Senate

Official Hansard

No. 8, 2009
Thursday, 13 August 2009

FORTY-SECOND PARLIAMENT
FIRST SESSION—SIXTH PERIOD

BY AUTHORITY OF THE SENATE
INTERNET
The Journals for the Senate are available at

Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at

For searching purposes use
http://parlinfoweb.aph.gov.au

SITTING DAYS—2009

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>3, 4, 5, 9, 10, 11, 12</td>
</tr>
<tr>
<td>March</td>
<td>10, 11, 12, 16, 17, 18, 19</td>
</tr>
<tr>
<td>May</td>
<td>12, 13, 14</td>
</tr>
<tr>
<td>June</td>
<td>15, 16, 17, 18, 22, 23, 24, 25</td>
</tr>
<tr>
<td>August</td>
<td>11, 12, 13, 17, 18, 19, 20</td>
</tr>
<tr>
<td>September</td>
<td>7, 8, 9, 10, 14, 15, 16, 17</td>
</tr>
<tr>
<td>October</td>
<td>26, 27, 28, 29</td>
</tr>
<tr>
<td>November</td>
<td>16, 17, 18, 19, 23, 24, 25, 26</td>
</tr>
</tbody>
</table>

RADIO BROADCASTS
Broadcasts of proceedings of the Parliament can be heard on ABC NewsRadio in the capital cities on:

<table>
<thead>
<tr>
<th>City</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADELAIDE</td>
<td>972AM</td>
</tr>
<tr>
<td>BRISBANE</td>
<td>936AM</td>
</tr>
<tr>
<td>CANBERRA</td>
<td>103.9FM</td>
</tr>
<tr>
<td>DARWIN</td>
<td>102.5FM</td>
</tr>
<tr>
<td>HOBART</td>
<td>747AM</td>
</tr>
<tr>
<td>MELBOURNE</td>
<td>1026AM</td>
</tr>
<tr>
<td>PERTH</td>
<td>585AM</td>
</tr>
<tr>
<td>SYDNEY</td>
<td>630AM</td>
</tr>
</tbody>
</table>

For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
FORTY-SECOND PARLIAMENT
FIRST SESSION—SIXTH 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
<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Adams, Judith Anne</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Arbib, Hon. Mark Victor</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Back, Christopher John (1)</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Barnett, Guy</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Bernardi, Cory</td>
<td>SA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Bilyk, Catryna Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Birmingham, Simon John</td>
<td>SA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Bishop, Thomas Mark</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Boswell, Hon. Ronald Leslie Doyle</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>NATS</td>
</tr>
<tr>
<td>Boyce, Suzanne Kay</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Brandis, Hon. George Henry, SC</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Brown, Carol Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Brown, Robert James</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Bushby, David Christopher</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Cameron, Douglas Niven</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Carr, Hon. Kim John</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Cash, Michaelia Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Colbeck, Hon. Richard Mansell</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Collins, Jacinta Mary Ann</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Conroy, Hon. Stephen Michael</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Coonan, Hon. Helen Lloyd</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Cormann, Mathias Hubert Paul (2)</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Crossin, Patricia Margaret (4)</td>
<td>NT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Eggleston, Alan</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Evans, Hon. Christopher Vaughan</td>
<td>WA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Farrell, Donald Edward</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Faulkner, Hon. John Philip</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Feeney, David Ian</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Ferguson, Hon. Alan Baird</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Fielding, Steve</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>FF</td>
</tr>
<tr>
<td>Fierravanti-Wells, Concetta Anna</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Fifield, Mitchell Peter</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Fisher, Mary Jo (1)</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Forskaw, Michael George</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Furner, Mark Lionel</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Hanson-Young, Sarah Coral</td>
<td>SA</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Hogg, Hon. John Joseph</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Humphries, Gary John Joseph (4)</td>
<td>ACT</td>
<td></td>
<td>LP</td>
</tr>
<tr>
<td>Hurley, Annette Kay</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Hutchins, Stephen Patrick</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Johnston, Hon. David Albert Lloyd</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Joyce, Barnaby Thomas Gerard</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>NATS</td>
</tr>
<tr>
<td>Kroger, Helen</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Ludlam, Scott</td>
<td>WA</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Lundy, Kate Alexandra (3)</td>
<td>ACT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Macdonald, Hon. Ian Douglas</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Senator</td>
<td>State or Territory</td>
<td>Term expires</td>
<td>Party</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>--------------------</td>
<td>--------------</td>
<td>----------</td>
</tr>
<tr>
<td>McEwen, Anne</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>McGauran, Julian John James</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>McLucas, Hon. Jan Elizabeth</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Marshall, Gavin Mark</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Mason, Hon. Brett John</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Milne, Christine Anne</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>AG</td>
</tr>
<tr>
<td>Minchin, Hon. Nicholas Hugh</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Moore, Claire Mary</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Nash, Fiona Joy</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>NATS</td>
</tr>
<tr>
<td>O'Brien, Kerry Williams Kelso</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Parry, Stephen Shane</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Payne, Marise Ann</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Polley, Helen Beatrice</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Pratt, Louise Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Ronaldson, Hon. Michael</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Ryan, Scott Michael</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Scullion, Hon. Nigel Gregory</td>
<td>NT</td>
<td>30.6.2014</td>
<td>CLP</td>
</tr>
<tr>
<td>Sherry, Hon. Nicholas John</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Siewert, Rachel Mary</td>
<td>WA</td>
<td>30.6.2011</td>
<td>AG</td>
</tr>
<tr>
<td>Stephens, Hon. Ursula Mary</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Sterle, Glenn</td>
<td>WA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Troeth, Hon. Judith Mary</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Trood, Russell Brunell</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Williams, John Reginald</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>NATS</td>
</tr>
<tr>
<td>Wong, Hon. Penelope Ying Yen</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Wortley, Duna Johanna</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Xenophon, Nicholas</td>
<td>SA</td>
<td>30.6.2014</td>
<td>IND</td>
</tr>
</tbody>
</table>

