the matter at hand. The bells rang for division. It was the end of debate—there was no further debate to be had on legislation in this chamber for the week. Naturally, it seemed logical—we knew that it would be four minutes and a couple of minutes more while the count was taken—that Senator Hanson-Young enjoy that time with her young daughter. I felt sorry that the President was put in the position where he felt that he had to make that ruling and I went around very quickly, after I had spoken with Senator Hanson-Young after the very distressing moment that she had been through, to see the President and to assure him that we were not going to make an issue of his ruling, that it was a very difficult position and that what I would like to see and would think about over the weekend was guidance to be given to future presidents for what is going to be a matter that will inevitably arise in this chamber in the future.

Hence I have moved this motion, as amended, which is a proposal which can be looked at, if the vote is for it, by the Senate Standing Committee on Procedure to see if the words might not be improved or in some way altered. It is a proposal to work upon so that we sensibly arm, equip and permit the President to make a discretionary ruling in such circumstances in the future. I think that is a logical and reasonable process to take, and I thank the chamber for supporting the debate on this proposal which we are now undertaking.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (5.34 pm)—I rise to support the amendment moved by Senator Brown, because I think it is the sensible way to take forward the issue that has been raised by these circumstances. I was not in the chamber at the time—I was in the middle of a cabinet meeting—but I have seen the footage and the coverage of the matter and I have spoken to the President about it.

The thing I want to make absolutely clear is that there is no way the government would have supported a motion disagreeing with the President’s ruling. His ruling was absolutely correct and in alignment with the standing orders, and I think Senator Brown has conceded that. It is important that that be put on the record. Senator Hogg, the President, made a ruling which exactly upheld the standing orders of the Senate and he performed his functions as he should have. The fact that he was gracious afterwards in saying that he could perhaps have handled the matter better is a tribute to him. The fact that he was conciliatory, gracious and sensitive is a mark of the man and has greatly enhanced the way this matter has been handled. He has also made it his policy not to speak about it in the press and to try to deal with the issue. He was aware that Senator Hanson-Young was upset and he wanted to deal with it as sensitively as he could. I think he has done that. I think he has done himself great credit in this and has confirmed why the Senate thought it appropriate to make him President.

I also want to put on the record that I have no truck with the view that this was a Greens stunt. I have seen the footage of what occurred in the chamber. I have seen the reactions. This was not a stunt. This was a normal, human reaction in a difficult situation, and I think that to make allegations about stunts et cetera is not helpful. I think this was a difficult circumstance where everybody behaved as they do in emotional and difficult circumstances and it all got a little untidy in the Senate. That is just the way people are and how those circumstances develop. So I do not think there is any question of blame or criticism of people. As I say, I think everyone has reacted fairly maturely after the incident and people are aware that Senator Hanson-Young was upset. From what I could see,
she was crying in one corner and the child was crying in another corner—it was generally going very well from the President’s point of view! It left him in a very difficult situation. The bottom line is that the parliament needs to continue to look at the way we deal with work and family balance and how we deal with issues of children and our families in trying to do our jobs here.

As you know, this government has made a very strong commitment to trying to promote women into the parliament. In this chamber, we did have 50 per cent female representation. I think female representation is just below 50 per cent at the moment. We take it very seriously. I think the parliament is better for the larger number of women represented. We have had to make some changes to accommodate women. Of course, I quickly add that that does not mean that women are responsible for children; all parents are responsible for children. It has been about trying to make parliament more accessible for members of parliament who are mothers. That is why the rules were changed to allow breastfeeding in the chamber, in recognition of the increasing number of young women who were breastfeeding babies and trying to do their jobs. It was an appropriate response from the parliament to that issue. I think people generally accepted that that was a good move forward.

This government is very committed to trying to improve work and family balance, be it by supporting the childcare centre opening at Parliament House—a long overdue development—or through our paid maternity leave policy. We are sensitive to work and family balance and trying to deal with responsibilities as parents and as parliamentarians, but it is equally the case that we are in a workplace. I always compare us to fly-in, fly-out workers. That has been my approach to the Senate over the years. I arrive on the last plane and leave on the first. With all due deference to Canberra, I do that for my work and family balance. I try to get home as quickly as I can to try to maintain some sort of balance in my life and take my parenting responsibilities seriously.

But this is a workplace. It is the Parliament of Australia. Getting the balance between our responsibilities in the proper operation of the parliament and bringing children in is a very difficult issue. I do not have a finalised view on that. I think we ought to take this very seriously before we get to the point of widening the current arrangements. I must say that, if I had been in the chamber, I would have immediately offered a pair to Senator Hanson-Young. That should have been how we dealt with it at the time, but that is easy to say after the event. Since I was a whip many years ago, I have always argued very strongly that family commitments are the first priority for pairs and that other obligations—be it travel or whatever—come a very long second to people with family or health related issues. Both sides of the parliament have always paired anyone who needed it. Pairing the Greens has been a good development.

I think referring the matter to the Senate Standing Committee on Procedure to work through some of those issues is an appropriate way to deal with it. As I have said, I do not think we will necessarily be supporting a broad widening of the capacity to bring children into the parliament during divisions, but I accept that there have been instances in the past, as Senator Brown said. It does often cheer the senators up, but there is a question about the appropriateness of having children in the chamber during a division. I assumed it was just the Greens trying to get an extra vote on Senator Brown’s bill, but then it occurred to me that Family First would probably do better out of such an arrangement! How many kids have you got, Senator Fielding?
Senator Fielding—Not enough!

Senator CHRIS EVANS—I do not know whether it was intended that they be counted. I think the amended motion is a way of resolving the issues. I think everyone has acted perfectly appropriately. I do not have any criticism of anyone involved. Having the Procedure Committee look at the practicalities is a sensible way to proceed. I am not suggesting that we are going to support any particular change. Neither the government nor the senators have had a chance to discuss that at the moment. We think it is a difficult issue, but we are certainly happy to have a look at it and see if any changes need to be made beyond those which we agreed to a couple of years ago.

Senator HANSON-YOUNG (South Australia) (5.42 pm)—I do not wish to debate directly all of the merits of Senator Brown’s motion as I obviously have an interest in the matter, so I want to leave that discussion to those in the Procedure Committee and the other members of the chamber here. Because this has come about from an incident on Thursday afternoon involving my daughter, and I felt it was necessary to put on record what actually happened.

There have been many things said about what happened last Thursday afternoon when, during the vote on the Greens junk food bill, I was asked to remove my two-year-old daughter, Kora, whom I had brought into the chamber for a very brief period of time. Many of the things said are incorrect, false and, in some cases, just plain nasty. Most of these misinformed comments and attacks were made by people who were not even here themselves to see what happened and have not bothered to contact me to find out the facts. For the sake of getting the facts straight, I want to put on record what happened and why I believe we need a mature discussion about how we as parliamentarians and representatives of our diverse communities manage these issues into the future.

For the record, as a senator, I am very privileged to be able to bring my daughter to Canberra from Adelaide on the weeks that parliament is sitting. I employ a nanny, who travels with us so that I am able to continue working knowing that my daughter has the best possible care while I am busy representing my electorate and working hard in the Senate. I am not unique in doing this: other members and senators have done just the same in the past. As a parent of a young child, it would be impossible to do this job without the help of child care, both in Parliament House and back in my electorate office.

When we are here in Canberra, Kora comes into Parliament House, where the nanny cares for her. During the long day, stretching from 7 am to late into the night, I am able to grab what time I can to see her on lunch and dinner breaks. It was around 4.45 pm last Thursday that I had taken my daughter, Kora, for a quick walk around the building to say goodbye to her before she left with the nanny back to Adelaide to spend the next few days with her father. They were leaving at 4.55 pm. This goodbye ritual is something the two of us do every Thursday before she flies back to Adelaide. We often drop by my colleagues’ offices and walk past the chamber, and Kora says goodbye to them as well.

The bells started ringing during this time and I realised I would not be able to drop Kora back upstairs at my office—where the nanny was packing Kora’s toys and getting ready to go. I did not have enough time to go up and then back down to the chamber to vote on the bill, which I believed was important. I believe as senators we have a responsibility to attend every vote and must attempt to be on time on every occasion, not just when the numbers are close. I had not missed

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a vote in this place, and I was not about to start missing them last Thursday afternoon.

Knowing that the vote would only take a few minutes and I was about to see Kora for a day, I simply brought her onto the chamber floor to sit quietly next to me while my vote was counted. Unlike formal debate or question time, a division only takes a matter of minutes and is more like a headcount than formal proceedings. Senators chat away, sitting in other people’s seats—the only rule I had been taught was that you do not move so you cannot be double-counted. I believed the vote would be over in a matter of minutes and we would be able to dash out of the chamber and Kora would go off in the car to the airport, back home to see her dad. I was planning to go back to my office to work. I had in the past been caught on my own with Kora, spending a short break between meetings and debates outside my office when the bells had rung for a vote and I had gone straight to the chamber, not wanting to miss out on my vote being counted. On both previous occasions my staff had run downstairs to take my daughter from me, but the doors had been locked and Kora and I were stuck inside. No-one, including the President, had raised this with me as an issue in the past. On each of those occasions I left the chamber immediately after the vote, having been there for only a matter of four or five minutes, and gave Kora back to her nanny so I could get back to the work of the Senate. It is important to note that I am not the first senator to do this. As I understand it, in the other chamber, the House of Representatives, members of parliament have brought their children into the chamber with them for votes, not often but occasionally, and it has never caused any harm. In fact, in the mid-1990s a senator who is still sitting here today was able to bring her young son into the chamber in an emergency, based on an understanding she had with the then President.

For some reason, last Thursday was different. When the President asked Kora to be removed, I was surprised that all of a sudden the rule was being enforced with little warning or conversation. As I got up to take her to the back of the room, hoping my staff had seen what had happened and were running quickly down to help me, the President kept insisting, despite my attempts to find somebody to give her to without disturbing the vote. Luckily, by then my staff had reached the doors and I passed my daughter to them. But through all of the kerfuffle, the President’s orders and people trying to take her from me—and I must point out that people were trying to help, but they were grabbing at her as I was trying to get her out of the chamber—Kora became quite upset and was taken from my arms and locked outside. I, of course, became quite upset as well. For those of you who were here, I think you can all agree that for the brief time it took to count the votes it was extremely tense in this place. And yet there was no need for it to have transpired like that. My daughter was not disturbing anyone; she was only there for a few short minutes. She only became upset and cried once she was taken from me.

I think the process of how all this occurred could have been handled better. A little flexibility for a couple of minutes, at a time when senators are usually chatting away loudly as formal debate is on hold, is all that was required. I am thankful that upon reflection the President himself has acknowledged that this could have been handled better, and I welcome the opportunity for us to discuss the appropriateness and the need for both enforcement of standing orders and flexibility, based on common sense.

I hope that as mature, intelligent and caring members of this chamber, who all represent diverse sections of our community, we can move forward with these issues and I hope that the incident on Thursday and the
experience my daughter and I have had as a result over the past few days never have to be repeated. Yes, there are rules, and there are rules for a reason. The Senate is a serious workplace—and I wish some members of this place would remember that during question time. We make laws here, we represent our people, we make decisions that are integral to the running of our great nation. Rules are needed and they need to be respected—of course they do—and, with that, we must all use common sense.

I am not arguing, and never have argued, that children, or any other nonsenators for that matter, should be present during the normal proceedings of parliament. I do not believe it is appropriate for the Senate to become a creche—far from it. I have never suggested that we all bring our kids into the chamber for debates, or while we give speeches, or during question time. But on rare occasions, just like when we bend the rules to recommit a vote for a senator who missed getting to the chamber in time, surely allowing a little flexibility to a small child who is caught spending a few short minutes with their mum or their dad when the only thing the parent needs to do is sit on the right side of the chamber and be counted is not such a bad thing. It will not happen often, and hopefully not at all, but, if it does, let us not be so rigid in this place that we condemn senators who are also parents and who take both jobs as seriously as each other.

There is indeed an element of cynicism in politics, yet suggestions—from some who were not even present in the chamber at the time and did not bother to show up to vote themselves—that what happened to my daughter and me on Thursday was some kind of stunt are offensive and ignorant. It is this type of cynicism and crass commentary that implies our parliaments should not be reflective of the communities we represent and dismisses the responsibility of all parliamentarians to promote respect for others in different circumstances and the importance of family and family values.

Senator PARRY (Tasmania) (5.50 pm)—I wish first to echo the remarks of Senator Chris Evans. The opposition would not have supported a motion of dissent from the President’s ruling. The President has a clear role, and that is to uphold standing orders. Whether standing orders need to be adjusted is a matter for a separate debate, but we certainly would not have supported a dissent motion over the President’s ruling.

I am sure the coalition senators who witnessed the event in the chamber wished that it had never happened. But this whole issue begs more questions than there are answers. I support Senator Bob Brown’s motion to have this matter referred to the Procedure Committee, where it can be debated very clearly and without time constraints. We can discuss the matters concerned and see whether a review of standing orders is required. It is difficult to understand how a review might be framed, apart from the review already provided in the standing orders for breastfeeding mothers, which I think is a very sensible and modern approach to the parliamentary process.

Questions that come to my mind and to colleagues’ minds—and, over the weekend, some of the issues that were reported to me when I was at different functions—include things like: what if it were a court of law? Do you bring children into a court chamber, which is likened to the Senate chamber? What if every senator brought a child of that age in at the same time? I am not posing answers; I am just posing questions. Some of these matters do need to be considered. From a practical perspective, for a whip, counting does become more difficult with more numbers in the chamber—sometimes senators can be obscured or diversions are created.
As chief whip on this side, I can say that we would always grant a pair—and I think Senator Evans mentioned that the Chief Government Whip would agree—especially for family reasons and especially if Senator Hanson-Young or any other senator found themselves in a situation where they needed to spend more time with their child. And I think it was for a very legitimate reason. We would have granted a pair if the vote had been a closer vote. Could I indicate also that the vote of the chamber would not have been altered if Senator Hanson-Young had not been present. I know that Senator Brown or the Greens whip, Senator Siewert, could have easily indicated that Senator Hanson-Young would have voted with her colleagues but was unavoidably detained outside the chamber with her infant. I am sure that is very acceptable. We would certainly have considered that and allowed that to take place.

I am a bit concerned that some state parliamentarian over the weekend was reported indicating that this parliament does not allow women who are breastfeeding to bring infants into the chamber. I think that is probably a misinformed member of another parliament, because we certainly can do that. The standing orders do provide for that.

I think it is very sensible that Senator Brown has advocated that this matter go to the Procedure Committee. I look forward to the discussions at the Procedure Committee and to getting feedback from senators around the chamber. If a review of that particular standing order is required, I think that is the place that that review should take place. I know that the input would be welcomed by all senators. The Greens are represented on the Procedure Committee, where that can take place. So, with those words, the coalition is appreciative of Senator Brown changing his motion in relation to this and not dissenting from the President’s ruling, which we believe was correct, but also raising the matter that, if we need to review procedures, we can do so with the right committee, taking into account the full range of issues that could present complications if children are permitted into the chamber—not ruling that out but certainly looking at every possible outcome if it were opened up for others. We appreciate Senator Hanson-Young’s position in this, but the standing orders have been quite clear for some time, and the standing orders at this point in time were upheld correctly by the President.

Senator FERGUSON (South Australia) (5.55 pm)—Firstly, can I say that we are debating this today because Senator Brown moved a dissent from the President’s ruling. I do not believe this is an amendment to his original motion; I believe that it is a totally new motion and that in doing this Senator Brown should have withdrawn his dissent and sought leave to move another motion. I know technically he can do it this way, but I do not believe it is the right way to handle the business of the Senate. A reference to the Procedure Committee can be done by letter; it does not need a motion to go through the Senate chamber. Therefore, I believe that it was wrong of Senator Brown to move a dissent from the President’s ruling when, in fact, all the President was doing was upholding the standing orders—which he is obliged to do.

Senator Brown talks about an ad hoc ruling by the President on Thursday. It was not an ad hoc ruling; he was upholding the standing orders. Can I say that the President has my total support, and probably the total support of all of my colleagues, in the actions that he took. He had overlooked this breach of the standing orders on previous occasions. He had overlooked a breach of the standing orders by the same senator. If it were the wish of Senator Hanson-Young to bring a child into the chamber—and, in fact,
as Senator Brown said, it has happened on other occasions—why on earth didn’t Senator Hanson-Young at least seek an appointment with the President and discuss the issue with him instead of just bringing a child into the chamber in breach of standing orders? It left the President in a very unenviable position. I think that Senator Hanson-Young could have made life easier for both herself and the President if she had asked the President, ‘Is it all right if, on occasions when I am caught short with the baby and the division bells are rung, I bring the child in?’ Then maybe Senator Hogg could have discussed the issue and discussed it with other people. As it so happens—I do not think the President would mind me saying this—he and I had a discussion about that very matter the night before this occurred, because of the fact that Senator Hanson-Young had unexpectedly brought a child into the chamber on a previous occasion. Certainly it was unexpected for the President.

Can I say to senators present that we have come a long way, since I first entered this chamber, in making working conditions in this place family friendly. We have a childcare centre, which was urged by senators and others for a long time. That childcare centre is here and it is available for people to use if they so desire. Breastfeeding infants are allowed into the chamber. That came into place some time ago. I know Senator Collins was here back in the earlier days when things seemed to be a little stricter. Senator Brown talked about Senator Collins bringing a child into the chamber—I am sure that was not done without some discussion with President Beahan but I would stand corrected if that is not the case.

The court of public opinion seems to have a different view to that of Senator Brown and Senator Hanson-Young in relation to this issue. We have seen the court of public opinion at work over the whole weekend. I have never seen online polling over such an issue, where 85 per cent of the population do not agree with Senator Hanson-Young’s action that was taken last Thursday in relation to bringing a child into the chamber. Where else can you take a child into the workplace? That is the question that is being asked by a lot of people. It is a workplace. It is also the place where nationwide decisions are made. I think there are certain observances that should take place here, and one of those is the upholding of the standing orders.

If you want to change standing orders, change them before you break them. Do not break the standing orders in the hope that they can be changed afterwards—and this is what is happening in this particular situation. An issue has occurred and Senator Brown, who moved dissent from the President’s ruling, has now said: ‘Well, I’m not too sure, having read the court of public opinion, whether I should proceed with this. I’ll change this and refer it to the Procedure Committee.’ I am not so sure that people outside of this place would look favourably on our changing the standing orders.

I do not know why Senator Hanson-Young did not ask for a pair. I have no idea why she did not ask for a pair, but I do know that Senator Brown restrained her and made her stay in the chamber. I do not know why Senator Hanson-Young did not ask for a pair, because I know both of the whips are very accommodating. Senator Hanson-Young, I am quite sure you would have been able to get a pair on this occasion. Senator Hanson-Young also said: ‘We bend the rules. We recommit a vote when someone is missing.’ We are not bending the rules; we are working within the standing orders when a vote is recommitted. The standing orders in this place have been in place for a long, long time. They have been changed over time to accommodate the wishes of other people. It is not bending the rules to recommit a vote,
because standing orders make the provision that it is possible to do it. Every situation is covered in some way by the standing orders in this place.

Senator Brown, I will not oppose this going to the Procedure Committee. You can be quite sure of that. As Chair of the Procedure Committee, I welcome this issue coming to the Procedure Committee. It could have been done by way of a letter to the Procedure Committee, which would have avoided all of this debate. Indeed, most of the matters that we discuss at the Procedure Committee come by way of letter rather than by resolution of the Senate. I think that would have been the appropriate thing to do. I want to conclude by saying that I firmly support the President of this chamber in the action that he took last Thursday. It was his right to uphold standing orders. They should be upheld in every situation. If people do not like the standing orders then they should seek to change them. The time to change standing orders is prior to breaking standing orders or being in defiance of standing orders, not before you have had the opportunity to try and change them.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (6.02 pm)—There are many places in this workplace, the parliament, where you can take children. In fact, virtually all of this Parliament House is accessible to children. You can take them to most places and in many cases you are encouraged to go there with them. But there is a special place in this parliament and it is the bar of the Senate. Go past that bar and you are in the voting section of this chamber—of course the attendants can go there too. There are 76 people in our nation who are elected to that bar and that is an incredible privilege. Everything about going beyond that bar of the Senate must be respected.

We have heard it asked: what are the alternatives to taking a child into the chamber for a vote? First of all, you can get a pair. Second of all, if you are stuck without a pair, you can stand out of bounds and ask for a pair, and I am sure you would get one. There are staff members who could look after kids. So many of us here have children. I have four children and I would love to bring my children down here. Since 1 January this year, apart from the week I was sick, I have spent seven days at my own house. I would like to spend some more time with my children. But this is the sacrifice that you make when you come here. When you get to stick that red pin in your lapel, you have to make that sacrifice. It is an incredible honour.

In this debate we are entering into all sorts of confusions. If you can take in a baby, when does a baby become a toddler? When is a toddler no longer a toddler? I have heard the argument, ‘It was only a minor division.’ When is it a minor division or a major division? When is an important issue not an important issue? And there are other members of our families apart from children. Could we take in other members of our family who are sick if we wanted to? These are the sorts of questions and confusions that come into this debate when you start breaking the rules.

I have heard it said that we must treat this place like we have heard it described in metaphors. ‘It is like court.’ How would you feel if you went to a court and you saw the judge with their child there for the day because they thought it was a minor case, or if the defence attorney turned up with their kid because they thought the case was not that important? Who knows when something is important and when it is not important. It is determined by the issue.

I heard the accusation that I was not in the chamber then. I can tell you why I was not in the chamber. It was a motion about junk food that we knew did not have legs and I had an interview at the time with some people, so I
remained in that interview—as so many senators do in this place when they see motions moved by the Greens. If other things are happening that are more important and you do not want to be going backwards and forwards from an interview with constituents or with groups who want to be represented, then you are better off getting to the conclusion of the interview because your vote is not vital in the chamber at that point in time. That was the case for Senator Hanson-Young: her vote was not vital; it was not going to determine a change in that vote that day.

This accusation has also been made: how dare I say this was a stunt? I would not have said so, if it had been another party. The Greens are known for their stunts. The Greens are a party that embellish so much of what they do with stunts. They cannot be the party that cries wolf and, at the same time, get upset one day when something backfires on them. People have a sense of cynicism about so much of what the Greens do. This action was all of a sudden followed up by a doorstop at the Senate door and then non-stop media the next day—in fact, more media than the Prime Minister got, and he was being accused of a whole range of other issues. The natural inclination is to say, ‘There is something that does not smell correct about this.’

The other issue, of course, is that it impinged on the great sympathy of this place, but when Senator Brown reached out and grabbed Senator Hanson-Young’s arm it turned from an issue that could have been dealt with expeditiously into a wider issue. It did then turn into a political issue. There are so many people in the workplace who want to take their child to work—for example, at a bank or at an accountancy practice—that we in this place have to be extremely careful not to see ourselves as somehow of a different ilk when we have to go through the trials and tribulations that other people in workplaces around Australia have to go through in their day-to-day lives. Quite obviously, no-one wants to see a child distressed and no-one wants to see a senator distressed, but it is a two-way street.

This issue could have been resolved. Senator Brown knows the processes of this place back to front. If anybody knows the standing orders in this joint, Senator Brown does. Senator Brown had a duty, as the leader of his party, to warn his party member: ‘Do you understand that at this point you are in breach of standing order 175? Just be warned about that. It might be wiser at this point to try to get a pair. You could quickly get one. Senator Williams is the whip; get a pair right now.’ There were processes in place that Senator Brown, as the leader of his party, had at his disposal to effect, but he chose not to. He chose to turn it into a display by dissenting from the President’s ruling, which took it to another level. And when, Senator Brown, you choose to take it to another level you cannot complain about what comes next. What we had before us was dissent from the President’s ruling, but the President was doing no more than enforcing standing order 175. In fact, that is the duty of the President: to enforce the standing orders.

We have to be extremely careful, because the eyes of Australia are watching this. You can see from blog sites, polling and a whole range of things that the public take exception if they feel we are bending the rules for ourselves. It works against us. Does this place have no sympathy or sense of inclusion for children? Quite obviously that is not the case. We have a multimillion dollar childcare facility in this building. A huge investment has been made in the capacity of this workplace to deal with children. But, like in all workplaces and all facets of life, there are lines that cannot be crossed. The line here is
not even at the door; the line is at the bar of the Senate, which you cannot go beyond unless you are a senator or an attendant.

People say, ‘You have to show latitude at certain times.’ It does not matter how slowly I am driving my car and how quiet the street is; if my child is in the front seat and the police drive past I will be picked up. I cannot say to the policeman, ‘You’ve got to show me latitude.’ He will just say, ‘This is the law; this is why we have it; you are booked.’ So why should we have an exception to the rule here that people in the street cannot get from day to day in their lives? This is the reality of life.

We should do everything we possibly can in this place to involve children and to involve the family in the process. I have often spoken about remote voting and having things online to give us greater capacity to spend time with our families. I do not get much support for that. These are some of the issues. Nonetheless, I made the sacrifice, decided to come here, decided to stick that red pin in my lapel—but so did everybody else in this chamber. For that we make sacrifices, and for those sacrifices we get paid $127,600 per year with a $32,000 allowance and a minimum of four staff. With those resources at your disposal, with the resources in this building such as the childcare facility, with the knowledge you have of the chamber and with the support and guidance of the leader of your party, you should be prepared to come in here knowing that only you are authorised to go beyond the bar.

Senator JACINTA COLLINS (Victoria) (6.12 pm)—I intend to speak only very briefly, but since my circumstances have been discussed as part of this debate I think I should share some insight into the discussion. Firstly, I support the perspective put very clearly by Senator Evans. There are a couple of issues we need to think about in this discussion. I certainly support Senator Hogg in applying the standing orders, but to Senator Ferguson I would say: the standing orders are not quite as clear or straightforward as you perceive them to be, so consideration of these issues by the Senate Standing Committee on Procedure is clearly warranted.

Picking up the point that Senator Joyce made about the overall circumstances of those of us who take the opportunity to put that red pin in our lapel: certainly that is an obligation that we all carry but, by the same token and as Senator Evans said, we want—and certainly I support—a parliament that is generally representative of our community. That has been one of the passions that have driven my participation in this place. Despite extraordinary sacrifices for children and family, it has been the objective to ensure that women with young children and families are also able to make those sacrifices to contribute to our political debate. And to stress that you do need to effect some changes.

If we go back to my circumstances in 1995: yes, I was the first senator to be accompanied in the chamber by a very young baby. We often do not know before we arrive in the chamber, depending upon what else we are doing, what the actual vote is. Certainly in a larger party, depending upon what your other commitments are, you may come to a vote and then ascertain what that vote involves. When I had a very young baby I would often use the time later in the day to spend time—to bond—with my infant. That would usually be during our caucus, party or policy committee meetings, and I would come down if a vote was called to clarify what it was.

There was an incident—I do not intend to go into the detail—that led me then to have a discussion with my whip, which then led to a further discussion with Michael Beahan, as
the President. We reached an understanding rather than a ruling, Senator Brown, that—as a consequence of those circumstances, and because this parliament makes no special arrangements for women shortly after they have given birth to a child—were I, in exceptional circumstances, to need to attend a vote and had I no alternatives available to me at the time as to where to place my infant then, under those circumstances, he would avoid applying the standing orders.

There have been other circumstances where these standing orders have not been applied. Much older children have essentially not had the standing orders applied to them—mostly, I suspect, because it was a one-off occasion. With Senator Winston Crane, it was his valedictory speech. It would have been a bit difficult to take the opportunity to have a discussion with Senator Crane after his valedictory speech and really do much to apply the standing orders, since he was not returning to the Senate chamber again after that. But the point I make—and picking up Senator Joyce’s point—is that, while our parliamentary system makes no allowances, such as some other parliaments do, for women shortly after they have given birth to a child, we need a system that allows women under those circumstances to continue to work in the parliament.

My understanding with Michael Beahan related to a view of mine which was that most women ordinarily take three months maternity leave after the birth of a child. Certainly my two young children attended the chamber once or maybe twice during that period because I had them with me in the evening and needed to attend a vote. There is a difference between that informal understanding with Michael Beahan and the rule that Natasha Stott Despoja was able to introduce into the standing orders after the incident that occurred in the Victorian parliament. In my case, the breastfeeding rule probably would not have helped much; I was not that successful at breastfeeding. But these are the difficulties around interpretation of the standing orders as they currently stand. Once you look at the informal understanding about a baby under about three months and then you look at the circumstances today, more than 10 years later, it is difficult to see, really, where that line should be drawn.

It is an issue that I think the Senate Standing Committee on Procedure should address. It is an issue that is important to facilitating women’s participation in this parliament. The standing orders are not as clear as we might like them to be about how these circumstances might be interpreted. I certainly support Senator Hogg in applying those standing orders. But the main issue that, to me, has been missing in this debate is an understanding, within the parliament to a degree but also within the broader community, that our working lives are very different to those of people in most workplaces. The hours we spend here and the type of work we are doing—and trying to match that with a family life—are very different from regular work arrangements.

That is why, as Senator Ferguson pointed out, we have had significant improvements over the more than 10 years that I have been in this place. Yes, some flexibility has been introduced in balancing the working life that young women may have. Yes, we succeeded in establishing family lounge facilities. Yes, we succeeded in establishing breastfeeding facilities. Yes, we eventually succeeded in establishing an appropriate childcare service. And, yes, we are able to operate in this place far more effectively than we may have been in the past. But I support this being addressed by the Procedure Committee because I think there are a range of issues that this
parliament can move forward with, through some rational, sensible consideration.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (6.18 pm)—I sincerely thank all members for their contributions to this debate. I am sure all the contributions will be taken into account if, as seems likely, the Senate Standing Committee on Procedure gets this reference. I reiterate that on Friday night I went and saw the President and, having used the device of flagging dissent, said that I wanted to consider that over the weekend, to look at a more positive outcome. And I am very pleased to say that that is potentially in the offing.

To Senator Ferguson and Senator Barnaby Joyce, I would point out that there have been some precedents in the matter of allowing children here under very limited and special circumstances; that is part of the Senate record. There has not been a rule which said that there was a prohibition, and that line should never be crossed. I might say to Barnaby Joyce: people tried to apply that rule on a very famous occasion 2,000 years ago. Christ said on that occasion, ‘Suffer little children to come unto me’—do not let the officials get in the way and deny children access that other people have.

I simply say that because we need a little bit of compassion in this place on occasions like this, and it is very curmudgeonly of Senator Joyce to be talking about this as a stunt, particularly when he himself said, ‘There are 76 people in our nation elected to go beyond the bar, and that is all.’ Well, he is elected to come beyond the bar but he was absent from that very important vote on Thursday night, and he tells us, by way of excuse, that he was talking with people in his room. Whether that was Mitch Hooke again or whoever he has not disclosed to us. But it was Senator Joyce’s responsibility to be here and to vote on that issue. How dare he point a finger of blame at Senator Hanson-Young, who did everything she could, despite the difficult circumstances, to be here for a vote which she knew was on an important issue, and who ran into difficulties which we now know. The big critic of this has been the Leader of the National Party in the Senate, who has no excuse for his failure to be here at all. Let me say, through you, Acting Deputy President, if the time arises when Senator Joyce finds himself on the wrong side of the rules for a perfectly human reason, I expect that I will be one of the first to give him some latitude and show some compassion and some fair-mindedness under those circumstances—something that he has denied Senator Hanson-Young and, indeed, it is not the representation that I would have expected from his party.

I note that Senator Ferguson said Senator Hanson-Young should have asked for a pair. Again, he is a senator who was not here on Thursday. The two most trenchant critics of Hanson-Young and me and the Greens, who have come in here to cut across the general goodwill towards there being a good outcome from this measure, are the two senators who failed to turn up for the vote, whatever their excuse might be—there has been no good excuse put before the chamber—on Thursday night. Let that be on the record.

I would point out that, when I first came here, gentlemen always had to wear a coat but ladies did not. It was Senator O’Chee, again from the National Party, who demanded that I be gagged when, one hot summer’s afternoon, on a perfectly reasonable day, I came in here without a coat on. I had on a shirt and tie but no coat, and he demanded that I be ejected. I ask you: where is Senator O’Chee today?

Senator Faulkner—Could we have an answer to that question, please?
Senator BOB BROWN—Yes, I would like an answer to it; maybe the National Party could supply it.

Senators who have been here since at least five or six years ago will know that it was not permissible to take photos from the galleries. As recently as that, the press were not permitted to take photographs. It was a motion I put to change that rule, which the Senate adopted, which meant that we could have a photographer in the press gallery just a few moments ago. Before that, there was a total prohibition on photographers except for the first 30 minutes of question time—and then, bang, they were asked to leave at that stage.

We have seen the rules amended for breastfeeding—and I am interested in what Senator Collins had to say, and I thank her for her very generous contribution—but I do not know that there has ever been a mother who has breastfed in this chamber. And it is very obvious why that is likely to be so. What we are talking about is mothers bringing very young children, infants, into the chamber on occasions where they have felt that that was temporarily and very briefly a reasonable thing to do.

I think people who are elected to this place and who have children have the common sense to know what is a reasonable thing and what is not. The President must always have the discretion to intervene if they do not show that common sense. I note that all presidents since I have been here have been very good with children who come into the public galleries. We all know how disrupting it is if suddenly a child starts crying or creating a lot of noise in the public gallery—and very swiftly they are removed. Very swiftly, kindly and gently their parents are assisted to have them be taken away, and they cease to be a distraction.

I do not think it is beyond our wit and wisdom to improve the rules to make sure that some accommodation is made for mothers and, indeed, fathers who have the common sense to know that, if they bring a child in here, the child should not be disruptive, the time should be brief and it should only be done on rare occasions. Some good will come of this. I hope the Senate will vote for this reference. I know that the Procedure Committee will take into account the debate and the changing circumstances in modern Australia in 2009. I certainly hope that they will adopt the suggested amendment or something similar.

Question, as amended, agreed to.

Sitting suspended from 6.27 pm to 7.30 pm
CARBON POLLUTION REDUCTION
SCHEME BILL 2009
CARBON POLLUTION REDUCTION
SCHEME (CONSEQUENTIAL
AMENDMENTS) BILL 2009
AUSTRALIAN CLIMATE CHANGE
REGULATORY AUTHORITY BILL 2009
CARBON POLLUTION REDUCTION
SCHEME (CHARGES-CUSTOMS) BILL
2009
CARBON POLLUTION REDUCTION
SCHEME (CHARGES-EXCISE) BILL
2009
CARBON POLLUTION REDUCTION
SCHEME (CHARGES-GENERAL) BILL
2009
CARBON POLLUTION REDUCTION
SCHEME (CPRS FUEL CREDITS) BILL
2009
CARBON POLLUTION REDUCTION
SCHEME (CPRS FUEL CREDITS)
(CONSEQUENTIAL AMENDMENTS)
BILL 2009
EXCISE TARIFF AMENDMENT
(CARBON POLLUTION REDUCTION
SCHEME) BILL 2009
CUSTOMS TARIFF AMENDMENT
(CARBON POLLUTION REDUCTION
SCHEME) BILL 2009
CARBON POLLUTION REDUCTION
SCHEME AMENDMENT
(HOUSEHOLD ASSISTANCE) BILL
2009

Second Reading
Debate resumed from 15 June, on motion by Senator Faulkner:
That these bills be now read a second time.

Senator JOYCE (Queensland—Leader of
the Nationals in the Senate) (7.30 pm)—This
is going to be one of the largest debates this
chamber has ever had. The Carbon Pollution
Reduction Scheme legislation involves some
of the most fundamental changes not only to
the economic policy of our nation but also to
the tax policy of our nation in many in-
stances and many areas. There will be a huge
change to the social policy of our nation. The
legislation will have an immense effect on
those that it touches and it has to be taken
with the utmost seriousness, because we
have to realise what it is that we are about to
deliver and impose on so many people, espe-
cially the weak, in our economy.

What is wrong with this legislation is that,
despite the desires held by so many and so
fervently by so many, when the reality hits
the ground it will be the weak and the ex-
posed who will wear the cost. There is some-
thing fundamentally immoral and wrong
about formulating a policy in this chamber
which, when it is passed, is going to have
such wide ramifications for mining workers,
steelworkers, aluminium workers, farmers
and people in the tourism industry. All those
people who bring in the export dollars for
our nation are going to be affected by this. I
know that so many of my colleagues will
give so many speeches and that there is a
wealth of information that has to come on
board on this, but the outcome of this legisla-
tion completely impinges on your belief of
the rights of the individual. I will explain
how.

The individual should be allowed to pro-
gress through life and reach their highest
level of self-fulfilment. So many times in
this chamber and so many times in our na-
tion we impinge on that, using a bulwark of a
moral position or a strongly held belief that
the ultimate result is that someone, some-
where pays or has a reduction in what was
the primary asset in their lives—their capac-
ity for self-fulfilment. So far the debate in
trying to even reach that of the Kyoto proto-
col has meant that the asset of so many farm-
ers—the vegetation on their property—
especially in my state in Queensland, was
overnight just taken from them. That is a form of theft. It is theft when there is no payment. When the government comes in and divests the individual of an asset without fair compensation for the purpose of investing it in the community, there is a name for that. It really is a form of communism, a form of communal ownership. That has already happened. An emissions trading scheme goes to the sense of production, something that a person who believes in business should adamantly fight against, because such a scheme—and we must remember the ETS is only a subset of the CPRS—says that it does not matter whether you make a profit or not; you will be taxed if you produce. This is the ultimate intrusion into the lives of so many people. If you produce, regardless of whether you make a profit or not, the government has the right to create a product that it insists you purchase.

From that philosophical premise alone, no matter where you stand, the whole nature and structure of this emissions trading scheme is wrong and it must be defeated. What this is all about and what makes this really galling is that, if the scheme goes forward, we are looking at something that is going to reduce the carbon levels of 1990 by five per cent in a nation that only produces about 1.4 per cent of global emissions. We have to remember that anthropogenic carbon emissions, those that are produced by humans, amount only to about three or four per cent and that carbon, in the air that we are breathing here in this chamber tonight, is only about 380 parts per million. So tonight we are devising a piece of legislation, the effect of which on the world will be 0.0000000798 of one per cent. That is obviously no effect at all. So let us put it aside. It will have absolutely zero effect on the globe. Even if you believe chapter and verse everything about global warming, you must acknowledge that this legislation has no effect on the climate of the globe.

So what is it about? What do you call something that you put forward that has no effect, about which you incite a welling up of a moral good, a moral paradigm? It is a gesture. And it is extremely dangerous in our nation when we start voting for gestures, because there are a whole lot of gestures out there that are worthwhile voting for. I remember my curiosity being stirred when I was listening to a science report as I happened to be going past a place called Lake Keepit in New South Wales. An emeritus professor, chair of one of the Ivy League colleges—I cannot remember whether it was Princeton or Harvard—was talking about the hierarchy of concerns in the world. He was asked if global warming was an issue and he said: ‘Yes, it is an issue, but it’s not the biggest issue. Malaria is a big issue. Tuberculosis is a big issue. A whole range of things are large issues and are happening right now that we must deal with. This is an issue but it’s not a big one.’ So should we therefore now in this chamber put motions to deal with malaria and tuberculosis, motions to deal with Zimbabwe and the Sudan, motions to deal with the rights of people in Iran? All these things are wonderful issues and should be pursued, but the reality is that in Australia our capacity to effect them is no more than a gesture.

In this debate there has been a moral bulwark put forward to incite the emotion of the Australian people, with statements about the CPRS legislation such as, ‘This will stop any problems in the Great Barrier Reef.’ ‘This will stop droughts,’ ‘This will stop diseases,’ and, ‘This will stop bushfires.’ If you take a step back and really think about it, it is all ridiculous. It has no capacity whatsoever to deal with any of those issues. So what does it do? Let us look at who wins and who loses in this. Who are the losers? The losers will
be those people who cannot pass on the cost: the people pushing the shopping trolleys—they will be the losers.

There are the people in areas, such as Mackay, where Frontier Economics have clearly pointed out that there will be a 20 per cent reduction in the economy. There are the coal workers and manufacturing workers around Gladstone, the Hunter Valley and the Illawarra. Those in the farming areas and the coal belts of Australia are the losers. There will be a 20 per cent reduction to their economy. What you must ask yourself, if you think it is moral, right and just to impose that on those people, is: are you prepared to put your job first? If you are not prepared to put your job first then isn’t it just a little bit selfish to not be prepared to say, ‘Because this is so imperative, I put my job first onto the funeral pyre, one which will have no effect on global climate change, for a gesture’?

Who wins? The winners will be the bankers, the bureaucrats and the brokers. They will win. But they do not actually put anything on the boat to pay for our standard of living. They do not put anything on the boat that pays for everything that is so apparent around us and which sustains our standard of living. So we are taking away those who are producing for our economy to replace them with those who are, to be honest, a form of parasite on our economy. Why are they parasitic? It is because, in essence, in the way that they will deal with this emissions trading scheme they will only be profiting from the depletion of the productive sectors of our economy.

We have heard the story about green jobs and, in some of the Senate inquiries, some of it descended into bathos—the belief that we can take people out of the coal industry, the steel production industry and the farming industry and somehow find them green jobs in a way that is not even apparent in the economy at the moment. There is no way that anybody can say that there is the capacity for us to take the people who are currently employed in the sectors of farming, mining, manufacturing and tourism and put them into jobs that just do not exist. When we look at areas such as the photovoltaic cell industry, even now, we see that this is an industry that is predominantly based overseas. Even the wind farms talked about are predominantly based overseas. We might import the product but, even in the importation of the product, what do we put on the boat and send in the other direction to pay for it? We put on the output of the areas that we are taxing, the areas that we are reducing.

Then we have the argument that it is politically right that we go forward with this because we should lead the world. We are creating an awfully high bar for ourselves. Let us drill down into that. Do we believe for one moment that Dmitry Medvedev in Russia stays awake all night worrying about the position of Australia on climate change? Do we believe that Barack Obama is currently, somewhere in the world, tossing and turning because of the position that Australia may take on climate change? Do we believe that Hu Jintao is really concerned about what Mr Rudd might say on climate change, or that Manmohan Singh is really concerned about Australia’s position on climate change? It is the ultimate form of conceit to think that 1.3 billion people in China and 1.1 billion people in India, with all the issues that pertain to them, are really going to be expecting some sort of lead from Australia.

It is an issue of conceit and it is an issue of pride—and pride comes before a fall. It is also completely and utterly impractical. What it does is to hugely expose our nation to the effects of the globe and enlarge the capacity of our exploitation by others. People say, ‘What about the Waxman-Markey bill that is currently before the United States
congress?" Initial costings of the Waxman-Markey bill by Lord Christopher Monckton are in excess of $60 trillion, so the form that the bill is in at the moment is not the form that it will go through in. It will be utterly changed. They just cannot afford it. It is impossible. The Chinese have asked for one per cent of the United States GDP to go forward as a form of compensation. These are outrageous claims. They are not going to happen.