(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

Minister for Veterans’ Affairs Hon. Alan Griffin MP
Minister for Housing and Minister for the Status of Women Hon. Tanya Plibersek MP
Minister for Home Affairs Hon. Brendan O’Connor MP
Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery Hon. Warren Snowdon MP
Minister for Small Business, Independent Contractors and the Service Economy, Minister Assisting the Finance Minister on Deregulation and Minister for Competition Policy and Consumer Affairs Hon. Dr Craig Emerson MP
Assistant Treasurer Senator Hon. Nick Sherry
Minister for Ageing Hon. Justine Elliot MP
Minister for Early Childhood Education, Childcare and Youth and Minister for Sport Hon. Kate Ellis MP
Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change Hon. Greg Combet AM, MP
Minister for Employment Participation and Minister Assisting the Prime Minister on Government Service Delivery Senator Hon. Mark Arbib
Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government Hon. Maxine McKew MP
Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water Hon. Dr Mike Kelly AM, MP
Parliamentary Secretary for Western and Northern Australia Hon. Gary Gray AO, MP
Parliamentary Secretary for Disabilities and Children’s Services and Parliamentary Secretary for Victorian Bushfire Reconstruction Hon. Bill Shorten MP
Parliamentary Secretary for International Development Assistance Hon. Bob McMullan MP
Parliamentary Secretary for Pacific Island Affairs Hon. Duncan Kerr SC, MP
Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Trade Hon. Anthony Byrne MP
Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion Senator Hon. Ursula Stephens
Parliamentary Secretary for Multicultural Affairs and Settlement Services Hon. Laurie Ferguson MP
Parliamentary Secretary for Employment Hon. Jason Clare MP
Parliamentary Secretary for Health Hon. Mark Butler MP
Parliamentary Secretary for Industry and Innovation Hon. Richard Marles MP
SHADOW MINISTRY

Leader of the Opposition
The Hon. Malcolm Turnbull MP

Shadow Minister for Foreign Affairs and Deputy Leader of the Opposition
The Hon. Julie Bishop MP

Shadow Minister for Trade, Transport, Regional Development and Local Government and Leader of The Nationals
The Hon. Warren Truss MP

Shadow Minister for Broadband, Communications and the Digital Economy and Leader of the Opposition in the Senate
Senator the Hon. Nick Minchin

Shadow Minister for Innovation, Industry, Science and Research and Deputy Leader of the Opposition in the Senate
Senator the Hon. Eric Abetz

Shadow Treasurer
The Hon. Joe Hockey MP

Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House
The Hon. Christopher Pyne MP

Shadow Minister for Infrastructure and COAG and Shadow Minister Assisting the Leader on Emissions Trading Design
The Hon. Andrew Robb AO, MP

Shadow Minister for Finance, Competition Policy and Deregulation
Senator the Hon. Helen Coonan

Shadow Minister for Human Services and Deputy Leader of The Nationals
Senator the Hon. Nigel Scullion

Shadow Minister for Energy and Resources
The Hon. Ian Macfarlane MP

Shadow Minister for Families, Housing, Community Services and Indigenous Affairs
The Hon. Tony Abbott MP

Shadow Special Minister of State and Shadow Cabinet Secretary
Senator the Hon. Michael Ronaldson

Shadow Minister for Climate Change, Environment and Water
The Hon. Greg Hunt MP

Shadow Minister for Health and Ageing
The Hon. Peter Dutton MP

Shadow Minister for Defence
Senator the Hon. David Johnston

Shadow Attorney-General
Senator the Hon. George Brandis SC

Shadow Minister for Agriculture, Fisheries and Forestry
The Hon. John Cobb MP

Shadow Minister for Employment and Workplace Relations
Mr Michael Keenan MP

Shadow Minister for Immigration and Citizenship
The Hon. Dr Sharman Stone

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

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

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

Shadow Assistant Treasurer
The Hon. Tony Smith MP

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

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

Shadow Minister for Housing and Local Government
Mr Scott Morrison

Shadow Minister for Ageing
Mrs Margaret May MP

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

Shadow Minister for Veterans’ Affairs
Mrs Louise Markus MP

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

Shadow Minister for Justice and Customs
The Hon. Sussan Ley MP

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

Shadow Parliamentary Secretary for Northern Australia
Senator the Hon. Ian Macdonald

Shadow Parliamentary Secretary for Roads and
Transport
Mr Don Randall MP

Shadow Parliamentary Secretary for Regional
Development
Mr John Forrest MP

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

Shadow Parliamentary Secretary for Energy and
Resources
Mr Barry Haase MP

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

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

Shadow Parliamentary Secretary for Health
Administration
Senator Mathias Cormann

Shadow Parliamentary Secretary for Defence
The Hon. Peter Lindsay MP

Shadow Parliamentary Secretary for Education
Senator the Hon. Brett Mason

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

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

Shadow Parliamentary Secretary for Immigration and
Citizenship and Shadow Parliamentary Secretary
Assisting the Leader in the Senate
Senator Concetta Fierravanti-Wells
CONTENTS