So the reality of the politics is something that is a million miles away from the rhetoric of Mr Rudd and the rest of the Labor Party on this issue. Even if we drill down into this legislation and look for the authenticity of it, if there were true authenticity in this legislation—if people truly believed the proposition that it is going to reduce carbon emissions and that it is there for the purpose of making the globe cooler by Australia flying solo—you would think you would be able to underwrite that with a guarantee that said that, if you got it wrong, you would pay the money back. But the Australian government have never said that. They have said that they will collect the money, but there are no guarantees whatsoever that, if they have got it wrong, they will ever pay it back. I remember reading the white paper, and the first thing I noticed in it was a huge disclaimer against any responsibility in case of it being used in a court of law or in case of someone saying, ‘You have misled me.’ In essence, they all add up to a piece of legislation that is entirely dangerous.

This legislation is based on a premise of an equilibrium model. The premise of an equilibrium model, of course, is that no-one loses their job. Would you not think it strange that, when we are in the middle of the greatest financial crisis since the Great Depression—which is what everybody in the parliament has said—the only government in the world that has brought a piece of legislation in that is actually going to make the situation worse is Australia, with the emissions trading scheme? The ETS, for so many people, will be the employment termination scheme.

Wouldn’t you think that it would be prudent to sit back and make sure that we do not completely tip Australia into a state where it is completely at an economic disadvantage? No matter how wonderful our thoughts are, poverty gets you nowhere. Poverty does not give you the position or the power to negotiate on anything. The reality is that we will be putting great impediments, caveats, further caveats and imposts on the farming sector, the mining sector and the tourism sector, remembering that aviation fuel is covered by an ETS. All of those industries have said, ‘As soon as this comes in—it is a simple calculation of facts—we will reduce our service and our participation in the economy.’ The aggregate size of the economy will constrict. For a country that is heading towards $315 billion in federal debt, $150 billion in state debt and rising unemployment in the middle of the greatest economic crisis of postwar times, it is the height of stupidity and irresponsibility to be going forward with this right now. There are no other words for it.

Let us look at things in isolation. We know that agriculture ultimately, from 2013 to 2015, will be brought into this scheme. Many people say, ‘We’ll be able to offset it with soil carbon.’ No, you will not. Soil carbon is not allowed under, and is not part of, the Kyoto protocol. A bovine ruminant, as an example, produces about 70 kilograms of methane, which has an uplift factor in the Kyoto protocol of 21, so it works out at about 1½ tonnes of carbon per beast. The National Australia Bank—and these are prudent and competent people—are modelling a price of carbon between $10 and $100. Let us give them $50. At $50, the herd in Australia, approximately 28 million head of cattle,
will have about a $2 billion-plus impost per year, and this is on just one industry. It would be the finish of the cattle industry. It will absolutely downgrade the prospects in the mining industry. Even in the sheep industry, it will downgrade mutton.

BlueScope Steel said 25,000 jobs will be moved out. Where are these jobs? The Illawarra, the Hunter Valley, Gladstone and Mackay—surprisingly enough, Labor seats. In essence, we have the National Party and others going in to bat for the working families of these areas to try and keep them in work. It is the working families of Australia who will pay the price for this. It is those who cannot offset the cost who will have to wear the cost and pay the price.

There is this illusion that the ETS is the only form of carbon pollution reduction scheme. It is mischievous politics on the part of Mr Rudd and Minister Wong to make us believe that the only form of carbon pollution reduction scheme that is available to us is the current ETS. It is not. There are myriad carbon pollution reduction schemes that have been part of our nation in the past and no doubt will be part of our nation in the future that do not involve a trading scheme that is to the benefit of the brokers, the bankers and the bureaucrats.

This debate must go on. It must be taken to its fullest extent. It must be ventilated. Although people have certain beliefs, in some instances, on some issues such as global warming—let us be honest—the debate is changing all the time. We must acknowledge that people have a right to be sceptical as new facts come to light. Even those who want to do something to go forward are not properly informed of exactly what the emissions trading scheme is going to mean to them when it arrives at their dinner table, when it arrives in the cost of food, when it arrives in the cost of electricity, when it shakes them out of their farm—it will be the final straw that shakes the family farms to pieces—and when it takes them out of the coalmines. Some gorilla in a set of overalls will walk down the street and change the locks on the house because they can no longer make the payment on their house. It will destroy the whole social fabric of so many areas. It is these people that we must be going in to bat for, because it is these people that are being ignored in the palaver of love and affection that comes from one man’s desire to go on a solo crusade to try and save the world, when in actual fact he has not got a chance. We will be flushing our nation’s economy down the toilet in the process.

We must look for those people who have been left behind in this debate. We must make sure that we continue to fight for this. People say the delaying of the debate is a dirty tactic. No, it is not. The delaying of the debate and the continued ventilation of this issue are the only just, right and proper things to do. We must continue to ventilate this issue as long as we possibly can; otherwise, those who will be affected will be those who can least afford it. As I said before, it was Cato back in about 40 BC who brought about the extension of the debate to try and stop Julius Caesar basically becoming a tyrant in Rome. Why? Because he knew it was the right thing to do. That is what we are going to do. However long it takes, we will make sure that we continue to pursue this issue.

Senator MILNE (Tasmania) (7.50 pm)—I rise this evening to speak on the government’s proposed Carbon Pollution Reduction Scheme, introduced in the Carbon Pollution Reduction Scheme Bill 2009 and related bills. As members in the chamber would be aware, the Greens have been campaigning on climate change for more than 20 years. In fact, I was appointed to Australia’s first
greenhouse council in Victoria in 1990, when I was in the Tasmanian parliament. I have been working on that issue ever since in the state parliament, in the federal parliament and globally through the International Union for Conservation of Nature. The Greens around the world have taken a very strong position on this.

I could not disagree more with the Leader of the Nationals in the Senate, Senator Joyce, in his summation of the current situation in relation to climate change. He said things are changing constantly, and they are. But that has no truck with the sceptics. Things are changing very quickly and the science is showing that we are tracking at the worst-case-scenario end of what was predicted by the Intergovernmental Panel on Climate Change. Three months ago in Copenhagen, some of the leading scientists came to assess how we were tracking against the Intergovernmental Panel on Climate Change report which assessed the science from a few years previously. This report came out last Thursday and said:

Many key climate indicators are already moving beyond the patterns of natural variability within which contemporary society and economy have developed and thrived. These indicators include global mean surface temperature, sea-level rise, global ocean temperature, Arctic sea ice extent, ocean acidification, and extreme climatic events. With unabated emissions, many trends in climate will likely accelerate, leading to an increasing risk of abrupt or irreversible climatic shifts.

We are now in a global emergency and you would not know it, living in Australia. You would if you had a look at what was happening to the natural environment in Australia, if you went out into the Murray-Darling and saw the collapse that is occurring in the Murray-Darling because of extreme weather events and if you had a look at what happened in Victoria last summer with the bushfires, where we had more extreme fires as a result of high temperatures, higher levels of evaporation over a long period of time and reduced rainfall leading to that extreme event.

Eight hundred people died in Australia last summer as a result of climate related incidents. They were the extreme heatwaves in South Australia and Victoria and the fires. That will be compounded as time goes on as more and more vulnerable people are actually subject to these extreme weather events. That will include many people living in our coastal areas. Last summer we were lucky to avoid a hurricane off the Queensland coast. We have known for some time that, essentially, the weather has moved. Climate conditions have moved 100 kilometres south, and there are areas now in Queensland extremely vulnerable to extreme hurricane events which you would not expect and which they are not prepared for.

In fact, we had the former Premier of Queensland, the Hon. Peter Beattie, saying that he wanted on the one hand to expand coal exports and on the other to build a series of bunkers down the coast so that Queenslanders could go into those bunkers in the face of extreme cyclones, hurricanes and those storm surges. This showed exactly what the problem is in Australia. He actually demonstrated what the problem is—and that is weak leadership. As Kofi Annan said recently:

The world is at a crossroads. [The Copenhagen] negotiators [must] come to the most ambitious agreement ever negotiated or continue to accept mass starvation, mass sickness and mass migration on an ever growing scale. Weak leadership—he said—… is failing humanity.

That is precisely where we are in this debate in Australia. There is weak leadership from the business community and there is weak leadership from the political establishment,
and that has just been demonstrated by the contribution from Senator Joyce.

I say that because no party ought to be stronger on addressing climate change than the people who purport to represent rural and regional Australia, because rural and regional Australia is suffering right now. Talk about the threats of job losses—the job losses in rural and regional Australia are real. Right now there has been a collapse of productivity and a loss of jobs in rural and regional communities as a result of the collapse of the Murray-Darling river system itself. And we still see that the dominant economic and social view in Australia—and therefore the Labor and coalition view—is that resource extraction underpins wealth, power and influence and that it always has and it always will. That is why you get this absolute passion that the mining of coal must go on, regardless; exports of coal must go on, regardless; we must build new coal railway lines; we must build new coal ports and we must maintain coal-fired power stations, even though the British government has given a very strong signal to its coal-fired generation sector that if they have not got carbon capture and storage attached by 2020 then they cannot continue to operate.

That is the reality and that is what ought to be coming here. But instead of that the problem is that we still have a parliament dominated by people who think that, regardless of whether or not the earth can sustain the current level of resource extraction and the current level of waste being dumped into our atmosphere, it must go on because they cannot envisage a system of governance and a system of societal wellbeing in Australia that is not dependent on a resource based economy. That is the tragedy. It is why we do not have a green new deal in Australia, linking climate policies with economic stimulus; it is why we engage in special pleading in climate negotiations; and it is why we have this utterly ridiculous system where there is a pretence that there is a whole-of-government approach on climate change when there is nothing of the sort.

We have the Carbon Pollution Reduction Scheme, with one minister saying that we must do this to reduce emissions and, at the same time, we have the conversion to LPG vehicles subsidy taken away. Why? Because of the reduced excise from selling petrol in Australia. The government is losing money from petrol excise and therefore we stop the LPG conversion. We have the money poured into subsidies for new oil and gas exploration. Just last week we had, again, the legislation guaranteeing the subsidies as a result of the fuel tax. So we were making sure that the mining industry, which received $1.5 billion last year in subsidies—30 per cent of the total for 2007/08—was guaranteed that that would continue.

Under the Carbon Pollution Reduction Scheme we have, on the one hand, transport put in on the basis that a price signal is required to drive people to change their behaviour to reduce the amount of driving they do, then at exactly the same time the government puts in a subsidy to neutralise the price signal so that people do not feel any price pressure and the result is they keep on driving just as much as they did before. We cannot even get mandatory vehicle fuel efficiency standards in Australia, and yet we have the government saying on the other hand, ‘Oh, we’ve got this $500 million green car fund.’ On one hand they say, ‘Here we go with the renewable energy target,’ and on the other hand, ‘Let’s put $2 billion into clean coal to subsidise the coal industry and let’s take that money out of the Education Infrastructure Fund.’ It was meant to build infrastructure in our universities to cater for the increased number of students we were hoping to get in those universities.
The Greens have made a considered decision that, because this is a climate emergency, because we are seeing about 300,000 people around the world dying each year because of extreme weather events, because we are seeing the glaciers melt, because we are seeing our Asia-Pacific neighbours struggling with sea level rises and because we already see methane chimneys bubbling up in the Arctic, we recognise that we are very near a runaway heating cycle. If we do go over these tipping points—and we are dangerously close to those tipping points—it will be irreversible. It will be too late then for people to say, ‘We have to do something about climate change now,’ because once you have started that methane coming out of the melting in the Arctic and once you have the thermohaline circulation slowing down you cannot reverse them. You cannot re-freeze the Arctic ice. You cannot change those global systems once they tip over.

We have a situation where the Greens are saying that rather than even 450 parts per million—the government seems to think that is a sufficient target, but its own legislation is consistent with 550 parts per million or even higher—new science is now saying we should be aiming for 350 parts per million. As CSIRO scientist James Risby said recently, a safer target would be something closer to 350 parts per million, because that would reduce the risk of exceeding two degrees Celsius to more moderate levels. So when we look at the actual Carbon Pollution Reduction Scheme, the issue for the Greens, first and foremost, is the science. We have been advocating real solutions to climate change, but the government has actually been standing in the way. Whether it is the forests, which we have argued should be protected immediately because they are carbon stores, whether it is the gross feed-in tariff or whether it is the energy efficiency measures, we have been told to simply sign up to the government’s plan, which sets its sights so low as to actively lock out the option of success. It is an agreement to fail, and that is because by 2013 the government would have the same greenhouse gas emissions as it has today, making deep cuts by 2020 more difficult. A failure to agree this year is a better outcome than, as I said, an agreement to fail.

Incrementalism is worse than useless when it comes to climate change. Just as you cannot be a little bit pregnant, you cannot stop climate change by doing five per cent or even 25 per cent of what is necessary. The 25 per cent is not real. The government keeps talking about 25 per cent conditional, but the conditions it has put on the 25 per cent are such that it will never be agreed in international fora, and the government knows it. So we have a situation where we are on the point of triggering those tipping points, and we most certainly do not want to be going there. We need to be going with deep cuts early. In fact, although it sounds counterintuitive, a $40 carbon price is cheaper than a $10 price because of the signals that it sends into our economy. The reason that we do not support this scheme is that it is too weak, its sights are too low, its targets are not strong enough and it sends the wrong signals. It is basically failing to recognise what we need to do. Even the UN climate secretariat on 6 June this year said that the pledges made by rich countries for reductions of between 16 and 24 per cent below 1990 levels fall well short of what is needed to avoid catastrophic climate change.

What we have to make sure is that when Australia goes to Copenhagen we have legislated for the 25 per cent minimum that the world requires from rich countries. That is within the 25 to 40 per cent road map that was set out in Bali, and we should put 40 per cent on the table. Our failure to do so—our five to 25 per cent conditional target—has already provided Japan with the cover it
needed to announce its eight per cent target in Bonn, and the Chinese negotiators have already slammed Australia’s target and conditions as obnoxious. Follow the CPRS scenario to its logical conclusion and we will not see an agreement in Copenhagen.

Furthermore, we cannot accept a scheme which is geared toward protecting the status quo and sandbagging the old, resource based economy when we need transformation. Business needs long-term investment horizons in order to make multimillion dollar investments, and the CPRS will provide such an investment horizon—but it will be the wrong one. Evidence from the London Carbon Exchange provided to the Senate committee, which I was deputy chair of, as well as the recent report of the Productivity Commission and comments from Sir Nicholas Stern all conclude that if the CPRS is passed in its current form Australian industries and investors will be sent a very strong signal that will drive inappropriate and misguided investments. This signal will give business the confidence to invest in low-pollution infrastructure such as gas power stations and slightly-less-dirty coal rather than in renewables.

The Eraring coal-fired power station in New South Wales is a case in point. If ever there were an example of where the government’s targets have sent the wrong signal to investors, it is in showing that it is worthwhile for investors to invest in coal fire at Eraring because they can see that they are going to be able to get away with coal fire for much longer than anywhere else in the world. That demonstrates why that is such a bad idea, but it is also sending a very bad signal to the Australian community. It is saying that, no matter how much the Australian community does, the government has effectively put a floor under pollution levels, so the community is prevented from being able to actively reduce emissions on any kind of reasonable scale. It is certainly disempowering, and with the revenue from the scheme going half to the big polluters and half to the community—not through energy efficiency but in cash handouts—you are not going to get the transformation.

This massive $16 billion in corporate polluter welfare is a grossly unacceptable transfer of wealth from the community to the polluters. That was recognised as such by Professor Garnaut. Everybody who has looked at it says it is ridiculous to be giving out this money to the rent seekers. It is just as well that they have been referred to the authorities as a case in point. Many of these companies, including BlueScope Steel, which Senator Joyce mentioned, are the ones who have been saying that jobs will be lost. On the other hand, they are not telling their shareholders that at any point in the cycle. They say one thing to the parliament and one thing to their shareholders.

I have circulated a second reading amendment to this legislation, which I move:

At the end of the motion, add:

provided that the Government first commits to entering the climate treaty negotiations at the end of 2009 with an unconditional commitment to reduce emissions by at least 25 per cent below 1990 levels by 2020 and a willingness to reduce emissions by 40 per cent below 1990 levels by 2020 in the context of a global treaty.

This amendment basically says that, from the point of view of the Greens, the key issue is the target. Unless we deal with the science, unless we get rid of incrementalism, unless we go for deep cuts, there is no point in doing what the government is doing. It is shielding the big polluters, disempowering the community and sending the wrong signal to Copenhagen. Unless we shift our targets, there is no point in going into the committee stage of these bills. The Greens amendment
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says that the bills should only be read a second time:

... provided that the Government first commits to entering the climate treaty negotiations at the end of 2009 with an unconditional commitment to reduce emissions by at least 25 per cent below 1990 levels by 2020 and a willingness to reduce emissions by 40 per cent below 1990 levels by 2020 in the context of a global treaty.

That is what the rest of the world expects of us. That is what would position our economy to take advantage of the hundreds of thousands of jobs that are out there in the new green economy, which the rest of the world recognises with the green new deal.

It is tragic that we did not get that kind of recognition in Australia with the stimulus package. Everywhere else there is a recognition that, to get to the low carbon/zero carbon economy, you have to make a massive investment in renewables. You have to make a massive investment in energy efficiency in public transport, but you have to have a major shift in thinking. The resource that is lacking in Australia is imagination and it is the resource of the future. Because we have so many resources in the ground, all we think about is digging up, cutting down and shipping away rather than investing in imagination, which is the resource of the future in a post-carbon economy.

Contrary to what the naysayers like Senator Joyce have to say, the labour market has an extraordinary capacity to handle structural change. In the decade to November 2007, employment in rural industries dropped by almost 100,000 jobs, employment in manufacturing dropped by almost 50,000 jobs and employment in wholesale trade dropped by 35,000 jobs. Yet, over this period, the unemployment rate fell from 8.5 per cent to four per cent. Similarly, over one million workers employed in February 2005 were no longer with the same employer a year later, and half of them had changed industry. We see that there is huge potential if we get this shift in target. We are not going to accept legislation that is piecemeal, that does not give us a whole-of-government approach, that does not look at the potential to reduce emissions across the board—particularly in land use, land use change and forestry, which go hand in hand—that does not go full on with renewables and efficiency and that does not get rid of all the subsidies to the fossil fuel sector, which undermine the effort. (Time expired)

Senator CAMERON (New South Wales) (8.10 pm)—I am pleased to participate in the debate on the Carbon Pollution Reduction Scheme Bill 2009 and related bills. I come to this debate as a former power industry worker and as someone who has represented power and coal industry workers as a union official. I have always supported workers in those industries and do not come here purporting to support blue-collar workers, like some of those on the opposite side. I object to workers being used as part of the National Party’s agenda. However, I should never be surprised by the party who helped give us Work Choices.

Opposition senator—Get over it! It’s long gone.

The ACTING DEPUTY PRESIDENT (Senator Moore)—Order! Senators, I ask you not to yell across the chamber while this debate is going on. I will call you.

Senator CAMERON—It is absolutely essential that carbon capture and storage is developed to ensure that the industries that are important to this country—the coal-fired power industry, the steel industry and the cement industry—have an opportunity to grow and survive into the future.

Anthropogenic climate change is the most significant economic, social and environmental challenge facing governments around the world. It is a challenge of huge complex-
It is a challenge that demands political leadership. It is a challenge that requires political courage. It is a challenge that will result in social and economic change. This change can be for the better.

This is a challenge the Rudd government is determined to meet. It is a challenge that those on the other side are failing to meet. The challenge is local, regional, national and international. The challenge requires decisions in the short term to influence long-term climate change. There is little doubt that a failure to act now will result in extreme weather, higher temperatures, more droughts and rising sea levels. This is the climate change reality that the opposition have failed to come to grips with.

Climate change is projected to increase the severity and the frequency of many natural disasters, such as bushfires, cyclones, hailstorms and floods. Insured losses from these events are expected to total billions of dollars. Nineteen of the 20 largest property insurance losses since 1967 have been weather related. An increase in the frequency and severity of drought conditions resulting from climate change will reduce the availability of water. The frequency of droughts may increase by up to 20 per cent over most of Australia by 2050 and up to 40 per cent in south-east Australia and 80 per cent in Western Australia by 2070.

Changes in rainfall combined with increased evaporation are expected to result in reduced run-off across most of Australia. By 2050, average stream flow is projected to drop between seven and 35 per cent in Melbourne, 10 to 25 per cent in the Murray-Darling Basin and 51 per cent in the Stirling catchment area in Western Australia. Agricultural production in the Murray-Darling Basin could decline by up to 92 per cent. Under a temperature increase of two degrees Celsius, our national livestock carrying capacity is projected to decrease by 40 per cent.

Climate change is expected to cause more heat related deaths and higher incidence of disease from food- and water-borne contaminants. The threat from vector-borne disease will increase; for example, the transmission zone for dengue fever may spread south to Brisbane by 2100. Climate change is expected to affect our infrastructure. Changes in temperature and rainfall are expected to increase road maintenance costs by 31 per cent by 2100. Australia is highly vulnerable to sea level rises and storm surges resulting from climate change, with significant coastal erosion and damage to infrastructure anticipated. Seven hundred and eleven thousand addresses, many billions of dollars of assets, are at risk from rising sea levels and storm surges. Australia’s native plants and animals are also likely to suffer as a result of climate change due to the drastic reduction of the extent and quality of their habitats. Ecologically rich sites such as the Great Barrier Reef, the Queensland wet tropics, Kakadu wetlands, the Australian alpine areas, south-western Australia and sub-Antarctic islands are all at risk.

As we watch these potential disasters unfold, it is an act of political cowardice and gross incompetence for the opposition to stand idly by while the climate deniers and sceptics rule the roost in the coalition party room. Mr Turnbull needs to stand up to the deniers. The Leader of the Opposition needs to stand up to Senator Abetz, who claims:

There is no doubt that weeds pose a challenge much clearer, more present and possibly more serious than the unclear challenge which climate change may or may not pose to our biodiversity.

Weeds are the problem, not global warming, according to Senator Abetz. Mr Turnbull should stand up to Senator Joyce, who on 14 January 2009 said on ABC radio:
Climate change denier, like Holocaust denier, this is the sort of emotive language that has become stitched up in this ETS issue. A climate change denier? One is not allowed to question any more and one is not allowed to call to question? One has to sort of fall into sort of a lockstep goosestep and parade around the office, you know, ranting and raving that we are all as one.

Well that will make a change from ranting and raving out there with the press every morning that parliament is sitting. Senator Joyce was quoted in the Australian on the same day:

This has become a form of religious fanaticism and these environmental goose-steppers are pretty scary. You’re branded a denier. The last time that word was in vogue, it related to the Holocaust.

The Leader of the Opposition, Mr Malcolm Turnbull, in an interview on the same day in Launceston, said:

Oh look, I’m not going to run a commentary on my colleagues. Our position is, the Coalition’s position on this issue is very well known. It is the same as we had in government. We’re very committed to action on climate change that is economically responsible and environmentally effective.

Well, the Leader of the Opposition, Mr Turnbull, now has the chance to show his commitment to action on climate change and stand up to Senator Minchin, who on 16 January in the Sydney Morning Herald said:

I don’t think Senator Joyce’s remarks should be seen as anything more than an appropriate contribution to the debate on how the Coalition as a whole should respond to the Government’s so-called carbon pollution reduction scheme.

It is ‘an appropriate contribution’, according to Senator Minchin. That contribution is a contribution of denial. It is a contribution of scepticism. It is a contribution that is economically irresponsible. It is a contribution that, if unchallenged, will consign future generations to climate change that will destroy their standard of living, their environment and their hopes for a decent life. The Australian community is entitled to demand decent leadership from the coalition. Where are those in the coalition who support the need to address climate change? Where are those in the coalition prepared to stand up for future generations and not be intimidated by the deniers and sceptics on their side of the chamber?

As part of his belated response to climate change, the former Prime Minister, John Howard, announced the establishment of a joint government-business task group on emissions trading. This announcement, in December 2006, resulted in what is known as the Shergold report. Despite the many limitations of the Shergold report, a number of conclusions were reached which give the lie to the nonsense we hear from the other side and from those deniers and sceptics that rule the roost on the other side of parliament. I will go through some of the conclusions of the previous government’s inquiry:

Climate change is a global challenge that requires a long-term global solution in order to avoid environmental, social and economic dislocation.

They do not believe there is going to be any economic problems; they do not believe there is going to be any dislocation. Another proposal says:

Curtailing greenhouse gas emissions will impose a cost both in the global economy and individual nations.

Even John Howard accepted there would be a cost to fixing global warming. The report went on:

While a comprehensive global approach to climate change is required, it will be difficult to reach international consensus in the near future.

Market-based approaches that deliver a price on carbon will achieve greenhouse gas abatement, commensurate with an emissions target, at least cost.
Of the market-based instruments, emissions trading should be preferred to a carbon tax.

An Australian emissions trading scheme, with a carbon price set by the market, would improve business investment certainty.

You see, even the Howard government then conceded the point about business investment certainty. But the opposition, led by Malcolm Turnbull, are deniers on everything relating to climate change. The Shergold report went on to say:

It is in Australia’s interest to develop a domestic emissions trading scheme that might, over time, be linked to complementary schemes in other countries.

The inclusion of trade-exposed, emissions-intensive industries in an Australian emissions trading scheme must avoid prejudicing their competitiveness but also provide them with appropriate incentives for abatement.

The Task Group believes the key to success is to begin at once—

that is what Shergold said: ‘the key to success is to begin at once’—

but to proceed with care on the basis of considered and informed decisions.

The split in the coalition has the potential to deny Australia an immediate opportunity to tackle climate change in a comprehensive, considered and effective manner. The government’s bill is economically responsible, environmentally responsible and in the best interests of the nation.

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Moore)—Senators, I do not mind people making the occasional interjection, but yelling across the chamber in that way is not parliamentary. Senator Cameron, please continue.

Senator CAMERON—if we ever need any reminding of the need to move forward immediately and effectively, we only need to look at the recent synthesis report, which resulted from a major international scientific congress, entitled Climate Change: Global Risks Challenges and Decisions, that the ANU organised with the University of Copenhagen in March. The report, known as the Copenhagen report, whose authors include Professor Will Steffen and Professor Lord Nicholas Stern concluded:

Recent observations show that greenhouse gas emissions and many aspects of the climate are changing near the upper boundary of the IPCC range of projections. Many key climate indicators are already moving beyond the patterns of natural variability within which contemporary society and economy have developed and thrived. These indicators include global mean surface temperature, sea-level rise, global ocean temperature, Arctic sea ice extent, ocean acidification, and extreme climatic events. With unabated emissions, many trends in climate will likely accelerate, leading to an increasing risk of abrupt or irreversible climatic shifts.

The report also points out that climate change will:

… cause major societal and environmental disruptions through the rest of the century and beyond.

Rapid, sustained, and effective mitigation based on coordinated global and regional action is required to avoid “dangerous climate change” regardless of how it is defined.

The report goes on to say:

Climate change is having, and will have, strongly differential effects on people within and between countries and regions …

The most important point the report makes is:

INACTION IS INEXCUSABLE

Society already has many tools and approaches – economic, technological, behavioural, and mana-
gerial – to deal effectively with the climate change challenge.

This report, compiled by some of the world’s most eminent climate change scientists, must be a wake-up call to those opposite and must surely cause those in the coalition who are not captive to the climate change sceptics and deniers to stand up for the nation and stand up for the planet.

I want to turn briefly to the red herrings raised by the coalition deniers to justify inaction on climate change. These include the arguments that action by Australia will simply be a gesture, that the Treasury modelling is flawed, that the CPRS will impose costs on the community and that regional impacts have not been taken into account. Senator Joyce is the lead advocate of the gesture politics theory. This approach is similar to the argument being put forward by some of the biggest polluters in their special pleadings. It is reprehensible that the coalition chooses to perpetuate the falsehood that the government’s legislation would result in 23,500 direct jobs being lost across Australia’s mineral industry by 2020. It is an absolute disgrace that Senators Joyce and Boswell are using this falsehood to create confusion and concern amongst working families in the minerals industry.

The Minerals Council report that this nonsense is based on estimates that there will be approximately 23,500 fewer people employed in the Australian minerals industry due to the imposition of the proposed ETS than would otherwise have been the case under a reference case that predicts at least an additional 86,000 jobs in the industry by 2030. This means that under the government’s proposed ETS there will be around 60,000 more jobs in the minerals industry relative to today. That is 60,000 more jobs in the minerals industry with the ETS. That is the Minerals Council report. That is the report that you reject. That is the report that you are sceptics about. That is the report that you would deny—the actual Minerals Council report. But, in their public utterances on this, the Minerals Council and the coalition, particularly Senators Joyce and Boswell, have sought to put fear into the community by dishonestly characterising slightly slower growth in jobs as ‘jobs lost’. As government senators said in our report for the Senate Select Committee on Climate Policy:

It is misleading to present potential future jobs that are not created in one sector of the economy as “jobs lost”. To do so not only offers a misleading picture of the effects of an ETS, but fails to take account of the fact that capital and employment moves between industries and regions all the time.

Many of the employment arguments put up by those who deny that climate change is caused by human activity—those who accept that climate change is happening but believe it is not a problem—and those who see that something needs to be done about climate change but not by them have tried to suggest that catastrophic job losses will result from the ETS. All of these arguments are at best ill-founded and at worst deliberate deceptions. There is ample evidence that an ETS, a renewable energy target and the range of measures contained in these bills will have no net effect on employment in Australia. Treasury modelling demonstrates there will continue to be robust growth in the Australian economy. I draw the Senate’s attention to a speech in the Great Hall by Australia’s Chief Scientist, who outlined the real trajectory for jobs—jobs for biologists and ecologists, jobs for astronomers and space scientists, jobs for physicists and electrical engineers, jobs for mechanical engineers, aeronauticists and material scientists. These are the jobs of the future, yet all we have from the opposition is denial and scepticism. All we have from them is no hope for the future. (Time expired)
Senator BACK (Western Australia) (8.31 pm)—I rise also to contribute to the debate on the Carbon Pollution Reduction Scheme Bill 2009 and related bills this evening. I have been on the public record for 20 years saying that Australians have a responsibility to prudently manage our resources and minimise our impact on the environment. We inhabit the driest continent on earth and not yet have we come to terms with the challenges this presents. But the debate this evening before the chamber is not about global warming or the role that carbon may or may not be playing in this phenomenon; it is about the Rudd government’s proposed emissions trading legislation and the impact on Australia’s social and economic landscapes. This is a global issue and it requires a global approach. Australian industry and business, and indeed Australian workers, have no difficulty in shouldering an equitable share of responsibility in a global solution. We have a long and proud record of doing so. However, as we emit only 1.4 per cent of the world’s carbon, it is completely ridiculous for the Labor government to expect Australia to bankrupt itself in a misguided attempt to lead the world in reducing carbon emissions. World leaders do not expect it and know we cannot achieve it. Any attempt on Australia’s part will have an insignificant impact. This is simply an opportunistic attempt by Mr Rudd to elevate his profile on the world stage.

The global impact of World War I and Australia’s role in it has relevance to this debate. In 1918, at Le Hamel on the Somme, the iconic general John Monash broke ranks with his British counterparts and refused to send wave after wave of diggers at the enemy. Through meticulous planning and clinical execution, he marshalled limited resources in a most innovative and effective manner. In so doing, he changed the entrenched mindset of military leaders and changed the course of the war. This is Australia’s opportunity to take a leaf out of General Monash’s book and to develop innovative and effective strategies to deal with this current world carbon crisis.

Australia needs to focus on research and development if it genuinely wants to reduce global carbon emissions. Australia should be investing heavily in research and development in those areas where it can make a difference. Australia has a track record of success in this area, and it could donate the benefit of this research to developing countries or indeed sell the IT to wealthy countries. This would have an infinitely greater impact than attempting to reduce Australia’s 1.4 per cent of world carbon emissions.

What has the Labor government done to try to stimulate research and development in this area? Firstly, it has cut funding to the Low Emissions Technology Demonstration Fund. Why? Because it was an initiative of the Howard government. Initially, this program was to fund six projects, including carbon sequestration into an aquifer under Barrow Island. It involved a $60 million government grant and $780 million from the Chevron partners at Gorgon. The project was dumped. The second project involved oxygen production and oxy-firing to improve combustion of black coal. Again, that project was dumped. The third one was the drying and gasification of moist coal, which would have led to a 30 per cent reduction in the cost of producing electricity, a 30 per cent reduction in carbon production and a 50 per cent reduction in water consumption. Need I ask what happened to that project? It failed because of lack of financial support. Then there was a wonderful project involving new solar system technology, which would have yielded 1,500 times greater efficiency than existing solar cells with resultant carbon savings. But of course no funding was supplied. Under that program there would have been gov-
What a lost opportunity in this climate of carbon issues.

In June 2010, the Desert Knowledge CRC based in Alice Springs will cease due to government funding being stopped. At the same time, of course, Land and Water Australia is to be terminated due to government funding being withdrawn. We know that funding to the Rural Industries Research and Development Corporation has been severely curtailed. All of these organisations have been engaged in world’s best practice research into matters associated with climate change, managing the impact of climate variability, weather forecasting and decision making as a result—matters that this evening have been addressed by our colleagues Senator Milne and Senator Cameron. All of those organisations would have had a direct, interesting and important effect on the capacity of farmers, pastoralists and Indigenous communities to deal with change, if indeed it is occurring. What has happened in all of these cases? Their funding has been reduced or they are to be discontinued. The world is facing a global shortage of foodstuffs and there has never been a more important time for research and development in this area. But what sin has each of these organisations carried out to incur this penalty? All I can assume is that they were focused on rural Australia, a region which regrettably is unknown and of little concern to the government.

I ask: what is the hurry? Consideration of this legislation before the world’s leaders meet in Copenhagen in December this year makes no sense. If passed, the scheme is not due to commence until July 2011, so why the hurry? Senator Evans told us today in question time that the delay is due to business uncertainty. Isn’t that the case? I can assure Senator Evans that one year will not resolve this uncertainty—in fact, 10 years will not resolve it—unless we get a unified approach from our regional neighbours and our trade competitors on carbon emissions trading to restore Australia’s certainty in business. If in Copenhagen Australia listens to and learns from what the United States and the other major players are planning, we may in fact amend our plans to conform to world’s best practice. There is nothing to be gained by passing this legislation at this time. It is simply a meaningless exercise in political expediency.

All that Australian companies are seeking in this emerging challenge of carbon trading is competitive neutrality. They do not seek advantage but they do demand that they enjoy a level playing field against international competition. What is the inevitable outcome of unfair competition from our overseas competitors? I will give you three examples. Firstly, the high-emitting export-exposed industries will move offshore to countries that do not have the same anticompetitive restrictions that we do. This, of course, will only add to global carbon emissions, as many of these countries will be less diligent, with the resultant leakage of thousands of Australian jobs offshore. Whatever my colleague suggests, our Premier is certainly talking about 15,000 jobs in our energy industries. Secondly, we will see an acceleration of what we are already seeing—that is, multinationals winding back on investments in their Australian operations in favour of their overseas ventures while they watch to see the direction Australia takes. We are seeing it happen now, and unfortunately it is difficult to quantify what the effect of that is going to be because they are under no obligation to share their plans for expansion or reveal what future employment opportunities will be, either in Australia or elsewhere.
Thirdly, and most importantly, innovative technology will grind to a halt. In March this year Rio Tinto announced that its HIsmelt pig-iron plant at Kwinana, south of Perth, would be placed in care and maintenance. This is a Rio initiative to develop a low-carbon-emissions smelter using thermal coal from Collie which, when fully operational, will significantly reduce the amount of carbon emitted per ton of end product produced—surely the sort of thing we should be encouraging. Due to uncertainty over this government’s position in relation to our competitors and its inability to see the long-term gain, the whole project has been mothballed for at least 12 months.

My colleague Senator Cameron drew attention to Treasury modelling. I simply ask: why isn’t the Treasury modelling being supplied? We were told by Treasurer Swan in 2008 that Treasury economists had not modelled what the impact on Australia would be if our regional neighbours failed to embrace some form of emission reduction. We were merely asked to take on face value that Australia in some way would be disadvantaged compared to our European partners if we did not commence. Well, if we are not commencing till July 2011, we cannot be too concerned.

Are we really being asked to believe this? Does the Treasurer really think that most of our trading partners are in Europe? Surely he realises which region Australia operates in, where most of the competition is and where most of our trading partners exist. Either Treasury officials did not do this modelling—in which case I say they were grossly unprofessional and have provided advice to government on the basis of incomplete information—or they did do the modelling and it showed the likely disastrous impact on Australian jobs, business and industry. I am certainly disinclined to believe the former but have every reason to accept the latter. It is disingenuous of this government to ask the Senate to consider such important legislation without fully divulging all relevant information. Surely a decision by our regional neighbours not to participate in a carbon pollution reduction scheme will have a dramatic effect on our wellbeing and we should be in possession of all information necessary before voting.

Working, as I have, in the energy industry in the Middle East, India and Asia over the last decade leaves me with a deep sense of concern about whether these countries in our region will ever participate in emission reduction, in either the short term or the long term. Our capacity to influence their decision, I believe, is minimal. In fact, I can only draw on the words of our Prime Minister: it is ‘zip, zero and none’—mate. For example, the Chinese central government is aware that illegal power stations are being commissioned on a weekly basis in China. Its best estimate is that 20 per cent of the power stations in China are illegally built and operated. On that basis, what chance does the Chinese government have of influencing industry in that country on something like a carbon emissions trading scheme?

This brings me to the question of liquefied natural gas and of course the involvement of the North West Shelf of Western Australia. This is a unique source of energy, more emissions efficient than all other fossil fuels and able to contribute directly to global reduction of greenhouse gas emissions. CSIRO says that, for every ton of CO2 emitted in LNG production in Australia, at least four tonnes of CO2—in our customer countries are avoided when LNG is used to displace their coal-fired generation. The effect is even greater in China, where that figure of four tonnes becomes somewhere between 5½ and 9½ tonnes. This leads to some 180 million tonnes of global greenhouse gases being avoided annually. If the
government is serious in its efforts to change the world carbon climate then let it remove the barriers to further investment, international competitiveness and uncertainty and encourage this vital but emerging industry to realise its potential.

And what is this potential? There are $200 billion of gas projects on the drawing boards on the North West Shelf at the moment; a capacity to triple our LNG production—at the moment we are only producing eight per cent of the world’s demand for LNG—leading to 50,000 jobs, 40,000 in construction and 10,000 in operations; and, importantly, greater than $10 billion of tax revenue per annum. These are important figures. If we really want to make a contribution to reducing world carbon then surely we need to get on board and be encouraging, in every way, this important LNG industry.

Let me turn to the impact of this legislation on agriculture. Only in the last few days in Denmark has the point been made that our capacity to be able to feed the world going forward is in danger. In the face of world shortages of foodstuffs, no other region of the world is even considering including emissions trading schemes for agriculture. If we proceed as we are then Australia and New Zealand will be the only countries threatened with a CPRS or similar. Three-quarters of all agricultural greenhouse gas emissions are contributed by the eructation of cattle and sheep in Australia. And 16 per cent of Australia’s greenhouse gases themselves are contributed by agriculture. The agricultural industry—

Senator Cormann—There’s a lot of greenhouse gas emissions in here!

Senator BACK—And a lot of eructation, Senator Cormann! The agricultural industry is rightly concerned and disappointed at the view expressed by some in this debate that in some way agriculture is an environmental vandal as a result of methane gas production by livestock. It goes without saying that it is an entirely natural phenomenon. It has been going on for several hundred thousand years, contributes to the natural carbon cycle, existing in healthy cycles, and it certainly is not amenable to change any time soon. There are 180 million cattle in India, and they are revered. If anyone in this chamber thinks the Indian population is likely to interfere in the digestive systems of their sacred cows to influence methane output then they certainly do not know India.

Australian agriculture is already being impacted adversely by the threat of this scheme. Uncertainty abounds in every sector on timing, impact on different sectors and the degree of relief, if any, under the emissions-intensive trade-exposed provisions. This uncertainty is already evident in the financing and refinancing of debt from the banks—and we need to remove the uncertainty. I can assure the Senate that a direct result of reduced livestock numbers, should this be successful—and we have heard from Senator Joyce this evening as to what that impact will be on the cattle industry—will certainly be less food produced, and inevitably, Senator Cormann, there will be less methane gas emitted from a hungry human population.

Let me share some sobering statistics in relation to the world’s population. It is predicted to increase by another three billion by 2050. More than half of this increase will be in our region, in Asia. There will be a dramatic increase in the demand for food, and we are capable of producing much of this. Most importantly, and disappointingly, Australian research and development as a percentage of GDP is half what it was 30 years ago.

I turn, in the final few moments, to the issue of savanna burning and the outstandingly successful West Arnhem Land Fire Abate-
ment Project. It has been in place for most of this decade and has been achieving savings of more than 100,000 tonnes of greenhouse gases annually, due to the practice of early season, rather than late, dry season burning of the savanna in the north of the country. This figure is scientifically measured and has been independently audited. In return for that 100,000 tonnes per annum, ConocoPhillips pays to the Northern Territory government the sum of $1 million per annum, which in turn is passed back to the land managers. Besides the financial benefit there have been significant biodiversity, environmental and social benefits across Arnhem Land as a result of this brilliant project.

However, the national carbon offset discussion paper proposes that the projected emissions from savanna burnings be deducted from the national emissions target, effectively destroying its commercial and environmental benefit. This would not only dispossess Indigenous people but remove a decade of incentive to continue this program. By contrast, it is offset markets which have the potential to make significant contributions to reducing greenhouse gas emissions and add to the sustainable development in both Indigenous and pastoral communities across the north. I do hasten to say that the Department of Climate Change has now agreed to reconsider its position on this. One can only hope that common sense will prevail over a scheme that Australia should be celebrating and supporting and selling to the rest of the world rather than excising from this particular project.

I conclude by reiterating the observation that Australia contributes only 1.4 per cent of the world’s carbon emissions. Moving into my world as a veterinarian, if the rest of the world’s contribution to carbon were represented pictorially by an elephant then Australia, regrettably, would be a very small bee. To think that the bee in some way is capable of influencing the direction of the elephant in this debate is simply arrogance. If the legislation passes, these are the inevitable consequences: Australian jobs are lost, our economy suffers, our industries lose their competitiveness internationally and, lastly and regrettably, there is no effect on global carbon reduction. (Time expired)

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (8.51 pm)—I thank the late Anita Roddick for the other analogy, following upon Senator Back’s reference to the bee and the elephant, which is: if you don’t think a small entity can change the world, think about the mosquito that comes into your bedroom at night, because it changes the whole way we think about whether we are getting to sleep or not. Yet what we have had from the opposition-side speakers tonight is speaker after speaker reference the insignificance of this great country of Australia. Senator Back says 1.4 per cent of emissions come from Australia. Well, we are 0.3 per cent of the world’s population. On the basis of our potential sportspeople, if we were to look at that statistic and say that we are insignificant we would never send a team to the Olympics—

Senator Boswell—We won’t be able to afford to now!