THURSDAY, 13 AUGUST

Chamber
Notices—
Presentation ................................................................. 4825
Business—
Rearrangement ............................................................. 4825
Notices—
Postponement ............................................................. 4825
Parliamentary Zone—
Approval of Works ......................................................... 4825
Committees—
Legal and Constitutional Affairs References Committee—Extension of Time .......... 4826
Legal and Constitutional Affairs Legislation Committee—Extension of Time .......... 4826
Business—
Consideration of Legislation ........................................ 4826
North Korea ................................................................ 4827
Burma .......................................................................... 4827
Committees—
Privileges Committee—Membership ................................ 4827
Anti-Corruption Commission ............................................. 4827
Committees—
Community Affairs Legislation and References Committees—
Additional Information .................................................. 4829
Safe Work Australia Bill 2008 [No. 2] .................................. 4829
Veterans' Affairs Legislation Amendment (Budget Measures) Bill 2009—
First Reading .................................................................. 4829
Second Reading .................................................................. 4829
Carbon Pollution Reduction Scheme Bill 2009 ...................... 4831
Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2009 .......... 4831
Australian Climate Change Regulatory Authority Bill 2009 .......... 4831
Carbon Pollution Reduction Scheme (Charges-Customs) Bill 2009 ................. 4831
Carbon Pollution Reduction Scheme (Charges-Excise) Bill 2009 ................. 4831
Carbon Pollution Reduction Scheme (Charges-General) Bill 2009 ................. 4832
Carbon Pollution Reduction Scheme (Cprs Fuel Credits) Bill 2009 ................. 4832
Carbon Pollution Reduction Scheme (Cprs Fuel Credits) (Consequential Amendments) Bill 2009 .............................................................................................................. 4832
Excise Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009 .......... 4832
Customs Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009 .......... 4832
Carbon Pollution Reduction Scheme Amendment (Household Assistance) Bill 2009—
Second Reading .................................................................. 4832
Business—
Rearrangement ............................................................. 4848
Freedom of Information (Removal of Conclusive Certificates and Other Measures) Bill 2008 [2009]—
Second Reading ................................................................ 4848
In Committee .................................................................... 4853
Third Reading .................................................................... 4857
Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] .................... 4857
Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2]—
Second Reading ................................................................ 4857
Financial Sector Legislation Amendment (Enhancing Supervision and Enforcement) Bill 2009—
   Second Reading ................................................................. 4867
   Third Reading ................................................................. 4868
Therapeutic Goods Amendment (2009 Measures No. 1) Bill 2009—
   Second Reading ................................................................. 4868
   Third Reading ................................................................. 4870
Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] ............... 4871
Customs Tariff Amendment (2009 Measures Bill No. 1) Bill 2009 [No. 2]—
   Second Reading ................................................................. 4871
   Third Reading ................................................................. 4879
Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009—
   Second Reading ................................................................. 4879
Questions Without Notice—
   Climate Change ................................................................. 4884
Distinguished Visitors ................................................................. 4886
Questions Without Notice—
   Papua New Guinea: Aircraft Accident ................................................................. 4886
   Indigenous Affairs ................................................................. 4887
   Emissions Trading Scheme ................................................................. 4889
   Indigenous Affairs ................................................................. 4891
Distinguished Visitors ................................................................. 4892
Questions Without Notice—
   Economy ................................................................. 4892
   Telecommunications ................................................................. 4894
   Swine Influenza ................................................................. 4895
   Broadband ................................................................. 4896
Questions Without Notice: Additional Answers—
   Automotive Industry ................................................................. 4898
   Emissions Trading Scheme ................................................................. 4898
   Securency Pty Ltd and Note Printing Australia ................................................................. 4898
Questions Without Notice: Take Note of Answers—
   Climate Change ................................................................. 4899
   Emissions Trading Scheme ................................................................. 4899
   Personal Explanations ................................................................. 4905
Trade Practices Amendment (Guaranteed Lowest Prices—Blacktown Amendment) Bill 2009—
   Second Reading ................................................................. 4906
Documents—
   Tabling ................................................................. 4909
Parliamentary Zone—
   Approval of Works ................................................................. 4909
Committees—
   Membership ................................................................. 4910
Strategic Indigenous Housing And Infrastructure Program ................................................................. 4910
Documents—
   Australian Institute of Health and Welfare ................................................................. 4944
   Consideration ................................................................. 4945
CONTENTS—continued

Committees—
  Consideration.................................................................................................................. 4945
Auditor-General’s Reports—
  Consideration.................................................................................................................. 4946
Adjournment—
  Riding for the Disabled Association South Australia ..................................................... 4946
Documents—
  Tabling........................................................................................................................ .... 4949
  Departmental and Agency Contracts .............................................................................. 4949
Questions on Notice
Prime Minister and Cabinet: Legislative Instruments—(Question No. 1690) ............... 4950
Education, Employment and Workplace Relations, Social Inclusion, Early
  Childhood Education, Childcare and Youth, and Employment Participation:
  Legislative Instruments—(Question Nos 1691, 1692, 1693, 1722 and 1725)............... 4951
Treasury: Legislative Instruments—(Question Nos 1694, 1712, 1718 and 1720) ...... 4951
Immigration and Citizenship: Legislative Instruments—(Question No. 1695) ............ 4952
Defence: Legislative Instruments—(Question Nos 1696 and 1724) .............................. 4952
Foreign Affairs and Trade: Legislative Instruments—(Question Nos 1697 and 1698) .. 4952
Finance and Deregulation: Legislative Instruments—(Question No. 1701) ............... 4953
Innovation, Industry, Science and Research: Legislative Instruments—
  (Question No. 1703) ...................................................................................................... 4953
Special Minister of State: Legislative Instruments—(Question No. 1707) ................. 4954
Veterans’ Affairs: Legislative Instruments—(Question No. 1713) ............................... 4954
Special Minister of State: Private Plated Vehicles—(Question No. 1726) ................. 4954
Boston Consulting Group and Allen Consulting Group—(Question No. 1727) ......... 4956
Boston Consulting Group and Allen Consulting Group—(Question No. 1732) ......... 4956
Boston Consulting Group and Allen Consulting Group—(Question Nos 1733
  and 1762)...................................................................................................................... 4957
Boston Consulting Group and Allen Consulting Group—(Question Nos 1734
  and 1735) ...................................................................................................................... 4957
Boston Consulting Group and Allen Consulting Group—(Question No. 1738) .......... 4958
Boston Consulting Group and Allen Consulting Group—(Question No. 1739) .......... 4958
Boston Consulting Group and Allen Consulting Group—(Question No. 1741) .......... 4959
Boston Consulting Group and Allen Consulting Group—(Question No. 1745) .......... 4960
Boston Consulting Group and Allen Consulting Group—(Question No. 1746) .......... 4960
Boston Consulting Group and Allen Consulting Group—(Question Nos 1747
  and 1748)...................................................................................................................... 4961
Boston Consulting Group and Allen Consulting Group—(Question No. 1751) .......... 4961
Boston Consulting Group and Allen Consulting Group—(Question No. 1757) .......... 4961
Governor-General—(Question No. 1764) .................................................................... 4962
Commonwealth Public Interest and Test Cases Scheme—(Question No. 1765) ........ 4962
Education, Employment and Workplace Relations: Overseas Travel—(Question Nos 1770 to 1771) .................................................................................................................. 4963
Education, Employment and Workplace Relations: Overseas Travel—(Question Nos 1772 and 1773) .................................................................................................................. 4964
Education, Employment and Workplace Relations: Overseas Travel—(Question Nos 1774 and 1775) .................................................................................................................. 4965
Education, Employment and Workplace Relations: Overseas Travel—(Question
  No. 1776 and 1777) ....................................................................................................... 4965
Economic Stimulus Plan—(Question Nos 1779 to 1783) .............................................. 4966
CONTENTS—continued

Treasury: Hospitality—(Question No. 1788) ................................................................. 4966
Defence: Program Funding—(Question No. 1822) .......................................................... 4967
Employment and Workplace Relations: Specialist Advisers—(Question No. 1823) .... 4967
ITS Global—(Question No. 1826) .................................................................................. 4968
Kurumba Airstrip—(Question No. 1827) ........................................................................ 4968
Agriculture, Fisheries and Forestry: Wheat Industry—(Question No. 1828) .............. 4969
National Indigenous Television Service—(Question No. 1829) .................................. 4969
National Indigenous Television Service—(Question No. 1830) .................................. 4970
Gunns Pulp Mill—(Question No. 1834) ....................................................................... 4970
Infrastructure, Transport, Regional Development and Local Government:
Projects—(Question No. 1835) ....................................................................................... 4971
The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9.30 am and read prayers.