Senator BOB BROWN—Well, this is the analogy coming from your side, Senator Boswell. We would not have people aspiring to great achievements in the creative arts—in writing, in opera, in ballet—in the other sporting fields or, indeed, in science. In all of those things, in the last century or two Australia has not only been a world player but has played way beyond its statistics. That is because we had wealth, we had get-up-and-go and we had the zeal to show that we could be achievers in an otherwise huge and daunting world.
But the ‘daunting’ has overtaken the opposition. I am amazed that the National Party, of all parties, should be so transfixed by the insignificance of this country that their Leader in the Senate talks about the fact that Prime Minister Singh of India, President Hu of China, Mr Medvedev of Russia and Mr Obama in the United States do not toss and turn at night thinking about Australia—in other words, we are irrelevant to their thinking. It is a matter of pride and conceit—which come before a fall, says Senator Joyce—that we Australians think we should be able to go out and not only contribute to the world but take a lead in the world. I disagree. We Greens disagree. In particular, we disagree on one of the most overwhelming problems confronting the planet now, and that is climate change.

I go to the United Nations figures. Senator Milne quoted some of what the United Nations and the Intergovernmental Panel on Climate Change have been saying in recent months. They indicate that, in the last 12 months of statistics, 300,000 people around the world died because of climate change. It is not a thing for the future; we are moving into it. It is human made and it can only be fixed by human action. Senator Back spoke about food production. I ask all members of the Senate to consider this: we are just managing to feed a world of fewer than seven billion people around the world, but take a lead in the world. I disagree. We Greens disagree. In particular, we disagree on one of the most overwhelming problems confronting the planet now, and that is climate change.

A recent report from the Australian National University indicated that in the Central Highlands of Victoria are the most carbon-dense forests on earth. It is through Rudd government policy and coalition complicity that those forests continue to be logged at an awesome rate to provide woodchips to Japan, with massive amounts of greenhouse gases
going into the atmosphere. Under the most forensic questioning that I could put to Senator Abetz, a former forestry minister—who would not answer—and now to Senator Wong, the Minister for Climate Change and Water, there are no figures to show what the greenhouse gas emissions from those forests are. We have had to leave it to university experts to look at that and establish that this is the biggest slaughter of carbon banks on the face of the planet. This is for a very tiny sectional industry—that is, the woodchip export barons—not for use here in Australia, and it is against the interests of this planet’s forward security. It erodes, by the way, the biodiversity of the planet as we know it. It is shocking, it is shameful and it is unforgivable in an age of climate change that this government, let alone the last one, cannot even tackle the loss of forests and woodlands in this country under government policy which causes the emission of 20 per cent of the greenhouse gases coming out of this nation. It is not a small figure when you consider the massive contribution from coal, transport and agriculture, the latter of which Senator Back gave a very reasonable speech about from a different point of view just before I got to my feet.

I point out that the current process in this chamber is about filibuster and delay by an opposition that does not want to vote on the issue. That is the height of irresponsibility. For better or worse, this nation wants this parliament to make decisions and hopefully, as Senator Milne said, we should not agree to make a decision unless it is the right one. We do not believe this is the right one, but at least we make up our minds on it and have a better option available. That is laid down in Senator Milne’s amendment, which I will of course be supporting, and that is where the government should be. But what we have from the opposition is a filibuster. After 13 years in government doing nothing on climate change, the opposition now wants to do nothing on this legislation. It wants to block this government and anybody else from taking action on climate change in this chamber. It is considering two outcomes: one is to not have a vote here and the other is to delay it till August, September or October through the good services of the Independents on the crossbench. Why? Because it is concerned about DD—and I do not mean doomsday for the planet if the IPCC is correct. That is not on the opposition’s agenda. It is self-invested concern about a double dissolution that it is trying to escape.

Finally, let me quote a comment from Mr Bernard Keane from crikey.com. On the politics of the day in this parliament, he said: ... the breathtaking hypocrisy is this. The Opposition and the media have worked themselves into a lather over the John Grant business—when the bloke got no financial assistance—but where’s the outrage over far more appalling examples of the Government looking after its mates and donors? In the last 12 months one of the great heists of taxpayers’ money has been perpetrated by Big Carbon. Resources companies and heavy energy users, many of them major donors to the ALP, have extracted billions in assistance from Government ... lobbying backbenchers, these ... low-lifes with their forecasts of doom and their ... modelling have directly lobbied senior Government ministers and for their efforts obtained massive handouts that will have highly-damaging long-term implications for our economy and our climate. The Government’s mates in the union movement have been in on the giggle as well.

If you want corruption of the worst kind, it has been on display since the ETS Green Paper was released last year. Right out in public sight. Where’s the outrage over that from the Press Gallery?

By the way he is referring not least to $16.5 billion inherent in this legislation—to go to whom? Not the sufferers, not the people who may need assistance, not the farmers that Senator Back was just talking about who
may need $2 billion on his figures. No, it would go to the polluters. The more you pollute, the bigger the handout under this government arrangement. To return to the article:

Where are the furious editorials and mocked-up emails from News Ltd papers? Where’s the harassment of public servants at their homes on this? Only a couple of Gallery journalists have reported it. Many others have actively served as an echo chamber for the rentseekers.

No one will remember Ozcar in five years. Unfortunately we can’t say the same about climate change. Our capacity to lose perspective is remarkable.

We have no excuse. I again put this down on the record. Every single member of this Senate is responsible for this nation’s response to climate change and for the onrush of the gargantuan threat of climate change to our economy, our lifestyle, our environment and the rights of our children, our grandchildren and their children and grandchildren. That is what is at stake.

Senator PRATT (Western Australia) (9.04 pm)—I begin my remarks this evening on the Carbon Pollution Reduction Scheme Bill 2009 and related bills with what is agreed by almost everyone in this chamber by quoting the majority report of the Senate Select Committee on Climate Policy:

The balance of the evidence ... suggests that climate change is occurring, is driven by anthropogenic factors and is a grave threat to accustomed ways of life and natural systems.

Those are Senator Colbeck’s words, not mine. I say almost everyone agrees with this statement because clearly there are some exceptions. One of those exceptions is a fellow senator from my own home state, Senator Cash, and indeed probably Senator Boswell as well. Senator Cash, in her own separate qualifications to her coalition colleagues’ majority report, said that she rejected that conclusion. Senator Cash also said that despite this rejection of the science she still believes the planet deserves the benefit of the doubt. But, although she believes the planet deserves the benefit of the doubt, she does not believe that we have a responsibility to act—or at least not before Copenhagen and not before the Obama administration does. So climate change becomes not our problem, it seems, but someone else’s responsibility. Senator Cash argues that to act prematurely would be to the detriment of Australians. She says it would cost jobs, especially in Western Australia.

Senator Cormann—And it will.

Senator PRATT—Sadly, her arguments are typical of those opposite. It is not a fact. It is very typical, however, as Senator Cormann has just proved my point. It is a typical argument of those opposite. They try to have a bet both ways on the science when the evidence indicates that we face a very grave climate risk. They talk of risks to the economy from the CPRS but ignore the risks of not acting on climate change, especially the risks to my home state of Western Australia—indeed, your home state, Senator Mathias Cormann.

Senator Cormann—It will do nothing. It will cost jobs.

Senator PRATT—They ignore the fact that south-western Australia’s significant drying trend is set to worsen under climate change, leading to 80 per cent more drought by 2070. They ignore the fact that the mean rainfall has declined dramatically in the south-west since the 1960s, causing an even more dramatic decline in downflows. They ignore the threat that climate change poses to Western Australia’s valuable agricultural industries if these trends continue unabated. There is a threat to our fisheries, especially our $300 million rock lobster industry, if the oceans warm and indeed acidify as expected. There are real jobs at risk in all of these in-
dustries if climate change continues unabated.

The international community needs to act on climate change and we need to be part of that deal. There is a very grave threat to homes and communities concentrated on the coast in Western Australia if sea levels rise as anticipated. There is also a threat to human health if temperatures continue to rise. In Perth, for example, where there are plenty of very hot days already, it is a regular occurrence for people to die. In fact, around 300 people over the age of 65 per year already suffer heat-related deaths.

Senator Cormann interjecting—

Senator PRATT—You can deny that these are the impacts of climate change, Senator Cormann, but I do not. These are very real impacts.

Senator Cash may say that she believes that the planet deserves the benefit of the doubt, but she does not mention these risks. These risks simply do not count for her, and clearly they do not count for the opposition. But these are the very credible risks of climate change for my home state of Western Australia. Instead, Senator Cash speaks of the jobs at risk in Western Australia in the mining and resources industry. But she does not bother to mention that the mining council itself admitted during the Senate inquiry into the bill that, even if the CPRS were introduced, the mining industry would continue to grow. So much for massive job losses!

Most importantly of all, Senator Cash and others like her base their case on a very wrongheaded choice: a devil’s choice between showing good faith in the lead-up to Copenhagen and purportedly saving Australian jobs. But this dichotomy is a false one, and unless it is exposed as false not only will we fail to do all we can to shore up a strong global agreement on climate change that places the interest of the planet front and centre but our economy will suffer as well. In a competitive global economy, it is those businesses and industries that adapt to change in the international environment that thrive in the long term. The international environment is changing as the world gears up to face the reality of a carbon constrained future—one that the opposition refuses to confront.

Many countries are already moving to put a price on carbon, to encourage innovation and reward effort to minimise emissions.

Opposition senators interjecting—

Senator PRATT—The action being taken by other economies, both developed and developing, is outlined in an appendix to the government senators’ report of the Select Committee on Climate Policy, and I suggest you take a look at it. This evidence demonstrates that it is simply untrue to say that Australia would be acting alone or acting prematurely if this legislation were to pass prior to the Copenhagen conference. We are simply not acting alone or early. Other countries are acting now because they know that by acting now they will ensure that their enterprises, their industries and their economies will thrive in the long term, for the day will come when countries will no longer be able to afford not to have a price on carbon—and that day will come sooner than we think. The reality is that carbon emissions have an economic cost, and businesses that emit carbon must be able to bear a reasonable proportion of that cost or they will not survive long in a world which increasingly demands the cost of carbon pollution be recognised and allocated appropriately.

Imagine how we would react to a company that sought to operate as though labour could be had for no or very little cost, a company that saw slavery as a sustainable approach to the procurement of labour. Yet many businesses once defended slavery as an
economic necessity, and those opposed to it were condemned as bleeding heart liberals. Lord Puttnam made this very point in the debate on the climate change bill in the UK parliament 18 months ago. He said:

Two hundred years ago, slavery was perhaps the primary source of energy, a cheap and apparently infinite generator of power, and regarded by many as the foundation stone of British commerce and prosperity. As with our energy industries today, slavery appeared to represent a large and vital component of the economy. At the time of its abolition, the slave trade and its associated activities were reckoned by those opposing the Bill to account, quite astonishingly, for well over a quarter of this nation's GDP, a fact which helped to drive one of the central arguments deployed by the anti-abolitionists …

 Conservatives defended slavery on the basis that industries were not sustainable without it. Conservatives also argued that, if businesses in one market stopped using slaves, they would lose out to competitors in other countries that did.

The irony, of course, was that, whilst slave labour might have been cheap, it was also extremely inefficient because while labour was cheap there was no incentive to use it efficiently. And so it is with polluting sources of energy. That is why parliament had to step in and say, 'Regardless of vested property rights, this immoral use of resources has to stop.' Fortunately, the UK parliament did take a stand on slavery, and of course it turned out that chains and whips were not the best means for maximising labour productivity. In fact, the abolition of slavery in Britain 200 years ago helped drive the industrial revolution in that country, which saw the British economy lead the world for the next century. To quote Lord Puttnam again:

… those same vested interests who argued that a speedy end to the slave trade would be ruinous were profoundly wrong. In fact they were doubly wrong. Far from proving damaging, the abolition of the slave trade allowed Britain to leap forward, as if a metaphorical ball and chain had been lifted from the economy. Slavery, far from being the foundation stone of prosperity, had in fact been a colossal impediment, a hindrance to the development of more efficient business formations, leading to the generation of many new forms of wealth and success. Not only had it been morally repugnant, it proved to have been economically illiterate.

We can see the way business changes happen over all time as norms about the efficient and ethical use of resources change, whether those resources are human beings or, indeed, a liveable planet. One of the consequences of failing to adapt as the world changes is that when change is finally forced upon us we will not be up to the challenge. This is why in the UK business is so positive about the British government acting on climate change. As James Cameron from Climate Change Capital explained to the Senate Select Committee on Climate Policy:

It is of no surprise that the CBI—the Confederation of British Industry—should be an advocate for economic instruments to reduce greenhouse gas emissions across the UK economy, and it is of no surprise to see them argue for greater clarity and a longer term framework for public policy to reduce emissions, because the CBI wants to see UK business position itself to be a winner from the technological and business innovation associated with coping with climate change.

And if we do not move with the times in Australia we will fall behind. As John Connor from the Climate Institute told the Senate Committee on Economics:

… if Australia does not get on board this train soon, we will be left behind. Our tragic history is one of coming up with the good ideas, but allowing that to go overseas for jobs and profit.

The change of pace is indeed much faster now than it was two centuries ago, when Britain abolished slavery. Climate change demands an urgent response, and the modern global economy, for all its imperfections, is
sophisticated and flexible enough to respond fast. Businesses that persist in proceeding as though carbon does not have a price, has a very low price or has a price that someone else should bear will soon seem hopelessly antiquated. The failure to put a price on carbon will have a deadening effect on our industrial innovation and competitiveness.

Emissions-intensive industries need the benefit of a framework in Australia within which they can acknowledge their carbon liabilities if they are to move forward, and the legislation before us provides just such a framework. Low-carbon industries need a framework to guide investment decisions in order to take advantage of new business opportunities. As the Howard government’s own Shergold report predicted, the lack of any such framework is already imposing real costs on Australian businesses today. That is why a very wide range of business and industry witnesses, including the Australian Industry Group, the Business Council of Australia and the Australian Bankers Association, all told the Senate economics committee that business needs legislation this year to put an end to ongoing uncertainty.

Uncertainty is the enemy of investment and therefore of job creation. If we do not act now, rewards will be distorted. If we do not act now, the industries of the future will struggle to get off the ground, while those that must adapt to survive will put off until tomorrow what should be done today. Investment will be misdirected and opportunities will be lost. When the rug is pulled out from under our feet, our industries will prove incapable of surviving in a carbon constrained world. We will be left living in a carbon intensive cul-de-sac, with declining living standards and vanishing job prospects.

It can be argued that slavery still exists in some parts of the world. Yet those places are not beacons of liberty, prosperity and progress. They are backward places of tyranny, poverty and despair. It is those that abandoned this reactionary way of doing business, those that accepted their moral responsibilities, those that looked into the future, that have grown and prospered. As with the transition from slave to free labour, so with the transition from high pollution to low pollution. In this case, too, the right thing to do is also the smart thing to do. The smart thing to do is to give Australian industry every opportunity to adapt swiftly and seamlessly to the reality of a carbon constrained future.

Passage of the CPRS legislation will encourage industry to continue to improve its performance in relation to emissions. It will encourage investors and businesses to take advantage of emerging opportunities in a carbon constrained environment. It will support emissions-intensive trade-exposed industries to enable them to maintain their competitiveness through the transition. If we act wisely, we can have a healthy planet and wealth in our pockets. The moral imperative and the economic imperative are not in conflict here. They are, Senators, one and the same.

To those who believe this bill does not go far enough, I have this to say: yes, we could have acted earlier. If we had, we might well be in a position to do more now. But that delay was not of this government’s making and we cannot undo the past. If we try and turn this corner too fast we will lose control of the process and we will not have a smooth transition. There will be social and economic dislocation and the political will for change will be lost, and that is not going to benefit anyone, least of all the planet. Of those senators who do not accept this argument and who still believe this bill is not enough, I ask: when we agree that we have waited for too long already, how does further delay help?
The Europeans have capacity to now fine-tune their ETS because it is already in place. They are reaching higher now because they are able to draw on experience of their own schemes in action in the context of their own specific economic circumstances. In those countries, people can now see in practice the economic benefits of acting on climate change. They can see that the predictions of the sceptics, the doomsayers and the rent seekers have not come to pass and so they are prepared to do more and to move faster. We do not have that advantage, and we never will unless we make a start. Delay now will not help us reach a higher target; delay will certainly mean that our carbon pollution will continue to increase and increase—year by wasted year.

If we pass this legislation, we will give business the certainty it needs—the certainty it is demanding—to begin making the investments needed for the transition to a low-carbon future. Without legislation there is no certainty and no new beginning. We will not learn more or achieve more by further modelling or by grandstanding—we are way past that point. We will learn more by doing—by making a start. Climate change is the great challenge of this century and we need to put our shoulders to the wheel. We need to take this first, vital step towards a better future now. I urge all senators to vote for the second reading of the bills.

Senator BOSWELL (Queensland) (9.23 pm)—The Senate is debating the government’s controversial and economically extreme Carbon Pollution Reduction Scheme Bill 2009 and related package of bills. About the only thing accurate about the name given to this legislation is that it is a scheme. It is a scheme to send tens of thousands of jobs offshore; devalue our greatest mining and energy assets; raise costs to every business, every farm and every household that uses energy; help our international competitors steal our markets; increase global carbon emissions by penalising Australian carbon-efficient industries; churn billions of dollars from the private to the public sector to be redistributed according to the public sector; and make winners out of rent seekers.

The CPRS is a scheme that totally fragments Australia’s operating system but does not put it back into a coherent, workable shape. It demobilises our export army and does all this without having global cooperation. It does this without having modelling of what will happen to all our industries over the next decade. The blue-collar workers, the foot soldiers—particularly those in regional Queensland and regional New South Wales—will pay the price of Labor’s scheme to win the green vote.

The CPRS is Rudd’s cunning plan to put on a green camouflage to win votes and preferences in key metropolitan seats. But it is just a suit of cover—the camouflage is not real. If Rudd were serious about being green, he would have made sure that we do not send emissions offshore. This will happen as surely as night follows day, because costs in Australia will increase while those of our competitors will not. We will lose business, companies will be relocated to countries where there are no restrictions and manufacturers here will become merely distributors. If this were really true green legislation, do you not think that the Greens would support it? They do not—they know it is a con. We know it is a con and farmers and miners know it is a con too. When food, fuel and power prices go up, the Australian people will know it is a con too. The CPRS is the greatest burden ever invented to put on a trade-dependent nation with natural competitive advantages in mining, in agriculture and in low energy costs.

The political calamity of having so many Labor states as well as a federal Labor gov-
ernment is that the states are not exercising their usual role of holding the Commonwealth to account. The most outstanding example of this is the absolute silence from Queensland, the state most affected by CPRS. Despite chairing the Council for the Australian Federation and commissioning research on the impact of CPRS, Premier Bligh has said nothing about the results. She has been silent on all the jobs to be lost and the communities to be disadvantaged; at no time has she stood up to the Prime Minister and demanded that Queensland be treated better or, at the very least, fairly, with proper compensation.

These are some of the findings of Premier Bligh’s own commissioned research. She commissioned it; it was not the mining industry and not the coal industry. It is the Premier of Queensland’s own research. This is what it says:

Queensland is expected to experience the greatest impacts from the CPRS by 2030 due to its heavy reliance on coal fired electricity, aluminium smelting and strong concentration of exported coal mining production.

I continue to quote from her research:

Queensland is projected to experience the largest percentage decline in GSP by 2050 of around 6-8% relative to the reference scenario.

Relevant to the reference case, by 2020 thermal coal output would fall by 37.5 per cent, coking coal by 11.9 per cent, aluminium by 31.9 per cent and alumina by 12.5 per cent, and electricity generated output would collapse by 45.7 per cent.

Interestingly enough, those figures, while not exactly the same as the coal industry and mining industry research, are relatively close. The price for domestic fuel and power in Queensland is expected to increase by 24 per cent by 2025 and the transport prices are expected to increase by nine per cent by 2025. The impact on employment growth to 2020 shows the CPRS will cost Queensland 28,000 full-time positions. Again, this is her research.

The north-west is expected to experience a seven per cent drop in employment and a nine per cent drop in output due to dependency on oil and gas. The Fitzroy region would see a loss of 3.4 per cent in employment and 5.5 per cent in output, and the Mackay region would experience falls of 3.3 per cent in employment and 4.7 per cent in output. Wages in 2025 would fall by 5.15 per cent. And where is the Labor Party, defenders of the blue-collar workers? They are sitting there like stunned mullets.

These conclusions lead to grave questions which Premier Bligh and fellow Queenslander Kevin Rudd should answer. Is there an agreement between unions and government on this significant fall in wages at a time when fuel and power prices will be soaring and 28,000 jobs will disappear from the state economy? The unions have a lot to answer for in this debate. Union leaders are spruiking green jobs when they know that there are no green jobs for sacked coalminers in Central Queensland—certainly none that pay as well as mining does. Labor has duded the blue-collar workers in this ETS. Neither the state government on the east coast nor the union leaders are standing up for their jobs. What actions has the Queensland government taken to make up for the substantial loss of revenue as a result of the job-destroying ETS? What programs will be cut or taxes raised? Two billion dollars will be lost in coal royalties. By 2020, where will Queensland get its power from, at what price and how many jobs will be lost in the process? What actions are both governments going to take to prevent the substantial damage to industry and employment in these regions?
The international situation is also highly relevant to this debate. In fact, it lies at the centre of the dilemma of the treatment of the trade exposed industries. From our very first beginnings, wool pioneer John Macarthur saw that Australia’s survival depended on selling our goods across the globe. He was the nation’s first globalist and trader. Australia must not do anything to undermine the competitiveness of our industry. Everything depends on it. Yet what do we have before us? A scheme to do just that—to put the cost on our exporters and domestic producers so that overseas competitors will take their markets from them. In a strange twist the CPRS is modelled on overseas countries coming in very early with emissions restrictions. We are then told by the same Treasury officials that Australian industry will not be hurt so badly because our competitors’ markets will not have emissions restrictions and so will keep the demand up for our products like coal. You cannot have it both ways. What I learnt from Treasury modelling is that you can model black as white and white as black; you can model anything you want.