NOTICES
Presentation
Senator Milne 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 immediately upon receipt of the Renewable Energy (Electricity) Amendment Bill 2009 and the Renewable Energy (Electricity) (Charge) Amendment Bill 2009 from the House of Representatives the bills have precedence over all government business until determined.

Senator Bob Brown to move on the next day of sitting:
That the Senate—
(a) concurs with the Opposition Shadow Treasurer, Mr Hockey, that 'there would have been a legitimate justification for the government to say our debt, you know, our recovery, our economic recovery will be slower if we are running a big deficit and I think it [not proceeding with tax cuts] should have been considered as part of the mix'; and
(b) calls on the Government to reconsider the tax cuts, in particular those for high-income earners.

Senator Bob Brown to move on 20 August 2009:
That the Senate, noting the prominence that the new Australian Security Intelligence Organisation headquarters building near Lake Burley Griffin will have on Canberra’s cityscape and that there was no reference of this proposal to the Parliamentary Standing Committee on Public Works, requests the Government to provide the Senate with the recommendation from the former Attorney-General, the Honourable Philip Ruddock, that the committee seek an exemption from the Governor-General from scrutiny of this project.

BUSINESS
Rearrangement
Senator Ludwig (Queensland—Special Minister of State and Cabinet Secretary) (9.34 am)—I move:
That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:
No. 7 Financial Sector Legislation Amendment (Enhancing Supervision and Enforcement) Bill 2009.

Question agreed to.

NOTICES
Postponement
The following items of business were postponed:
Government business notice of motion no. 1 standing in the name of the Special Minister of State (Senator Ludwig) for today, proposing the conclusion of the Select Committee on Agricultural and Related Industries, postponed till 18 August 2009.
General business notice of motion no. 508 standing in the name of Senator Humphries for today, relating to former child migrants and children harmed by institutional care, postponed till 7 September 2009.

PARLIAMENTARY ZONE
Approval of Works
Senator Ludwig (Queensland—Manager of Government Business in the Senate) (9.34 am)—At the request of Senator Carr, I move:
That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the proposal by the Department of Parliamentary Ser
vices relating to the Parliament Drive one-way road project.

Question agreed to.

COMMITTEES
Legal and Constitutional Affairs
References Committee
Extension of Time
Senator O’BRIEN (Tasmania) (9.35 am)—At the request of Senator Barnett, I move:

That the time for the presentation of reports of the Legal and Constitutional Affairs References Committee be extended as follows:
(a) Australia’s judicial system and the role of judges—to 17 September 2009; and
(b) access to justice—to 30 October 2009.

Question agreed to.

Legal and Constitutional Affairs
Legislation Committee
Extension of Time
Senator O’BRIEN (Tasmania) (9.35 am)—At the request of Senator Crossin, I move:

That the time for the presentation of the final reports of the Legal and Constitutional Affairs Legislation Committee be extended to 20 August 2009:
(a) Migration Amendment (Immigration Detention Reform) Bill 2009; and
(b) provisions of the Personal Property Securities Bill 2009.

Question agreed to.

BUSINESS
Consideration of Legislation
Senator BERNARDI (South Australia) (9.36 am)—I move:

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

(2) That from 12.30 pm on 17 August 2009, the Crimes Legislation Amendment (Enhanced Child Protection from Predatory Tourism Off-
Thursday, 13 August 2009

**SENATE**

**PAIRS**

Moore, C.  Fierravanti-Wells, C.
Forshaw, M.G.  Williams, J.R.
Carr, K.J.  Joyce, B.
Evans, C.V.  Heffernan, W.

* denotes teller

Question negatived.

**NORTH KOREA**

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (9.44 am)—I seek leave to amend notice of motion No. 509 standing in my name, relating to concentration camps in North Korea.

Leave granted.

**Senator BOB BROWN**—I move the motion as amended:

That the Senate be aware:

(a) of reports that approximately 200,000 people are held in hard labour concentration camps in North Korea;

(b) that prisoners allegedly include people caught listening to foreign radio broadcasts, families of accused persons and those who have failed to show ‘proper respect’ to the President; and

(c) that after 12 to 15 hours work daily, a poor diet, no medical care or proper sanitary conditions, thousands of prisoners have allegedly died or are dying,

calls on the Government to report to the Senate within one month, with a full account of all knowledge available on this issue.

Question agreed to.

**BURMA**

**Senator LUDLAM** (Western Australia) (9.45 am)—I move:

That the Senate—

(a) notes that:

(i) Daw Aung San Suu Kyi was sentenced to a further 18 months of house arrest in Burma on 11 August 2009,

(ii) this sentence will prevent her from participating in the proposed 2010 elections, and

(iii) the constitution establishing election procedures is fundamentally flawed and fails to achieve basic democratic standards; and

(b) calls on the Australian Government to investigate all possible options for progressing a United Nations Commission of Inquiry into war crimes and crimes against humanity in Burma.

Question agreed to.

**COMMITTEES**

**Privileges Committee**

**Membership**

The **PRESIDENT**—Order! I have received a letter from a party leader seeking a variation to the membership of a committee.

**Senator LUDWIG** (Queensland—Special Minister of State and Cabinet Secretary) (9.46 am)—by leave—I move:

That Senator Hurley be discharged from and Senator Farrell be appointed to the Standing Committee of Privileges.

Question agreed to.

**ANTI-CORRUPTION COMMISSION**

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (9.46 am)—I move:

That the Senate calls on the Rudd Government to consider the establishment of a National Anti-Corruption and Integrity Commission which has the powers of a standing Royal Commission and the purview to detect, investigate and prevent corruption across all Commonwealth departments and agencies, the activities of Federal Parliament, Federal parliamentarians and Federal law enforcement agencies.

**Senator FIELDING** (Victoria—Leader of the Family First Party) (9.47 am)—I seek leave to make a short statement.
The PRESIDENT—Leave is granted for two minutes.