The whole international problem is that large emitters like China, India and Russia will not act without substantial cuts in emissions from developed countries that are also expected to fund poorer nations. Efforts on climate change will have to be funded by wealthier nations. Tom Switzer wrote in the Australian Financial Review last week that the United States bill faces a roadblock in the Senate, which means the climate bill will probably crash to defeat as a similar bill did last year. Switzer, who works at the United States Study Centre, comments that:

… anything short of a genuine global accord on sweeping, mandatory and enforceable cutbacks on emissions is self-evidently futile. That is why the prospects for a post-Kyoto climate deal in Copenhagen are not looking too hot.

Meanwhile, the Rudd government assumed the US would begin an equivalent scheme by 2010, China by 2015 and, finally, India by 2020. I do not know when they put Russia in, but none of this is remotely possible. Meanwhile, AgForce Cattle warned in their statement on 3 June:

We need changes to international rules which allow farmers to include soil carbon sequestration and the carbon sequestration of pasture plants. Food security policies would also rely on accounting systems which make a differentiation between biological emissions which are part of farming—

I wish they were right, but I do not think they are going to get it—
grazing and food production (including biological sequestration), and the emissions from fossil fuel use.

With more than 65 percent of Queensland beef production destined to feed people outside Australia, the impact of the current CPRS on reducing our production becomes a very real threat to world food supplies.

The ABARE modelling shows production declines in 2011 and 2015, which highlights why households both in Australia and overseas should be worried about where their protein and nutrients will be coming from in future.

… … …

AgForce Cattle board has reviewed in detail the reports by the Australian Farm Institute … and Professor John Rolfe which all point to even more serious financial and economic drops if CPRS comes into effect.

Beef producers are alarmed by the forecasts. These reports generally point to a meat production reduction by 2030 of 25 percent. For beef producers across Queensland this is a terrifying prospect.

ABARE found that sheep farmers would also fare badly, losing 17 per cent of income, with broadacre industries and dairy farmers losing between 11 and 15 per cent of their income. The government claims support from business groups but, as with so many aspects of
the Rudd government, you have to look behind the spin. The Business Council of Australia wrote to the opposition on 4 June, saying:

The legislation released last week does not include the critical details related to the defining and treatment of individual emissions-intensive, trade-exposed industries. It has been suggested much of this detail will not be available until later this year, but it is this very detail that will be critical to businesses. Firms must know what aspect of their business will be included in the scheme and the level of permits they will receive—and whether their competitiveness will be maintained. They also said:

There remain major concerns relating to the treatment of the coal industry under the CPRS where coal has been excluded from the emissions-intensive trade-exposed industry arrangements, although it meets the threshold test.

... ... ...

The CPRS plans to include fugitive emissions from coal mines, yet no other coal producing country has included, or is contemplating including, fugitive emissions. What remains essential is establishing arrangements that ensure the competitiveness of this vitally important industry is sustained and jobs are not lost in the absence of a global approach to reducing greenhouse gas emissions.

Those statements do not in any way say, ‘Go ahead, Mr Rudd, we’re right behind you.’

As the Australian Food and Grocery Council told the Senate Select Committee on Climate Policy, if a policy of this magnitude is going to be implemented then it must be done right. But it is not being done right. If the flawed policy is implemented, it will mean exporting jobs and emissions offshore while doing very little to reduce the environmental impact.

Under this ETS, from 2012, Australia’s energy intensive export and import competing industries will be paying billions of dollars of tax, increasing each year, while the same industries in the United States will have 100 per cent protection through to 2025 and potentially well beyond if other major competing countries have not come on board. Yet even the US scheme recognises the need for a climate change worker adjustment assistance scheme in their legislation. There is no such thing in the ETS before us today in Australia, and that is an indictment on the Labor Party.

The US is establishing a program to entitle any worker displaced as a result of their Clean Air Act to 156 weeks of income supplement, 80 per cent of their monthly health care, up to $1,500 for job search assistance, up to $1,500 for moving assistance and additional employment services for skills assessment, job counselling, training and other services. Where is Australia’s ETS worker assistance scheme? Federal Labor MPs and union leaders in the coalfields are not standing up for their constituents. They are not fighting to keep local jobs or help workers displaced by the ETS.

The Climate Institute has released a list of green jobs, but there are virtually no jobs for miners in Central Queensland and no green investment dollars going there either. What is the government going to do for these people and their communities? Why hasn’t the government included specific assistance for working families that would lose their jobs in the emissions trading scheme? Labor’s ETS is about closing down coal and running the economy on renewable power. It costs $40 per kilowatt hour to power a factory with coal, but it costs $100 per hour to power a factory with wind and $200 per hour to power a factory with photovoltaic cells. How on earth does Australia compete with these cost disadvantages? Consider also that the Treasury modelling assumption of no net loss of employment across the nation worked only because of a predicted decline in real wages of 10.3 per cent. This will come at a
time when there are significant price hikes in fuel, food and power under the ETS.

The Energy Supply Association of Australia says that electricity prices will rise between 40 per cent and 50 per cent by 2020. As a direct result of the ETS and the renewable energy target, these price hikes will be on top of already-increasing electricity prices. On 1 July this year, retail electricity prices in Queensland will increase by 11.63 per cent and will skyrocket by more than 20 per cent in New South Wales. Wait until you get the ETS! Once again, union leaders have failed to tell their members what the Treasury model means for them.

I asked at Senate estimates whether it is possible that real wages could decline in the short term and that unemployment will go up. The reply from Treasury was:
Relative to a world without emissions pricing, yes, it is possible that employment will be lower than it otherwise would have been and real wages might be lower than they otherwise would have been ...

Then I said:
Firstly, you are assuming that everyone is coming in and, secondly, you are putting in your models that there is going to be no unemployment. Of course you are going to get the answer there is not going to be unemployment.
The answer from Treasury was:
In the long run, yes, that is true.

Make no mistake: the ETS is a lobotomy on the Australian economy; the price is enormous in terms of jobs, exports and regional communities. Why the unions are falling for this and betraying their members is beyond me. I can understand where the Greens are coming from, but I cannot for the life of me understand how the Labor Party can sit there and watch unions, who take $800 from each member in union fees, just go out of existence. You ought to be totally ashamed of yourselves.

Senator SIEWERT (Western Australia) (9.42 pm)—I rise to speak on the Carbon Pollution Reduction Scheme Bill 2009 and related bills. Many people in this place will know that, before I entered the parliament, I was the coordinator for the Conservation Council of Western Australia. Prior to that I worked in agriculture, so I have some experience dealing with the issue of climate change. For over two decades I have been personally involved in this debate and it saddens me that some people are still questioning whether or not climate change is real and we are still debating what we are going to do about it.

You have only to look at my home state of Western Australia to know that this debate is not theoretical. We have seen the impacts in the east, but we are also seeing the impacts in Western Australia. In fact, Western Australia was one of the first places to see some of these impacts. Rainfall in the south-west of Western Australia has already decreased by 21 per cent. This has resulted in a decrease in run-off of 64 per cent. These are not figures I have plucked out of the air; these are real figures.

In 1995, the Western Australian government realised that something was happening to our rainfall events and started to plan differently for the way they would manage our catchments and water resources. Some of us were critical that they did not go far enough, but at least they acknowledged that there were issues there. I am not saying that it is totally the result of climate change; it is the result of natural variation and climate change. I hesitate to say that I expect that drop in rainfall is only going to get worse—those figures are going to get worse—that drop in rainfall is only going to get worse. In Western Australia, we already know what it is like to live with a changing climate. The impacts on our wetlands, biodiversity and agricultural systems are also starting to be felt. In fact, it has been noted in Western
Australia that some of our farmers are some of the most efficient and effective in the world. They are good at adapting to a changing climate, but the point has been made in WA that our farmers can only adapt so far and they have reached the point where they cannot adapt without having different crops to plant and a great deal of systems support.

Senator Boswell interjecting—

Senator SIEWERT—I did not interject during your comments, Senator Boswell, so I would appreciate it if you did not during mine. Agriculture in Western Australia needs to adapt to changing climate. As I was saying, they have been very good at adapting to a changing climate but there is only so far they can go. One of the things about climate change is that we know that not only will the climate get drier but there will also be variations in seasons and there will be a greater variability in seasons. Western Australia is also recognised as a global biodiversity hot spot. Not only have we over-cleared our vegetation but through over-clearing our native vegetation we have taken away our biodiversity’s capacity for resilience. We have not in Western Australia, or in fact in Australia, built biodiversity resilience into our planning, so not only has Western Australia already lost much of its biodiversity but also even more of it is now at risk from climate change. A quarter of WA's 100 banksia species are predicted to disappear in their current range, under what are pretty conservative models. By 2050, it is estimated that WA's sheep and wheat production will shrink by a quarter under the scenarios predicted for climate change. Seventy per cent of the Great Southern area of Western Australia is covered by agribusiness, and that is a key contributor to the economy. Just think about what it will mean if agriculture shrinks by a quarter. What impact will that have on our economy? What impact will that have on jobs?

Similarly, in the fishing industry, WA's rock lobster fishery is already going through a substantial change at the moment, with declining harvests. It is thought that at least part of that decline is due already to the impacts of climate change. Those who understand the Leeuwin currents and the flows on the Western Australian coast would understand why people are deeply concerned about the impacts of climate change. The impacts on Western Australia’s health are also of great concern. As you get more climate change, you get heavier rainfalls moving further south into Western Australia. People are concerned about what impact that will have on health and the spreading of disease. Again, the Western Australian government quite some time ago recognised these potential problems and has in fact been looking into those issues.

The point here is that Western Australia is at great risk from climate change in terms of its impact on our biodiversity, the impact on our economic production and the impact on our health. In other words, the triple bottom line is affected by climate change. Western Australia’s economy is largely resource based. People made much of our economic growth through the mining boom, but mining has not delivered for all Western Australians. I released a report in 2007 entitled The boom for whom. This report looked at the impacts of the boom in Western Australia and the so-called benefits for ordinary Western Australians. It showed that while the economy was being driven by the mining sector and wages rose dramatically in the mining industry, unfortunately that was not reflected in other sectors. For example, average wage rates in the hospitality sector increased by only 2.4 per cent in the 12 months during which the report was written. This was less than half the growth in mining and construction industries and lower than the inflation rate. A paper recently produced by the Australia Insti-
tute entitled *The benefits of the mining boom: where did they go?* concluded:

Overall, it is hard to identify the benefits to ordinary Australians of the mining boom. The estimated nine per cent increase in real incomes from the terms-of-trade changes do not appear in the figures for wage earners or recipients of government income-support payments. It seems that the benefits of the boom barely went beyond the mining industry itself. Indeed, higher mortgages and other borrowing costs meant that many households were worse off as a result of the mining boom.

The mining boom is not a sustainable way of creating an equitable, green economy. The point I am making here is it is time Western Australia expanded beyond our resource based thinking. We need a much more diverse economy.

Debate interrupted.

**ADJOURNMENT**

The **ACTING DEPUTY PRESIDENT** (Senator Moore)—Order! It being 9.50 pm, I propose the question:

That the Senate do now adjourn.

**Parliamentary Group on Population and Development**

Senator **CAMERON** (New South Wales) (9.50 pm)—Tonight I rise to acknowledge the work of the Parliamentary Group on Population and Development and the work of the PGDP secretariat chair, Ms Jane Singleton, and the PGDP parliamentary officer, Ms Alice Ruxton.

This is a group that I have been a member of since the commencement of my term of office. Over the last 12 months, I have been involved in a variety of committees and been exposed to a wide range of issues. Nothing has been more important than the issues raised within the PGDP. Today, there are about 200 million women in the developing world with unmet needs for effective contraception. Who would have thought that in 2009 there would be countries in our region where one in 50 women die giving birth to a child? Who would have thought that, in 2009, there are several southern African countries where more than three-quarters of all young people living with HIV are women?

Investment in population and development brings far-reaching and massive benefits. Investment in this area means investment in human rights and gender equality, in respect and equity, and in dignity. It is the right of all men and women to have access to and be informed about safe, effective, affordable and acceptable methods of family planning. It is the right of women to go through a safe pregnancy and childbirth and for couples to be given a proper chance of delivering a healthy infant. Fifteen years ago, world leaders, representatives from non-government organisations, high-ranking officials and United Nations agencies met in Cairo for the International Conference on Population and Development. It was here that a 20-year program of action was adopted.

This program emphasised that reproductive health and rights, as well as women’s empowerment and gender equality, are essential to the advancement of women. It focused on the reproductive health needs of women and men. It called on governments to make sure that resources were available to address these human rights issues. The international community reaffirmed its commitment to the program in 1999 and 2004 and will do so again in September this year. Parliamentary groups on population and development are found in 48 countries. Their primary function is to implement the program of action and make its two objectives a reality. These objectives are: (1) a reduction in maternal mortality rates and (2) access to reproductive and sexual health services, including family planning. There is a well-documented link between successful family
planning and the reduction of poverty. I am fortunate to be part of a group that recognises this link and is committed to the principles of gender equality, the empowerment of women, access to quality health care and the right to accurate information on reproductive health.

The Australian PGPD is chaired by Senator Claire Moore. Previous chairs include Dr Mal Washer MP, Dr Sharman Stone MP and Mr Michael Johnston MP, and the inaugural chair was Dr Brendan Nelson MP. We have 41 federal members, coming from all political parties, and another 51 in the various state and territory parliaments. Our goal is to support and promote women’s human rights and empowerment in the Asia-Pacific region, in particular their social and reproductive rights. We are particularly concerned about the increasing rates of maternal death and illness related to childbirth and pregnancy. Across the world one woman dies every minute in childbirth or pregnancy related complications. It is our hope that through education and increasing public awareness women across the world, especially in developing nations, will begin to feel a sense of entitlement to the human rights that women in Australia take for granted. Every woman should have the right to a safe pregnancy and childbirth. Every woman should have the right to access affordable and effective contraception. Human rights are not up for negotiation. They are not something we earn or something that is limited to the wealthy and the fortunate.

Following the agreement made in Cairo, the year 2000 saw the launch of a further global consensus for international development. The Millennium Declaration and the subsequent Millennium Development Goals represented a variety of international objectives, including access to reproductive health and family planning. Unfortunately, it is this objective that has seen the least progress. Goal 5 is to improve maternal health and has a target to decrease the maternal death rate by 75 per cent. There is a long way to go before this target will be achieved. The program of action needs to be supported on a national level so that an adequate resource and monitoring system of the reproductive health budget can be put in place and used to assist in achieving this very important target. During this time of financial instability across the world, it is of the utmost importance that the Millennium Development Goals and the provision of aid towards fighting for human rights remains a priority.

In promoting issues of population and development, the PGPD plays a varied role. We issue questions on notice, take part in debates and participate in budget estimates. We engage individually and collectively in private and public discussions. We attend national, international and UN conferences on population, development and reproductive health. We network with other parliamentarians in Australia and the region who are also committed to women’s rights, particularly in developing countries. We meet when parliament sits and we hear a variety of speakers who inform our work. The PGPD is a keen supporter of the SPRINT initiative. SPRINT stands for Sexual and Reproductive Health Programme in Crisis and Post-Crisis Situations in East Asia, South-East Asia and the Pacific. SPRINT was launched by the PGPD at Parliament House, Canberra in February 2008. The three-year initiative is funded by AusAID and led by the International Planned Parenthood Federation in partnership with the University of New South Wales, UNFPA and the Australian Reproductive Health Alliance.

I am pleased to see the formation of a PGPD in Papua New Guinea. The meeting to formalise the PNG Parliamentary Group on Population and Development was held on 16 May at Loloata Island, just outside of Port
Moresby. Fourteen parliamentarians attended. The group adopted a constitution and a workplan to take it to the end of 2009. The president, the Hon. Malakai Tabar MP, Member for Gazelle, said that teenage pregnancies, maternal death in childbirth and related complications and poverty were serious issues in his electorate and across the nation. Senator Claire Moore attended the meeting to explain the role and work of the Australian group and to interface with other groups in the region. Parliamentarians also heard from Professor Glen Mola, Professor of Obstetrics and Gynaecology at UPNG, about population and development issues facing the country and were briefed on the ICPD program of action and the Millennium Development Goals by UNFPA experts. The support of the Australian PGPD will be crucial to the group’s success. I commend all those who were involved in its establishment and look forward to working with them to improve the lives of those who are disadvantaged in our region. I recognise that there are many restrictions involved when dealing with abortion, sexual health and family planning. These are topics surrounded by endless moral discussion. I believe that failing to talk about and act on these issues is not an option.

**Limbs 4 Life**

Senator FIFIELD (Victoria) (9.59 pm)—One of the great joys of having the privilege of serving as the coalition’s shadow for disabilities and the voluntary sector is to meet some amazing people. Earlier this month I had the great honour to meet Melissa Noonan, the executive officer of Limbs 4 Life. Limbs 4 Life is Australia’s peak amputee support organisation, founded by Melissa together with Jacinta Dyson in 2004. The founders met after Melissa lost her right leg in an accident and Melissa was admitted to the rehabilitation centre where Jacinta worked. Melissa was hungry for information, advice and support. Unfortunately, at that time in Melbourne, it was not available. Jacinta, too, through her work felt that there were gaps in support for amputees. They worked together and a year after Melissa’s accident Limbs 4 Life was launched.

Melissa is a robust, passionate and determined woman. I suspect it would be much easier when Melissa approaches you with a request to just say yes—it would save time. She is a very determined woman indeed. After meeting Melissa, I am not surprised at all by the scope of the work of Limbs 4 Life or the speed of growth of the activities of Limbs 4 Life. I did not know that there are 250,000 amputees in Australia. Before the establishment of Limbs 4 Life, people in this situation had to navigate their own way. The objective of Limbs 4 Life is that no amputee should go through the trauma of limb loss alone. Limbs can be lost not only through trauma but also through vascular disease, cancer, diabetes or infection. Diabetes, I learnt from Melissa, is in fact the leading cause of amputation in Australia. Limbs 4 Life advised that it is estimated that over 1.5 million Australians have diabetes. One per cent of diabetics will experience an amputation and 75 per cent of those will experience a second amputation within three to five years of the first. Over 3,000 diabetes related amputations take place in Australia each year. Nationally, there are 600 smoking related amputations each year. Amputation rates increase with age, threefold in those aged 45 to 75 years and sevenfold in those aged over 75 years. In Victoria alone there were nearly 300 work related amputations over the last three years, accounting for five per cent of all work injuries that resulted in treatment in hospital.

Limbs 4 Life provides direct peer mentoring. It develops and sources health and well-being information, and provides opportunities to participate in social and sporting
events. Limbs 4 Life places a great deal of emphasis on sporting and social support programs, which help participants remain healthy and connected, and also assist in balance and flexibility for those who have had amputations. Limbs 4 Life, not surprisingly, works very closely with disability agencies, hospitals and rehabilitation centres to ensure that people who pass through their care are aware of the support that Limbs 4 Life can provide. Limbs 4 Life also has a very strong web presence and a range of web based tools—with over one million hits and 287,000 page views during 2008, which includes hits by 28 per cent of the total Australian amputee population.

What impressed me most about Limbs 4 Life is its peer support volunteer program. Experienced amputees mentor recent amputees. So far, 52 volunteers have been trained and there are currently 15 people on the waiting list to partake in the volunteer peer support training. These volunteers have donated almost 6,000 hours. In the estimation of Limbs 4 Life, this is equivalent to almost $100,000 in volunteer labour. These peer support volunteers have visited over 500 amputees in hospitals and rehabilitation centres. Through their efforts, recovery is faster and people return to work sooner. They gain independence and mobility sooner, and depression is alleviated. It is indeed fantastic work that they do.

Limbs 4 Life has made its own way since its establishment. Most of its funding is sourced from the corporate and philanthropic sectors. But, as with many not-for-profit organisations, Limbs 4 Life is finding access to funding more difficult. Accordingly, Limbs 4 Life is currently circulating a petition seeking Commonwealth funding. I must say that the support which Limbs 4 Life is seeking is extremely modest. But it is support which will make a material difference as to whether or not Limbs 4 Life has to curtail its activities. Limbs 4 Life has had a huge response to its petition. I want to share with the chamber a few of the reactions which the petition has elicited. One person said:

I have been an amputee since the age of 9 and I wish this group was available when I was growing up.

Another said:

My mother became a four limb amputee in 1996 due to illness, and since then Limbs4Life have assisted her greatly.

Also, another individual said:

Limbs4Life is a fabulous organisation which provides amazing support for amputees. It is crucial that the Federal Government provide it with some financial assistance to keep it afloat. There is no other organisation quite like it.

Melissa has vowed that Limbs 4 Life will continue regardless. The question is how many people will Limbs 4 Life be able to assist. I commend the request of Limbs 4 Life for government assistance to the Senate and the government. They do fantastic work. Melissa and Jacinta deserve congratulations for this organisation that they founded which is helping many Australians through what is a difficult and traumatic time for them. They help those Australians get back into the community and back into work sooner than they otherwise would, and I commend their efforts.

Bowel Cancer

Senator ADAMS (Western Australia) (10.06 pm)—This evening I rise to speak about the Cancer Council’s awareness campaign Get Behind Bowel Screening. Bowel cancer kills 80 people per week. It is very easy to talk about treatment, statistics and policy in relation to bowel cancer screening; it is much harder to talk about the fact that 80 Australians every week are dying from bowel cancer. This could be your husband, your wife, your mother, your father, your brother or your sister. It can affect anyone at
any time. We often hear about those who have survived. We get to hear their stories. But let us think about those who have not survived. Let us think about the people who possibly did not have the opportunity to be screened for bowel cancer and therefore did not have the chance to be diagnosed early.