Senator FIELDING—It is worth noting that in 2006 the Australian Commission for Law Enforcement Integrity, known as ACLEI, commenced operations with the consent of parliament. ACLEI is responsible for preventing, detecting and investigating serious and systematic corruption issues in the Australian Federal Police, the Australian Crime Commission and the former National Crime Authority. Other Commonwealth agencies with a law-enforcement function are able to be brought within ACLEI’s jurisdiction by regulation. I believe that it is probably best to look at Senator Brown’s motion in light of the role of ACLEI and maybe have that extended to cover some of the issues proposed by Senator Brown. I will be opposing this motion on that basis.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.48 am)—I seek leave to make a short statement.

The PRESIDENT—Leave is granted for two minutes.

Senator BOB BROWN—Senator Fielding may have missed my contribution to the Senate on this matter earlier in the week. We are very well aware of ACLEI because we were here for its establishment. However, ACLEI does not cover the bureaucracy at large. It does not cover the parliament and it does not cover the matters that the public would want to see it cover. Part of our proposal is a request to the government to expand the functions of that organisation so it does cover the areas that, for example, the crime and anticorruption commissions in Queensland, New South Wales and Western Australia. This is a motion to have the government move to extend the purview of a crime and anticorruption and integrity commission to be somewhat equal to those of the states, which are working well. It is not logical to say we should have that just confined to the police and policing authorities but not to the rest of governance in the Commonwealth.

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

The Senate divided. [9.53 am]
(The President—Senator the Hon. JJ Hogg)

<table>
<thead>
<tr>
<th>Ayes.........</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noes.........</td>
<td>39</td>
</tr>
<tr>
<td>Majority.....</td>
<td>33</td>
</tr>
</tbody>
</table>

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

NOES
Adams, J.       Arbib, M.V.
Back, C.J.       Barnett, G.
Bernardi, C.     Bilyk, C.L.
Birmingham, S.   Bishop, T.M.
Brown, C.L.      Cameron, D.N.
Cash, M.C.       Colbeck, R.
Collins, J.      Cormann, M.H.P.
Crossin, P.M.    Farrell, D.E.
Feeney, D.       Ferguson, A.B.
Fielding, S.     Fisher, M.J.
Furner, M.I.     Hogg, J.J.
Humphries, G.    Hurley, A.
Hutchins, S.P.   Ludwig, J.W.
Lundy, K.A.      Marshall, G.
McEwen, A.       McGauran, J.J.J.
O’Brien, K.W.K. * Parry, S.
Polley, H.       Pratt, L.C.
Ryan, S.M.       Stephens, U.
Sterle, G.       Trood, R.B.
Wortley, D.      

* denotes teller

Question negatived.
COMMITTEES
Community Affairs Legislation and References Committees
Additional Information
Senator O’BRIEN (Tasmania) (9.56 am)—On behalf of the Senate Community Affairs Legislation and References Committees, I present additional information received by the committees on the provisions of the Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009, the provisions of the Private Health Insurance (National Joint Replacement Register Levy) Bill 2009 and the progress with the implementation of the recommendations of the lost innocents and forgotten Australians reports.

SAFE WORK AUSTRALIA BILL 2008 [No. 2]
VETERANS’ AFFAIRS LEGISLATION AMENDMENT (BUDGET MEASURES) BILL 2009
First Reading
Bills received from the House of Representatives.
Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.56 am)—These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately on the Notice Paper. I move:
That these bills may proceed without formalities, may be taken together and be now read a first time.
Question agreed to.
Bills read a first time.
Second Reading
Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (9.57 am)—I move:
That these bills be now read a second time.

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

The speeches read as follows—
Safe Work Australia Bill 2008 [NO. 2]
I am pleased to reintroduce a Bill to establish Safe Work Australia as an independent national body whose role will be to improve occupational health and safety (OHS) outcomes and workers’ compensation arrangements across Australia.
This Bill is being reintroduced because I am obligated under an intergovernmental agreement to use my best endeavours to deliver Safe Work Australia in the same terms as the intergovernmental agreement.
The Bill is also being reintroduced to normalise the operational arrangements for Safe Work Australia and to establish these arrangements under statute.
In July 2008, for the first time in the history of our federation, governments from each State and Territory and the Commonwealth formally committed to the harmonisation of occupational health and safety legislation through an intergovernmental agreement.
The Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety commits the Commonwealth and all States and Territories to the adoption of the approved model legislation and, in a demonstration of the new spirit of cooperation, the agreement also provides that the body to progress the harmonisation of OHS and workers’ compensation arrangements, Safe Work Australia, will be jointly funded by the Commonwealth and the States and Territories.
The Government set itself the important task of creating a seamless national economy unhampered by unnecessary state duplications, overlaps and differences. OHS is a key area requiring regulatory reform.
Tragically, more than 260 Australians are killed each year at work. Many more die as a result of work-related disease. Each year over 135 000 Australians are seriously injured at work. The cost to our economy has been estimated at $57.5 billion per year. Obviously, the cost to those in-
jured and to their families, workmates and friends is beyond measure.

As I have previously stated in the House, Safe Work Australia will be an inclusive, tripartite body comprised of 15 members, including an independent Chair, nine members representing the Commonwealth and each State and Territory, two members representing the interests of workers, two representing the interests of employers and the CEO. The members will be supported by the CEO and staff who together, will form a statutory agency under the Public Service Act. The body will be subject to Commonwealth governance regimes and will be a prescribed agency under the Financial Management and Accountability Act.

Safe Work Australia will play a pivotal role in realising the Government’s commitment and the commitment of all State and Territory governments to work together to achieve harmonisation of OHS laws. It will have the important task of developing the model OHS Act, model regulations and model codes of practice for approval by Workplace Relations Ministers.

Safe Work Australia will also take forward the initiatives of the Commonwealth and the states and territories to streamline and harmonise workers’ compensation arrangements.

The Government sought to have this Bill passed last year but three times the Liberal Party proposed unacceptable amendments to this Bill. The Liberal Party stood firmly in the way of this crucial reform, reform which the business community has demanded of governments across the country for over two decades.

When I took the extraordinary step of laying this bill aside late last year I said that the Liberal Party were economic vandals. I do not retreat from that view. The Liberal Opposition continually stands in the way of this Government’s efforts to achieve a reform that will significantly advance a seamless national economy.

Why this economic vandalism? Is it because they talked about this reform for ten years but could never achieve it or is it simply because they just don’t understand the magnitude of the risk that the global recession presents to Australia’s economic well being.

In the face of this opposition the Government has not been idle. The important task of harmonising OHS has continued. With my state and territory colleagues on the Workplace Relations Ministers’ Council, we have administratively established the Safe Work Australia Council and have asked the Council to commence drafting the model OHS legislation.

Despite the default position of the Opposition to oppose all Government efforts to improve Australia’s productivity and to assist the economy, we are still on track to deliver uniform OHS legislation by the end of 2011.

States, Territories, employers, workers and their families understand the importance of a single OHS system for Australia. They understand that the reform of OHS and workers’ compensation is too important to be stymied by the Opposition any longer. They understand that workers’ lives and the efficiency of our economy are at stake.

OHS and workers’ compensation reform will increase profitability and productivity and better protect the lives and health of Australians. This reform is clearly good for business, good for workers, and importantly good for the national economy when every ounce of effort by Australian businesses and workers is vitally important.

Veterans’ Affairs Legislation Amendment (Budget Measures) Bill 2009

I am pleased to present legislation that further improves the operation of Australia’s repatriation system. This is in line with the Government’s election commitment, demonstrated in successive budgets, to deliver better services and benefits to the ex-service community in Australia.

This Bill will introduce two Budget measures that will assist veterans, members and their dependants and improve the effectiveness of the Repatriation pension system. A third measure will assist members of the veteran and defence communities.

The first Budget measure will provide more convenient payment arrangements for Australian veterans, members and dependants who live permanently overseas.
Currently Veterans’ Affairs beneficiaries who live permanently overseas must have their Veterans’ Affairs payments paid into an Australian Bank account, often incurring relatively high bank fees when transferring money internationally. In comparison, most other Commonwealth beneficiaries who live in overseas countries with reliable banking systems can receive their payments directly into an overseas bank account. In 2008 the Prime Minister made a commitment to review this inequity for members of the Australian veteran community living overseas. This Budget measure will deliver on that commitment.

The second Budget measure will extend eligibility for the Defence Services Homes Insurance Scheme to persons eligible under the Defence Home Ownership Assistance Scheme Act 2008. The Defence Service Homes Insurance Scheme currently provides home insurance to eligible Australian veterans and members, peacekeepers and widows and widowers. This measure will extend eligibility for Defence Service Homes Insurance to those serving and former members and reservists eligible under the Defence Home Ownership Assistance Scheme, introduced in 2008. This extension will provide eligible persons with access to cost-effective insurance designed specifically for the service and ex-service community.

The final Budget measure will cease payment of an outdated dependants’ pension and will pay existing pension recipients a lump sum payment, equivalent to three years of pension.

Under previous Repatriation legislation, certain dependants of veterans or members on disability pensions were eligible for a dependants’ pension, at a rate which reflected the rate of disability pension paid to the veteran or member. The maximum fortnightly payments are $8.42 for partners and widows and $2.86 for children. The minimum payments are 84 cents and 29 cents respectively. This small pension has been virtually frozen for many decades and new grants of the pension ceased in 1985.

The purpose of the payment when it was introduced was to provide financial support to the dependents of veterans. Other Government programs, such as the partner service pension and social security payments, now provide this support more effectively.

The Government will pay a one-off payment equivalent to three years of payments to current recipients. Entitlement to the dependants’ pension will cease on 22 September 2009. We anticipate the lump sum payment will be made on 24 September 2009. The lump sum payment will be exempt from income tax. It should be noted that dependants’ pensions that were granted on the basis that the person was without adequate means of support are not part of this measure. I also want to make it quite clear that existing war widow and widower and orphan pensions are not affected by this measure.

With a pension of such relatively low amount, the value of which will continue to erode over time, a three year lump sum payment will be of greater use to many current recipients.

The Government is committed to maintaining and enhancing services and support to Australia’s ex-service community. This legislation continues the progression we have made since coming to government to ensure that the support available through the Veterans’ Affairs portfolio is effective and equitable.

Debate (on motion by Senator Ludwig) adjourned.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

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 12 August, on motion by Senator Faulkner:
That these bills be now read a second time.
upon which Senator Milne moved by way of amendment:
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”.

Senator Ryan (Victoria) (9.58 am)—I wish to briefly conclude the comments I was making last night with respect to these bills. The final comment I wish to make is with regard to the government’s abject refusal to discuss the contents of these bills and to consider negotiations with other parties and senators in this place. It represents the very height of arrogance for the government to continue to come up with excuses and reasons to avoid discussions and negotiations about the contents of these bills, because this place knows that negotiation improves legislation. Such significant reforms of our national economy, such significant legislative programs, are always improved by negotiation because they develop a national consensus. Similar changes to our economy in recent years have always been done with a national consensus.

Indeed, when the previous government introduced its historic tax reform it sat down with members in this place despite the then opposition’s refusal to countenance the mandate given to that policy. It sat down with people in this place and negotiated its passage through the Senate. It is the height of arrogance for the government to refuse to do so and it shows its contempt—indeed, its historic contempt—for such discussions and its historic contempt for the Senate.

As I said last night, this debate is about the legislation before us. It is about the government’s proposed CPRS. It is not about climate change and it is not about the science underpinning climate change. This legislation will cost Australian jobs, it will not achieve its stated goals and it represents a massive power grab and a massive tax grab by a government obsessed with its own spin and with increasing its role in our national life rather than listening to the genuine concerns of the Australian people. This legislation will be opposed by the coalition for those very reasons.

Senator Fielding (Victoria—Leader of the Family First Party) (10.00 am)—Until recently I, like most Australians, simply accepted without question the notion that climate change was as a result of increased carbon dioxide emissions. I believed the media when they told me repeatedly that human caused carbon dioxide emissions were to
blame for the changing temperatures on this planet. In fact, I listened to radical environmentalist groups when they protested about the damage we were causing to this earth and to our future generations.

I remember the enthusiasm surrounding former US Vice President Al Gore’s movie *The Inconvenient Truth*. In many ways it was the precursor to the obsession now with climate change. Climate change stopped being a topic of conversation only for scientists and radical green groups and suddenly became an issue discussed around the kitchen table. It was as if all of a sudden climate change hit centre stage and carbon dioxide was the main actor. Carbon dioxide was the new villain which needed to be caught and punished.

But all throughout this time one thing was missing, and that was genuine debate—debate on whether the science behind climate change as a result of human activity was even correct. The one question that needed to be properly explored was ignored. The crucial piece in the climate change puzzle was thrown to the side. Instead, scientific ambiguity was treated as if it were a fact. I am not saying that no-one ever questioned whether climate change was caused by something other than carbon dioxide emissions, but there are many experts who have called for a proper debate on the issue because of serious questions in the science which climate change alarmists have relied on. But until now the scientists who believe that carbon dioxide emissions are not the major driver of climate change have been labelled ‘sceptics’ and dismissed out of hand without real debate.