The problem is that bowel cancer is not discussed as openly as breast cancer, prostate cancer or skin cancer are. Most of us can relate to a mother, a sister or a friend being diagnosed with breast cancer, or to celebrities such as Kylie Minogue, Belinda Emmett or, more recently, Jane McGrath, who are the public faces of breast cancer. At a dinner party you can talk about a friend of a friend who was diagnosed with breast cancer. People can open a magazine and read a story about breast cancer. We buy water bottles with pink lids. We see the Australian cricket team and the Western Force rugby team wearing pink to support fundraising. I must compliment the Breast Cancer Network Australia, with their pink ladies, and the National Breast Cancer Foundation, with their pink ribbons.

All this is terrific for raising awareness, and I think it is time that we promoted bowel cancer and prostate cancer. Unfortunately, the average person cannot talk about bowel cancer or anything related to the bowel. It is almost a taboo subject and, because of that, it is killing 80 Australians per week. Bowel cancer is the second most common cause of cancer related deaths in Australia. The Cancer Council has stated that bowel cancer screening is the most effective policy measure to immediately reduce cancer death and morbidity in Australia. The National Health and Medical Research Council advise that bowel screening is most beneficial if offered every two years to everyone aged 50 and over; however, the current National Bowel Cancer Screening Program provides only a one-off screening to Australians turning 50, 55 and 65 between 1 January 2008 and 31 December 2010. Is it any wonder that so many people are dying from this disease when the Australian government is ignoring suggestions from the research council to test every Australian aged over 50 every two years and is instead testing only those Australians aged 50, 55 and 65 and testing them only once? There are constant advertisements urging Australian women aged 50 to 69 to have a screening mammogram every two years. Why is it that the only testing currently available for bowel cancer, if you are over 65, is once? Or, if you have turned 50, you might receive three tests in your lifetime.

In Western Australia, new research from BioGrid Australia has shown how effective a national screening program could be, yet the program is only available, as I have said, to 50-year-olds, 60-year-olds and 65-year-olds. Half a million Western Australians are missing out on a test that could help save their lives. There has been no announcement from the Rudd government that it will extend the program after 31 December 2010, other than an indication that it will eventually fully implement the program. During Senate estimates I asked about the evaluation of the program, which was to take place in 2010-11. It is fine to have an evaluation but what worries me is what happens during the time the evaluation is being carried out. I do hope that the government will do it rapidly and not leave other Australians waiting for the program to continue. If this program can be re-implemented after 2010 it may save the 4,160 Australians who die from bowel cancer every year.

A fully implemented bowel cancer screening program can save 80 lives per week. Every month that the extension of the program is delayed, lives are unnecessarily lost to bowel cancer. Not only does bowel cancer screening saves lives; it also allows for
enormous savings in hospital costs. Our hospitals are currently struggling, with waiting lists for elective surgery getting longer and waiting times increasing. Treatment at a public hospital for cancer that develops from polyps can cost more than $23,000 per case. Removing a precancerous polyp detected through bowel cancer screening costs approximately $1,250—for a colonoscopy followed by the removal of the polyp. The difference in cost between removing a polyp and treating a cancer patient represents a saving of $21,000. With the current economic crisis, what government would not want to find ways in which to decrease the current costs for public hospitals?

The screening for bowel cancer is relatively simple. It involves taking a tiny sample from two separate bowel motions using a faecal occult blood test, FOBT. The FOBT is mailed to a laboratory, where samples are analysed for traces of blood. If blood is found, the participant is sent a letter encouraging them to speak with their general practitioner. Compare bowel cancer to the silent killer, ovarian cancer. This cancer does not yet have a simple test you can perform at home; instead, by the time people are diagnosed it is usually too late. The risk of bowel cancer can be reduced by a simple test. I ask: why isn’t this available to all Australians over 50?

I feel there is not enough advertising being done to make people aware of bowel cancer, and unfortunately we recently had a recall of faulty test kits. I stress to the people who have been reissued with the test kit to do it again. Please do not sit on that test and think, ‘I’ve done it once; I’m not doing it again.’ It is just so important.

For the Getting Behind Bowel Screening project, on 6 June I took part in a march through the city of Perth. Senator Siewert was there with me. We marched through the centre of Perth, flyers were handed out to the public, and many people came up to talk to staff members of the Cancer Council, therefore highlighting the importance of the screening program. The Cancer Council are a constant voice for the people who cannot tell their stories, who have lost the fight against a cancer that does not have to result in a loss of life. A simple test every two years could save Australian lives and ensure that hospital beds are not used by people with bowel cancer, therefore once again reducing the cost to the health system.

The Get Behind Bowel Screening program is urging Australians to send an email to their local member of parliament to show that they want them to act, as I am doing tonight. This will show the Rudd government that Australians want a commitment to expanding the National Bowel Cancer Screening Program to include two-yearly screening for everyone over 50 by 2012. I implore the government to do something now. As obesity rates increase, the incidence of bowel cancer is also likely to increase. Extend the program to every 50-year-old. Ensure our mothers, fathers, sisters, brothers and neighbours have a chance of beating the second most common cause of cancer related death in Australia. Let’s stop the 80 deaths a week. Let’s get behind bowel cancer screening.

Senate adjourned at 10.15 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

Aged Care Act—
Aged Care (Amount of flexible care subsidy – Extended Aged Care at Home – Dementia) Determination 2009 (No. 1) [F2009L02385]*.
Aged Care (Amount of flexible care subsidy – Extended Aged Care at Home) Determination 2009 (No. 1) [F2009L02384]*.
Aged Care (Amount of flexible care subsidy – Innovative Care Services) Determination 2009 (No. 1) [F2009L02388]*.
Aged Care (Amount of flexible care subsidy — multi-purpose services) Determination 2009 (No. 1) [F2009L02387]*.
Aged Care (Amount of flexible care subsidy – Transition Care Services) Determination 2009 (No. 1) [F2009L02389]*.
Aged Care (Community Care Subsidy Amount) Determination 2009 (No. 1) [F2009L02383]*.
Aged Care (Residential Care Subsidy – Adjusted Subsidy Reduction) Determination 2009 (No. 1) [F2009L02381]*.
Aged Care (Residential Care Subsidy – Amount of Enteral Feeding Supplement) Determination 2009 (No. 1) [F2009L02379]*.
Aged Care (Residential Care Subsidy – Amount of Oxygen Supplement) Determination 2009 (No. 1) [F2009L02378]*.
Aged Care (Residential Care Subsidy — Amount of Viability Supplement) Determination 2009 (No. 1) [F2009L02382]*.
Aged Care (Residential Care Subsidy – Basic Subsidy Amount) Determination 2009 (No. 1) [F2009L02377]*.
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Civil Aviation Regulations—Instrument No. CASA EX47/09—Exemption — from take-off minima inside Australian territory [F2009L02374]*.
Civil Aviation Safety Regulations—Airworthiness Directives—Part—
105—
AD/A320/230—High Pressure Compressor Deterioration [F2009L02243]*.
AD/BEA 121/4—Dual Throttle Control [F2009L02252]*.
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AD/BEA 121/21—Nose Undercarriage and Rudder Control System [F2009L02185]*.
AD/BEA 206/3—Chafing of Hydraulic Master Switch Lamp [F2009L02254]*.
AD/DAUPHIN/100—Fuselage Frame N.9 [F2009L02449]*.
AD/DH 94/1 Amdt 1—Flight Limitations [F2009L02194]*.
AD/FA-200/1—Battery Leads – Identification and Relocation [F2009L02261]*.
AD/FA-200/3—Propeller Blade Inspection and Operating Restriction [F2009L02270]*.
AD/FA/200/11—Parking Brake Control Cable – Inspection [F2009L02274]*.
AD/FA/200/12—Auxiliary Fuel Pump – Modification [F2009L02276]*.
AD/FU24/64 Amdt 1—Fin and Leading Edge [F2009L02206]*.
AD/L200/7—Main Undercarriage Breakstrut Hinges – Inspection [F2009L02210]*.

AD/L200/8—Fin and Stabiliser Front Attachment Hinges – Inspection [F2009L02211]*.
AD/L200/9—Control Wheel Rod – Inspection [F2009L02212]*.
AD/LA-4/7—Hull Frame Station 97 – Inspection and Modification [F2009L02213]*.
AD/LA-4/18—Trim Actuating Cylinder Bracket – Inspection [F2009L02215]*.
AD/LA-4/20—Main Landing Gear – Rocker Castings P/N 2-4113-1 – Inspection and Replacement [F2009L02216]*.
AD/ROBIN/1—Pilot Safety Harness – Change of Straps [F2009L02220]*.
AD/S-76/13—Tail Rotor Outboard Retaining Plate Bolts – Inspection [F2009L02227]*.
AD/S-76/14—Fuselage Bulkhead – Engine Support Fitting Area – Inspection and Modification [F2009L02228]*.
AD/S-76/18—Pilot and Co-Pilot Seats, Support Frames – Inspection [F2009L02229]*.
AD/S-76/20—Power Plant Mounting Supports – Inspection and Modification [F2009L02230]*.
AD/S-76/28—Utility Hoist – Inspection [F2009L02231]*.
AD/S-76/39 Amdt 1—Main Rotor Blade Tip Block and Tip End Assemblies – Inspection and Rectification [F2009L02232]*.
AD/S-76/41—Emergency Flotation System [F2009L02233]*.
AD/S-76/42—Upper Fuselage, Station 300 [F2009L02234]*.
AD/S-76/53—Doors – Window Frame [F2009L02235]*.
AD/S-76/59 Amdt 1—Tail Rotor Control Rod – Rod Ends [F2009L02236]*.
AD/SC7/6—Guards at Rear of Pilot Seats – Installation [F2009L02238]*.
AD/SM-205/16—Fuel Quantity Transmitter Scupper – Inspection and Modification [F2009L02239]*.
AD/SM-205/21—Landing Gear Cross Members – Inspection [F2009L02240]*.
AD/TB10/5 Amdt 1—Elevator/Elevator Tab Control Attachment Inspection and Modification [F2009L02241]*.
AD/TB20/1—Engine Mount – Inspection/Replacement [F2009L02242]*.
107—AD/SUPP/22—Lifesaving Systems – D-Lok Hook [F2009L02448]*.
Commissioner of Taxation—Public Rulings—
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TR 2009/3.
Corporations Act—ASIC Class Orders—
[CO 09/68] [F2009L02435]*.
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[CO 09/462] [F2009L02445]*.
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EPBC303DC/SFS/2009/17
[F2009L02401]*.
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[F2009L02455]*.

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[F2009L02097]*.

Export Inspection (Establishment Registration Charges) Act—Select Legislative Instrument 2009 No. 109—Export Inspection (Establishment Registration Charges) Amendment Regulations 2009 (No. 1)
[F2009L02113]*.

Export Inspection (Quantity Charge) Act—Select Legislative Instrument 2009 No.110—Export Inspection (Quantity Charge) Amendment Regulations 2009 (No. 1)
[F2009L02104]*.

Navigation Act—Marine Orders Nos—
1 of 2009—Ships surveys and certification [F2009L02305]*.
2 of 2009—Safety of navigation and emergency procedures [F2009L02309]*.

* Explanatory statement tabled with legislative instrument.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Aged Care

(Question No. 1185 amended)

Senator Cormann asked the Minister representing the Minister for Ageing, upon notice, on 17 December 2008:
As at 17 December 2008, how many Aged Care Assessment Team assessments for low care have been reassessed as high care since 20 March 2008.

Senator Ludwig—The Minister for Ageing has provided the following amended answer to the honourable senator’s question and replaces the answer provided on 5 February 2009:
Of the admissions into residential aged care since 20 March 2008, there were 3,277 residents with a current Aged Care Assessment Team (ACAT) approval for residential aged care that were reassessed as at 17 December 2008. Of these new approvals there were 1,996 admissions where the resident entered into residential aged care with approval for low care, but were subsequently reassessed and approved by the ACAT for high care. This data is correct as at 7 January 2009.

Aged Care

(Question No. 1187 amended)

Senator Cormann asked the Minister representing the Minister for Ageing, upon notice, on 17 December 2008:
As at 17 December 2008, how many Aged Care Assessment Team assessments have been undertaken, since 20 March 2008, for high care which have been reassessed as low care.

Senator Ludwig—The Minister for Ageing has provided the following amended answer to the honourable senator’s question and replaces the answer provided on 5 February 2009:
Of the admissions into residential aged care since 20 March 2008, there were 3,277 residents with a current Aged Care Assessment Team (ACAT) approval for residential aged care that were reassessed as at 17 December 2008. Of these new approvals there were 32 admissions where the resident entered into residential aged care with approval for high care, but were subsequently reassessed and approved by the ACAT for low care. This data is correct as at 7 January 2009.

Internet Content

(Question No. 1495)

Senator Ludlam asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 5 May 2009:
(1) With reference to the hearings of the Environment, Communications and the Arts Committee additional estimates of 23 February 2009, in which an officer of the Australian Communications and Media Authority (ACMA) stated ‘As you may recall, Senator, every six months those overview profiles of the number of investigations that we have done and the breakdown—whether it was RC [Refused Classification], child pornography, X and so on—are tabled in parliament. If we look at one of those six-month reports, there is a lot of information on what we do regarding our investigations there’ (Committee Hansard, 23 February 2009, ECA 108): was the officer referring to the Co-regulatory Scheme for Internet Content Regulation reports; if so, have those reports been prepared and tabled since the report for the period July to December 2005; if so, where can copies of these reports, for the 3 years since 2005, be obtained.
(2) If the answer to (1) above is no:
   (a) what are the six-monthly reports to which the officer referred to; and
   (b) where can copies of these reports be obtained.

(3) Does the ACMA charge a fee to filter suppliers for the ACMA’s blacklist and/or updates to the blacklist; if so:
   (a) is the fee $15,000 (as reported by a filter supplier on 26 March 2009 at http://www.crikey.com.au); if not, how much is the fee;
   (b) for what period of time does the fee cover (for example, annually, half-yearly, monthly, etc); and
   (c) when did the ACMA commence charging a fee.

(4) Does the ACMA charge a fee, or does it intend to do so in future, for the supply of its blacklist to Internet Service Providers (ISPs) who provide server-level filtering; if so, how much.

(5) What procedures or systems does the ACMA have in place to ensure that filter suppliers promptly add and delete Uniform Resource Locators (URLs) on notification of updates by the ACMA, for example, does the ACMA undertake audits of filter suppliers’ copies of the ACMA’s blacklist; if so, how often.

(6) In regard to media reports in March 2009 that the ACMA stated that a page containing photographs by Mr Bill Henson had been incorrectly added to the ACMA’s blacklist as a result of a ‘caching error’: (a) what is a ‘caching error’; and (b) can the ACMA prevent a ‘caching error’ happening in future; if so, how.

(7) When the ACMA adds to its blacklist the URL of a hacked page on an overseas-hosted web site, that is operated/maintained by an Australian resident or Australian-based business, does the ACMA notify the Australian resident/business of the existence of the prohibited content so that it may promptly delete such content and have its page promptly removed from the blacklist; if not, why not.

(8) How does the ACMA determine whether web page content has ‘an Australian connection’. For example, does the ACMA base this determination on the geographical location of the business/person to whom the IP [Internet Provider] address of the web site’s domain has been allocated, the geographical location of the business/person identified as the registrant the administrative or the technical contact of the domain in the ‘whois’ information.

(9) In regard to the ACMA’s blacklist:
   (a) how many URLs on the blacklist are main domain addresses, for example, http://www.example.com (not the address of a sub-page on a web site);
   (b) when the ACMA notifies filter suppliers of a domain address, are filter suppliers required to block only that particular page (that is, the site’s ‘home’ page), or all pages on the domain; and
   (c) if filter suppliers are required to block all pages on a domain, by what means does the ACMA determine that there is a substantial likelihood that all pages on the domain are, if classified, potential/prohibited content.

(10) In regard to the ACMA online content statistics for the month of December 2008, ACMAsphere No. 38, states that 237 overseas-hosted items were actioned and 22 items were ‘R18+ Language’, while the ACMA’s Internet statistics web page states that 253 overseas-hosted items were actioned, no items were ‘R18+ Language’ and 22 items were ‘X 18+ Actual sexual activity’ and given that there are also other discrepancies between the two sets of reported statistics:
   (a) which statistics are accurate; and
   (b) what caused the discrepancies.
QUESTIONS ON NOTICE

(11) For each of the following periods: 20 January to 31 June 2008 and 1 July 2008 to date:

(a) how many items of Internet content did the ACMA submit to the Classification Board for the purpose of complying with clause 116 of Schedule 7 (samples of content to be submitted for classification) of the Broadcasting Services Act 1992; and

(b) how many of these items were content that did not have an ‘Australian connection’.

(12) In regard to ACMA Internet content assessors:

(a) why are the names, dates of appointment and short biographies of the assessors not made publicly available (as has long been the case in relation to members of the Classification Board and Classification Review Board);

(b) are content assessors, like members of the classification boards, appointed by the Governor-General; if not, who appoints them;

(c) in selecting and appointing content assessors, are there requirement that they have the capacity to assess, identify and represent community standards;

(d) are content assessors initially appointed for a fixed term of service; if so, what is that period of time;

(e) is there a statutory or other limit on the maximum term of service for a content assessor; and if so, what is that period of time;

(f) for each content assessor, what was the date of their initial appointment;

(g) how many content assessors are:

(i) former full-time or part-time members of the Classification Board,
(ii) former temporary/casual members of the Classification Board,
(iii) current temporary/casual members of the Classification Board,
(iv) former members of the Classification Review Board, and
(v) former employees, in any role, of the former Office of Film and Literature Classification;

(h) for each content assessor referred to in (12)(g) above, what is each of their total period of service in the abovementioned former roles.

(13) Do ACMA content assessors undergo regular training by the Classification Board to help ensure consistency of decisions; if so, how often does such training take place.

(14) How many content assessors view and assess an item of Internet content prior to an ACMA determination that it is ‘potential prohibited content’ because there is a substantial likelihood that it would be classified by the Classification Board as:

(a) RC, ‘RC-Child Depiction’;
(b) RC, for any other reason;
(c) X18+;
(d) R18+; and
(e) MA15+.

(15) In regard to the page on an anti-abortion web site that was determined by the ACMA to be ‘RC-Violence’ in January 2009 and the criteria for RC in the national classification code:

(a) was the content determined to be prohibited/potential prohibited content under clause 1(a) of the criteria for RC (depictions of violence that offend against the standards of reasonable adults) or under clause 1(c) (promote, incite or instruct in matters of crime or violence); and
(b) how many content assessors participated in making a decision that there was a substantial like-
lihood that the content would be RC if classified.

(16) In regard to the ACMA’s ‘Restricted Access System Declaration 2007’, the explanatory state-
ment to the declaration and the ACMA’s web page titled ‘new restricted access arrangements’ state that
the requirements in the declaration apply only to content that has an ‘Australian connection’ (is
hosted in Australia or provided from Australia):
(a) what procedures/systems are available to providers of overseas-hosted content to enable them
to ensure that content they provide that is, or would be classified R18+ or (commercial)
MA15+, is not added to the ACMA’s blacklist; and
(b) if these procedures/systems comply with the ‘Restricted Access System Declaration 2007’,
how can the ACMA, and Australian Internet users, know that an overseas content provider is
complying with the Australian National Privacy Principles under the Privacy Act 1988, as re-
quired by the Restricted Access System Declaration 2007, in relation to use/disclosure etc of
proof of age documentation/information they acquire and are required to keep for 2 years.

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) No the reports have not been tabled since December 2005. Since then the key information which
would have otherwise have been provided by the six monthly reports on the operation of the online
content co-regulatory scheme is incorporated in the Australian Communications and Media Author-
ity’s (ACMA) annual reports including its detailed reporting on compliance investigations. Further
information is also provided through the ACMA website which contains monthly summaries of
online content complaints. The annual reports are tabled.

(2) (a) In September 1999, the Senate passed motion no. 299 which called on the Government to ta-
ble six monthly reports on the effectiveness and consequences of the Broadcasting Services
Amendment (Online Services) Act 1999 which established the Online Content Scheme set out in
Schedule 5 to the BSA.
(b) Refer to response to question 1.

(3) In accordance with the co-regulatory scheme for online content set out under Schedules 5 and 7 of
the BSA and the Internet Industry Codes of Practice developed by the Internet Industry Association
(IIA), ACMA notifies the internet addresses of overseas-hosted prohibited and potential prohibited
Internet content to the providers of filter products tested and accredited by the IIA, under the IIA’s
Family Friendly Filter program.
The ACMA does not charge a fee for the provision of this information. ACMA has also advised
that the IIA charges filter providers to have their products tested and accredited under the Family
Friendly Filter program.

(4) The ACMA does not charge a fee for the provision of the list and it does not have an intention to do
so.

(5) In accordance with the co-regulatory scheme for online content set out under Schedules 5 and 7 of
the BSA and the Internet Industry Codes of Practice developed by the Internet Industry Association
(IIA), ACMA notifies the internet addresses of overseas-hosted prohibited and potential prohibited
Internet content to the providers of filter products. These filters are tested and accredited by the
IIA, under the IIA’s Family Friendly Filter program. ACMA regularly notifies IIA accredited filter
providers of incremental updates to the list of overseas-hosted prohibited and potential prohibited
Internet content. ACMA also periodically reviews and updates the entire list of overseas-hosted
prohibited and potential prohibited Internet content and provides it to IIA accredited filter provid-
er.

Under the Internet Industry Codes of Practice, the suppliers of Family Friendly Filter products
submit their filter products to the IIA for re-testing at least once each year. This allows the IIA to
determine the product’s continued compliance with the requirements of the Family Friendly Filter program, including that accredited filter providers are correctly implementing ACMA’s URL notifications.

I understand that the IIA will shortly notify all Family Friendly Filter providers in regard to the forthcoming round of re-testing of their products.