To question the science has meant public ridicule. To even question the science has carried a stigma and had you labelled as a sceptic. This is not a debate. Scientists who question the science behind climate change have been maligned in the media as fearmongers and backwards. Their views have been treated with contempt. Anyone who dares to so much as even question the issue of human induced climate change is shouted down and discredited. Free and fair debate, the very thing which we as a democracy thrive on, has been stifled on the climate change issue. I will be making a challenge to the media towards the end of my speech in the second reading debate.

When someone told me recently that carbon dioxide emissions have skyrocketed since 1995 but that global temperatures have remained steady I was dumbfounded. I seek leave to have a chart incorporated into Hansard. Each senator already has a copy of this chart. It is the chart that shows carbon dioxide going up and global air temperatures staying relatively the same. Each senator has seen that chart. I have distributed one to each senator over the last couple of weeks.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—It is actually difficult to incorporate a chart. It will be subject to the technical capability required for such an incorporation.

Senator FIELDING—I have had some advice saying that it is probably technically possible, but I will leave it to Hansard to work that out. It is a chart that has been circulated to senators.

Senator O’BRIEN (Tasmania) (10.04 am)—by leave—The government senators have seen this. We are not sure that it is technically possible for it to be reflected in Hansard. We would certainly consent to its being tabled, but at this stage we would like advice on capacity before we take the next step of conceding to incorporation. We will not grant that leave until we have that advice. We would be prepared to revisit it, but we would certainly grant leave to table it.

Senator ABETZ (Tasmania) (10.04 am)—by leave—I would suggest that we can
move on on the basis that leave be granted in the event that it is technically possible, and others more advised in these matters than senators will be able to make that determination.

The DEPUTY PRESIDENT—Senator Fielding, would you simply like to table the document?

Senator FIELDING—I seek leave according to the way that Senator Abetz has just spoken about—if it is technically possible then leave should hopefully be granted by the chamber for it to be incorporated and not tabled.

Senator O’Brien—We agree to that.

Senator MILNE (Tasmania) (10.05 am)—by leave—I would like some clarification. My understanding is that to date we have not had photographs, charts or anything else in Hansard. I would just like some clarification on whether at any stage any of us can move to incorporate photos, marks, charts or whatever. I would just like to clarify that because, if that is the case, it opens that up as an option for all of us. I just want to have clarity about that because I would be more than happy to have some charts put in Hansard myself. I would appreciate some clarification on what is normal procedure for Hansard in terms of incorporation of illustrative material.

The DEPUTY PRESIDENT—I am advised that, from time to time, things other than words have been incorporated into Hansard, but that happening is subject to technical ability. Yes, it has happened to a limited extent based on the technical capabilities. Are you objecting to leave on the condition that Senator Fielding sought?

Senator Milne—No.

The DEPUTY PRESIDENT—There is no objection to Senator Fielding seeking leave with that condition attached.

Leave granted.

The document read as follows—

![An inconvenient fact?](image-url)

CO₂ Concentration (ppmv) vs. Year

- Year: 1995 to 2010
- CO₂ concentration: 300 to 400 ppmv
- Global temperature anomaly: -0.5 to 0.5°C

Note: CO₂ measurements taken at Mauna Loa Observatory in Hawaii (in red, rising) plotted against Global surface temperature since 1995 (in red, steady and falling) taken from Hadley Centre and Climatic Research Unit of the University of East Anglia. These two sets of statistics are used by the IPCC in its reports.

www.stevefielding.com.au
Senator FIELDING (Victoria—Leader of the Family First Party) (10.07 am)—When someone told me recently that carbon dioxide emissions have skyrocketed since 1995 but that global temperatures have remained relatively steady, I was left dumbfounded. How could I, as a federal senator, vote for something that will carry such a high price for all Australians and have such significant consequences and not be able to answer such a simple question? If carbon dioxide is a problem, why have global temperatures not been going up as predicted in recent years?

I went out and spoke to a cross-section of scientists and quickly began to understand that the science on this issue is by no means conclusive. I even went on a self-funded trip to Washington to investigate further the science and facts behind climate change, and I listened to both sides of the debate. I heard views which challenged the Rudd government’s set of so-called ‘facts’—views which could not be dismissed as mere conspiracy theories but which were derived using proper scientific analysis. I went on a journey to discover the truth about climate change and it is a journey that other Australians have now also gone on, perhaps not in a physical sense but certainly in an intellectual sense. Take, for example, a letter I received recently from a constituent, Karyn, which states:

Thank you for standing up and asking questions of the government about climate science. You have convinced me to also investigate questions of climate science orthodoxy.

Over the past weekend these are some impressions that I garnered from searches and discussions. I have learnt that the standard of ‘peer review’ for climate science is poor if compared with ‘peer review’ for pharmaceutical/medical papers and genetic research papers. In these fields the science is expected to be repeated and so original data is freely available, methodology is clearly stated and the results are openly and vigorously debated.

I also learnt that the IPCC reports would not pass a ‘due diligence’ test if they were a business proposal seeking investors. On that basis I will keep an open mind and refuse to be bullied by fear and ridicule.

Once again Senator, thank you. Your actions spurred me out of complacency, thank you. Let’s hope the debate opens up and can be carried on in a respectful, enquiring way.

During my trip to the US I met not only with scientists who were questioning the science but also with climate change experts on the other side of the spectrum. This included members of President Obama’s administration who are driving the US’s climate change policies.

As an engineer, I have been trained to listen to both sides of the debate on the science in order to make an informed decision about climate change. Any scientist worth their salt will tell you that in order to form a conclusive view about any topic you need to properly explore all available possibilities. All of this is nothing more than basic due diligence. Most people who are going to buy a house will first do some simple checks to make sure that everything is okay. That is due diligence. They will check to see that the gas and electricity are working, that the water is running and that everything in general is in order. That might include getting experts to come along to conduct an inspection or asking some simple questions. How much more so, then, should we be engaging in a debate on the science of climate change when implementing an emissions trading scheme would cost the economy several billion dollars and hurt Australian families?

When I came back to Australia I had a meeting with the Minister for Climate Change and Water, Senator Wong; the Chief Scientist; and Professor Will Steffen. I put to them three questions about climate change. These were questions that I believed needed to be answered in order to establish that cli-
mate change is a result of human-made carbon dioxide emissions. They are three questions that every senator needs to be able to answer themselves. The questions were not designed to trick anyone. They were three simple questions which went to the heart of the climate change debate. The first question I asked was whether it is true that carbon dioxide increased by five per cent since 1998 whilst global temperature cooled over the same period and, if so, how can human emissions be to blame for dangerous levels of warming?