(6) I understand a technical fault was identified in the database used to store information relating to ACMA’s online content investigations. This resulted in a piece of information being transferred automatically and incorrectly from one database record to another database record. Following identification of the fault, I am advised that all URL entries on the list were checked and it was determined that the error was confined to the one record concerned. A solution that includes upgrade and maintenance of the database has been implemented to ensure that such errors do not occur in the future.

(7) Under the BSA, the ACMA is not required to identify a web site owner or notify it that a page from its website has been added to the list of overseas-hosted prohibited and potential prohibited Internet content. I understand that there have been instances where criminals have exploited vulnerabilities existing at otherwise legitimate websites to publish child sexual abuse material, or facilitate its distribution. Where ACMA identifies such material as part of an investigation, it is required to notify that material to police and refrain from taking any steps that might interfere with or prejudice investigations conducted by police. This includes liaison with website owners. Law enforcement agencies may allow the material to remain available as part of their investigation, for the purpose of collecting evidence. ACMA is not normally privy to the details involved in police investigations of such material, including whether police have contacted website owners or whether police investigations have concluded.

(8) Content provided by a content service provider will have an Australian connection subject to Clause 3 of Schedule 7 of the BSA. ACMA’s practice is to determine the location of content hosted by a hosting service provider by using information in publicly available internet name and number databases and standard network tools. Information extracted from these resources indicates the location of the computer hosting the content.

(9) (a) There are approximately 20 URLs currently on the list where the web page that has been the subject of a complaint has been added to the list in the format http://www.example.com/

(b) In accordance with Schedule 5 of the BSA and the Internet Industry Codes of Practice, ACMA notifies the internet addresses of overseas hosted prohibited and potential prohibited Internet content to filter software providers accredited by the Internet Industry Association. Filter providers are required to block only the content at the URLs specified in ACMA’s notifications and not every page within domains.

The ACMA takes action in relation to content at specified web pages or particular content within web pages and not entire websites.

(c) Filter providers are not required to block every page within domains

(10) (a) The statistics relating to complaints about online content for December 2008 were published accurately on ACMA’s website. That is, 253 overseas-hosted items were actioned.

(b) Issue 38 (February 2009) of ACMAsphere contained numerical errors in the ‘Items Actioned’ table. This error occurred during compilation of the publication. ACMA will publish a correction note in relation to this error.

(11) (a) For the period 20 January to 30 June 2008, ACMA referred 13 items of online content for classification by the Classification Board. For the period 1 July 2008 to 30 April 2009, ACMA referred 56 items of online content for classification by the Classification Board.
(b) For the period 20 January to 30 June 2008, 10 of the 13 items referred did not have an Australian connection. For the period 1 July 2008 to 30 April 2009, 47 of the 56 items referred did not have an Australian connection.

(12) (a) Classification Board and Classification Review Board members are appointed under Classification (Publications, Films and Computer Games) Act 1995 (the CA). ACMA staff are public servants employed under the Public Service Act 1999 (the PSA). There is no requirement under the PSA to make details such as biographies of public service staff publically available.

(b) ACMA staff are not appointed by the Governor-General. ACMA staff are employed under the PSA.

c) ACMA’s recruitment and selection processes must be consistent with the Australian Public Service Values as set out in section 10(1) of the PSA. Employment decisions are based on merit. The selection criteria for any position that involves the investigation of online content addresses both the skill set and personal qualities required of the successful applicant. Consideration, during recruitment, is also given to an applicant’s ability to deal with material that is often confronting and distressing.

(d) ACMA staff are ongoing public servants, who are not employed on fixed terms.

e) There are no statutory or other limits on the maximum term of service for public servants.

(f) ACMA staff are not statutory appointees.

(g) Of the ACMA staff that have Classification Board experience, three were former full time members, one a former temporary member and one was a former employee of the Office of Film and Literature Classification. All ACMA staff involved in content assessment decisions have regular formal training provided by the Classification Board.

(h) ACMA employs a number of former Classification Board members who have a combined experience of close to 20 years at the Classification Board in applying the National Classification Scheme across a range of media.

(13) ACMA’s content assessors undergo regular, formal training provided by the Classification Board. The classification training sessions routinely consist of analysis of classification decisions made by the Classification Board regarding content made available across both new media platforms (Internet and mobile) as well as more traditional media platforms (television) along with critical analysis of Classification Board decisions in respect of difficult classification matters. These training sessions occur approximately every six months. The most recent sessions occurred in April 2009, November 2008, July 2008 and November 2007.

(14) A minimum of two content assessors view and assess an item of Internet content prior to making a determination that it is potential prohibited content.

(15) (a) As part of its investigation of the complaint, ACMA determined that if the content were to be classified by the Classification Board, there was a substantial likelihood that the content would be prohibited content. The content was therefore potential prohibited content in accordance with clause 21 of Schedule 7 of the BSA.

To inform its assessment of the material, ACMA considered a recent decision (April 2008) of the Classification Board made in respect of a similar item of online content. The Classification Board report classified that content RC in accordance with 1(a) of the Films Table of the National Classification Code. This precedent was used to guide ACMA’s assessment of the likely classification of the content.

ACMA subsequently referred the material to the Classification Board for classification. The Classification Board classified the material R18+. Under Schedule 7 to the BSA, R18+ content is prohibited content if it is not subject to a restricted access system. The content classified
R18+ was not subject to a restricted access system and was therefore deemed by ACMA to be prohibited content.

(b) Two content assessors were involved in making the decision that the content concerned was potential prohibited content.

(16) Neither the Explanatory Statement to the *Restricted Access Systems Declaration 2007* (RAS Declaration) nor the ACMA webpage titled ‘New restricted access arrangements’ state that the requirements in the RAS Declaration apply only to content that has an Australian connection.

(a) The RAS Declaration and the Explanatory Statement to the Declaration are made available to the public on the ACMA website and the Comlaw website maintained by the Attorney-General's Department. The providers of content services are able to consult these materials to ensure that if they choose to implement an access-control system, it will comply with the requirements of the RAS Declaration.

ACMA’s role under Schedule 7 of the BSA involves the investigation of complaints received from the public about online content that may be prohibited or potential prohibited content. ACMA is able to inform industry participants about regulatory arrangements that may apply to their services. However, it is incumbent upon the providers of content services to ensure they comply with the regulatory environment and obtain independent legal advice, regardless of whether they are based in Australia or overseas, in relation to their compliance with the legislative framework in the territories in which they provide content services.

(b) If an assessment as to whether an access-control system is a restricted access system requires ACMA to consider the record keeping practices of a content service provider, ACMA would contact the provider concerned to gather the information required.

**Internet Content**

(Question No. 1496)

*Senator Ludlam* asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 5 May 2009:

(1) With reference to the hearings of the Environment, Communications and the Arts Committee additional estimates of 23 February 2009, in which an officer of the Australian Communications and Media Authority (ACMA), stated that in ‘the last financial year’ the ACMA had actioned 774 prohibited content items and that 410 of those were child sexual abuse items (Committee Hansard, 23 February 2009, ECA 95) and given that in March 2009 a list of Uniform Resource Locators (URLs) purporting to be the ACMA blacklist was published and was deemed by the ACMA to be sufficiently sensitive that the leaked blacklist was, itself, added to the blacklist, can the Minister identify by name which of the URLs on the list of URLs purporting to be the 18 March 2009 list are designated by the ACMA as not being ‘child sexual abuse items’.

(2) Are URLs which are not ‘child sexual abuse items’ legal for Australian adults to read and view.

(3) (a) Is the list itself a ‘child sexual abuse item’; and

(b) is it legal for Australian adults to read and view it.

(4) When did the Government’s policy change from using the ACMA prohibited content list, as documented in its pre-election platform materials, to using a new list of Refused Classification (RC) material, as documented in the latest version of the Minister’s form letters.

(5) Does the Government intend the ACMA to use its own judgement to determine that Internet content has been refused classification as per existing practice for offshore content or does the Government intend to use the services of the Classification Board, as stated by the Minister on the Special Broadcasting Service program Insight, on Tuesday, 31 March 2009.
(6) With reference to the Minister’s form letter on Internet filtering which states that the ‘scope of the definition of prohibited content in legislation cannot be expanded without changes to legislation being passed by Parliament, and the Government does not intend doing this’, what lawful authority empowers: (a) the ACMA to maintain a list of RC content, separate from its existing list of prohibited content; and (b) the Government to require Internet Service Providers (ISPs) to maintain mandatory filtering systems on their networks.

(7) Is it legal for Australians to possess, read and view material which has been refused classification by the Classification Board, but which has not been judged to be illegal in a court.

(8) Is it illegal for Australians to view RC images of aborted foetuses.

(9) Is it illegal for Australians to read RC copies of The Peaceful Pill Handbook, or view the film, The Peaceful Pill.

(10) Will the content which the ACMA assessed as RC on the abortiontv.com website be blocked by ISPs on a mandatory basis for adults; if not, what other exceptions to RC, on other websites, would be similarly permitted.

(11) Will the content in the YouTube presentations of The Peaceful Pill which the ACMA assessed as RC be blocked by ISPs on a mandatory basis for adults; if not, what other exceptions to RC would be similarly permitted.

(12) Will the lists of URLs purporting to be copies of the ACMA blacklist on http://www.wikileaks.org, which the ACMA assessed as RC, be blocked by ISPs on a mandatory basis for adults; if not, what other exceptions to RC would be similarly permitted.

(13) Will computer games exceeding the requirements of the MA15+ classification be RC and potentially blocked by ISPs on a mandatory basis for adults; if not, what other exceptions to RC would be similarly permitted.

(14) If the Government intends to distribute to ISPs a blacklist of RC websites used by millions of end users across the length and breadth of Australia, what safeguards does it intend to put in place to prevent the list from being: (a) leaked and subsequently published; and (b) reverse engineered by one or several of those users and subsequently published.

(15) Has the Government consulted with officials in overseas jurisdictions to determine their likely reaction in the event that a leaked copy of an Australian list of RC material is published on the Internet, and which subsequently enables criminal activity outside Australia’s borders; if not: (a) why not; and (b) does the Government intend to consult these jurisdictions.

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) No. The Government cannot be a party to releasing information which would weaken the integrity of the Online Content Scheme under the Broadcasting Services Act 1992 (BSA).

(2) While it is legal in the sense that it is not a criminal offence for adults to read and view material reached by some Uniform Resource Locators (URLs) on the Australian Communications and Media Authority (ACMA) blacklist, it is not legal for a person in Australia to host or provide links to such content on a website in Australia (once they have been directed to take this down by ACMA).

(3) (a) The list or parts of the list lead to child sexual abuse material.

(b) Publishing on the internet URLs which lead to child sexual abuse material would facilitate access to such material and therefore may amount to an offence. Viewing, accessing or downloading material which is child sexual abuse material is a criminal offence.

(4) The primary focus of the Government’s concern has always been child abuse material and other Refused Classification (RC) content such as rape, bestiality, sexual violence and instruction in crime.
Internet content is classified according to the National Classification Scheme. There are existing accountability processes involving both ACMA and the Classification Board associated with the classification of offshore content. A range of possible measures to strengthen these continue to be considered for implementation of any ISP filtering policy as I indicated at the Senate Estimates.

The Government has said it will not expand the scope of the definition of prohibited content. The details of the Government’s policy regarding ISP filtering including any legislation to give effect to the policy will be considered and announced after completion of the current live pilot and further consultations on this.

How material is dealt with is governed by State and Territory Classification enforcement legislation.

It is an offence in Western Australia and prescribed areas of the Northern Territory to possess publications, films or computer games that have been, or would be, classified RC. In all other states and territories it is an offence to possess a publication, film or computer game classified RC if the person does so with intention to sell, distribute or publish it.

There are sub categories of RC material. RC (1b) relates to child sexual abuse material. It is a Commonwealth offence to view, access, download or possess this material.

There are no specific offences for viewing other categories of RC material. However RC material cannot be sold or exhibited (including displayed on a website) in Australia or imported into Australia.

Possession of RC material other than child pornography is not an offence except in Western Australia and in prescribed areas of the Northern Territory.

The National Classification Scheme does not specifically refer to images of aborted foetuses. Material is classified RC if it offends against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified; or describes or depicts a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not) in a way that is likely to cause offence to a reasonable adult; or promotes, incites or instructs in matters of crime or violence. Material that is RC cannot legally be shown, sold or hired in Australia.

There are no specific offences for viewing RC material that is not child sexual abuse material. It is an offence however to sell or exhibit RC material including on a website in Australia.

Books that are RC have strict controls. They cannot legally be published in Australia or imported into Australia and they cannot be made available in libraries or book shops so their distribution is limited. Films that are classified RC are also strictly controlled and cannot be shown in cinemas, made available for hire or sale on DVD or video. Therefore there is no requirement for specific offences for reading books classified RC or viewing RC films.

The material of aborted foetuses that ACMA assessed as potential prohibited content was sent to the Classification Board for their determination and deemed to be R18+. Under the Online Content Scheme, this material is prohibited content because it was not behind a restricted access scheme. As this material is not RC content, it would not be subject to mandatory filtering.

The Peaceful Pill has been classified as RC material on the basis that it instructs in the commission of a crime. It would therefore be included in the mandatory filtering of RC material under the Government’s proposal.

Computer games that exceed an MA15+ rating are deemed to be RC content as there is no R18+ or X18+ rating. RC content will be included in the mandatory filtering of RC content under the Gov-
ernment’s proposal. Issues relating to the classification of computer games fall within the Attorney-General’s portfolio.

(14) The Government is considering a range of measures to increase the security of any list of URLs of prohibited content that may be used for the purposes of implementing its ISP filtering policy.

(15) The Government continues to consult on an on-going basis with officials, community and industry bodies in overseas jurisdictions on the full range of cyber-safety issues, including ISP filtering and the maintenance of blacklists used by ISPs in many overseas jurisdictions for filtering purposes.

Caring for our Country Program

(1) What was/is the budget for the Caring for our Country program for each of the following financial years: (a) 2005-06; (b) 2006-07; (c) 2007-08; and (d) 2008-09.

(2) For each of the abovementioned financial years, how much was expended on Caring for our Country projects in Western Australia.

(3) Does the Caring for our Country funding take into account the area of land controlled by particular natural resource management groups.

(4) Do particular areas (e.g. the Murray-Darling Basin) receive priority funding under the Caring for our Country program; if so, how are particular areas assessed for priority funding.

(5) Has the Swan River catchment ever been assessed for priority funding; if not, why not.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) No funds were expended under the Caring for our Country initiative for the financial years 2005-06, 2006-07 and 2007-08 as this natural resource management initiative commenced on 1 July 2008. The Caring for our Country budget for 2008-09 is $428.2 million.

(2) No funds were expended on Caring for our Country projects during the financial years 2005-06, 2006-07 and 2007-08. During 2008-09, over $38.5 million has been allocated for Caring for our Country projects in Western Australia.

<table>
<thead>
<tr>
<th>Caring for our Country element</th>
<th>Approved for 2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional NRM organisations (base-level funding)</td>
<td>$29,420,000</td>
</tr>
<tr>
<td>Landcare Sustainable Practices</td>
<td>$2,217,342</td>
</tr>
<tr>
<td>Open Grants (inc landcare)</td>
<td>$1,127,230</td>
</tr>
<tr>
<td>Community Coastcare</td>
<td>$2,397,340</td>
</tr>
<tr>
<td>Indigenous Emissions Trading Program</td>
<td>$183,750</td>
</tr>
<tr>
<td>Working on Country for Indigenous Rangers</td>
<td>$1,595,095</td>
</tr>
<tr>
<td>Indigenous Protected Areas</td>
<td>$1,140,980</td>
</tr>
<tr>
<td>Ningaloo World Heritage nomination</td>
<td>$311,911</td>
</tr>
<tr>
<td>Kimberley National Heritage assessment</td>
<td>$196,280</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$38,589,928</strong></td>
</tr>
</tbody>
</table>

(3) No. Regional allocations were determined using the following principles:

(a) regions need a minimum funding level to function effectively

(b) regional funding is to be invested to achieve Caring for our Country priorities

(c) allocations to regions will be based on their capacity to achieve priorities.
(4) No particular areas receive priority funding under the Caring for our Country program. Funding is allocated to achieve specific outcomes and targets within six national priority areas:

- the National Reserve system;
- biodiversity and natural icons;
- coastal environments and critical aquatic habitats;
- sustainable farm practices;
- natural resource management in northern and remote Australia; and
- community skills, knowledge and engagement.

(5) The Swan River catchment has been identified as having a number of Caring for our Country targets including: invasive species, Ramsar wetlands, improving land management practices, improving knowledge and skills of land managers. Funding has been allocated to the Swan Regional NRM organisation to address those targets.

**Deputy Prime Minister: Overseas Travel**

(Question No. 1590)

Senator Abetz asked the Minister representing the Prime Minister, upon notice, on 21 May 2009:

With reference to the Deputy Prime Minister’s trip to the United States of America, Great Britain and Singapore between 21 June and 5 July 2008: (a) who accompanied the Deputy Prime Minister; (b) who did the Deputy Prime Minister meet in Great Britain and Singapore; (c) what was the purpose of each of these meetings; (d) where did each of these meetings occur; and (e) who attended each of these meetings.

Senator Carr—The Prime Minister has provided the following answer to the honourable senator’s question:

(a) The Deputy Prime Minister was accompanied by:

- Mr Ben Hubbard, Chief of Staff
- Ms Kimberley Gardiner, Media Adviser
- Mr Tim Mathieson
- Ms Lisa Paul, Secretary, Department of Education, Employment and Workplace Relations

(b) The Deputy Prime Minister met with:

**In Great Britain**

Secretary of State for Foreign and Commonwealth Affairs - The Rt Hon David Miliband MP
Secretary of State for Work and Pensions - The Rt Hon James Purnell MP
Secretary of State for Innovation, Universities and Skills - The Rt Hon John Denham MP
Secretary of State for Children, Schools and Families - The Rt Hon Ed Balls MP
Parliamentary Under-Secretary of State for Schools and Learners - The Rt Hon The Lord Adonis
Shadow Secretary for Innovation, Universities and Skills - Mr David Willetts MP
Chairman of the Centre for Social Justice – The Rt Hon Ian Duncan Smith MP

Meetings were held with the Centre for Economic & Social Inclusion, the National College for School Leadership, the Centre for Social Justice, the UK Commission for Employment and Skills, the office for Standards in Education (Schools Inspectorate), the Work Foundation and the Young Foundation.

The Deputy Prime Minister was hosted by the City of London where she made an address.
The Deputy Prime Minister attended a function hosted by the Commonwealth Parliamentary Association (UK Branch).

The Deputy Prime Minister attended a dinner hosted by the Acting High Commissioner.

Site visits were conducted to Oaklands School, Bethnal Green and Tower Hamlets Summer University program.

**In Singapore**

Prime Minister - Mr Lee Hsien Loong
Minister for Education - Dr Ng Eng Hen
Deputy Prime Minister - Professor S Jayakumar
Minister for Finance - Mr Tharman Shanmugaratnam
Minister for Law – Mr K Shanmugam

- The Deputy Prime Minister addressed a breakfast function hosted by the Australian Chamber of Commerce, Singapore. Some 120 guests attended.
- The Deputy Prime Minister opened the NAIDOC Week Australian indigenous exhibition at the High Commission.

(c) The Deputy Prime Minister’s visit to Great Britain afforded opportunities for bilateral engagement with the United Kingdom Government, agencies and NGOs on comparative education, employment and social inclusion agendas. The visit provided an opportunity to outline the Australian Government’s productivity, participation and human capital development agenda to a broad audience.

The visit to Singapore served to demonstrate to the Singapore Government the importance that the Australian Government places on relations with Singapore.

(d) The meetings took place in London and Singapore.

(e) In Great Britain the Deputy Prime Minister was accompanied by Mr Ben Hubbard (Chief of Staff), Ms Lisa Paul PSM (Secretary, DEEWR), Ms Kimberley Gardiner (Media Adviser) and Katherine Campbell (Counsellor Education, Brussels). From the Australian High Commission in London, the Deputy Prime Minister was accompanied by either Acting High Commissioner Adamson or Acting Deputy High Commissioner Philp, depending on the meeting.

In Singapore the Deputy Prime Minister was accompanied by Mr Ben Hubbard (Chief of Staff), Ms Lisa Paul (Secretary, DEEWR), Ms Kimberly Gardiner (Media Adviser), Mr Miles Kupa, (High Commissioner), Ms Kirsty Dodsworth (Third Secretary), and Mr Suhaimy Hassan, (Director – Education, AEI Singapore).

**Greenhouse Gas Emissions**

(***Question No. 1601***)

Senator Milne asked the Minister for Climate Change and Water, upon notice, on 26 May 2009:

(1) How many tonnes of greenhouse gases are generated to produce one mega litre of potable drinking water in Australia.

(2) Given the National Plumbing Regulators Forum is urgently seeking funding to conduct drain flow tests at the Canberra Technical College to understand the increasing problems drains are experiencing from decreasing water flows causing increased blockages and associated serious health issues, when is the Minister going to make a decision on funding this urgent testing.
Senator Wong—The answer to the honourable senator’s question is as follows:

(1) There is no single answer to this question. The type of water source (for example dam, river, ocean, rainwater tank), the pumping distances, pipe dimensions and topography from source to users, and the level of water treatment required all affect the carbon intensity of producing drinking water. The National Greenhouse and Energy Reporting (NGER) Act 2007 established a mandatory reporting system for greenhouse gas emissions, energy consumption and production. Water utilities may be required to register and report from the 2008-09 financial year if they meet one of the relevant thresholds.

(2) We are not aware of this funding proposal from the National Plumbing Regulators Forum.