Quite simply, scientists for climate change have been declaring that it is carbon dioxide emissions which are driving up global temperatures. According to this logic, global temperatures should be increasing, not decreasing. However, since 1995, temperatures have remained relatively steady while carbon dioxide emissions have been going up rapidly each year. The minister and her team of scientists were unable to answer this question. They insisted on rephrasing my question and they gave me an answer that left me no more convinced than I was before I had started. Their response was that I should not pay attention to the trend in global air temperature, which has not been going up in the past 14 years as predicted, but that I should be looking at the heat content of the climate system. In particular, I should focus on the temperature of the ocean. All of a sudden, the temperature outside was no longer important; it was ocean temperature that I needed to be looking at.

Those same scientists, only several slides earlier in their presentation, had been harping on about the rise in air temperatures, and now they were telling me that this was no longer important. The same scientists who had even provided me with graphs of the changes in air temperatures were telling me that their own material was not an appropriate indication of the science. That is odd.

Most amazingly, those same scientists who were telling me that the answer to my question lay in the rising temperatures of the ocean had clearly not read their own IPCC report. If they had, they would have seen that one of the working reports accepted by the IPCC stated:

Limitations in ocean sampling imply that decadal variability in global heat content, salinity and sea level changes can only be evaluated with moderate confidence.

It further stated:

There is low confidence in observations of trends in the meridional overturning circulation.

What this means in laypersons’ terms is that the measuring and modelling of ocean temperatures is unreliable. Even Professor Steffen admitted that ‘we did not have good measures of ocean temperatures in the past’.

In effect, I was being asked to rely on data which the scientists themselves believed to be unreliable.

The second question I asked was whether it was the case that the rate and magnitude of warming between 1979 and 1998—the late 20th century phase of global warming—was not unusual in either rate or magnitude as compared with warmings that have occurred earlier in earth’s history. Furthermore, if the warming was not unusual, why is it perceived to have been caused by human carbon dioxide emissions and, in any event, why is warming a problem if the earth has experienced similar warmings in the past? What I was essentially told was that changes to the climate which had occurred in the distant past were not relevant to contemporary climate change. Apparently, it was irrelevant that we had had dramatic changes to the climate in the past, such as the ice age. This time it was different. According to Professor Steffen, past changes to the climate were triggered by natural events, such as changes from the sun and its level of solar irradiance.
However, for some strange reason, they refused to accept that any of these past factors could be the reason for climate change now.

The third question I asked was whether it was the case that all GCM computer models projected a steady increase in temperature for the period 1990-2008—whereas, in fact, eight years of warming were followed by 10 years of stasis and cooling. Furthermore, why is it assumed that long-term climate projections by the same models are suitable as a basis for public policy making? On this question I was assured by the scientists that the global climate models are getting better all the time and that even better models are in the pipeline. So the minister and her scientists basically conceded that the climate models which had been used to formulate public policy on this issue, and that will cost billions, were in fact flawed. So after emerging from this meeting and having also received a written response to my three questions, the fundamental question is: am I totally convinced that climate change is a result of human carbon dioxide emissions? I am not totally convinced. I am not sure how anyone can be convinced on the basis of the responses. I am yet to receive conclusive evidence that climate change is occurring because of human activity. At this stage there is far too much uncertainty over the science of the climate change issue.

However despite my concerns about the science, Australia may be forced to adopt an emissions trading scheme irrespective of the actual science of climate change. Why? Already an emissions trading scheme is up and running in Europe. The United States is still in its draft legislation stage and is still to finalise the details, and they will change. Most importantly, it is likely that the US scheme will ultimately end up with a type of tax on imports from high-carbon markets. Outrageous as it seems, an import tax is coming back in the US. A similar measure may also be introduced in Europe and other countries where emissions trading schemes are operating. Why is America doing it? Because they know it will cost jobs.

This will mean that in order for Australia to remain competitive on the global scale, an emissions trading scheme may be unavoidable. It is for this reason that I do not rule out voting for an emissions trading scheme of some kind. But I stress that we should wait until Copenhagen and that it is economically reckless to do so before that. However at this stage it is merely speculation. The details of what is happening around the globe are still very unclear. Most importantly, the details will continue to remain unclear until at least December, after Copenhagen. As a result, I cannot at this stage support the introduction of an emissions trading scheme in Australia.

An emissions trading scheme will have a dramatic effect on the Australian economy and on Australian households. The Rudd government has tried to sugar-coat its effects by saying that it will create a brand new low-carbon economy. However they have carefully disguised the most important aspect of this scheme. They have refused to call it what it really is. This emissions trading scheme is really a multibillion dollar tax on businesses and on Australian working families. Do not be misled. This tax will need to be paid by someone, and it will be millions of ordinary Australians who will end up footing the bill. It is a tax that will devastate industries across the entire economy and lead to thousands of hardworking Australians losing their jobs and being sent to the dole queue.

In the mining industry alone, it is projected that 23,000 fewer people will be employed in the sector by 2020 if an emissions trading scheme is introduced. That is 23,000 people with families to care for, with mortgages to pay and with hopes and dreams to
live for. It is not just a random number; it is one person plus one person plus one person—23,000 times. In places such as Latrobe Valley, where thousands of people are employed in the coal-fired electricity sector, communities will be shattered if an emissions trading scheme is implemented. Four out of five power stations could be forced to close down if the scheme is put in place.

State governments too will face a massive hole in their budgets as a result of the scheme and will be $5.5 billion worse off by 2020. That means less money for schools, less money for hospitals and less money for social services which so many Australians rely on. Australian families will also be hard hit under the Rudd government’s proposal. Electricity prices are forecast to soar, with households set to face a 20 per cent increase in their electricity bill. Council rates will be affected and will go up under the current plan. The Rudd government’s ETS has the potential to cripple our economy and send families, with their backs already against the wall, tipping over the edge.

It is therefore hard to comprehend the Greens saying that this scheme does not go far enough. Perhaps economic suicide has become a new vernacular of the Greens. The Rudd government has already delayed the introduction of the scheme, and there is no plausible reason why this vote cannot be delayed until after Copenhagen. Even the executive secretary of the United Nations Framework Convention on Climate Change, Yvo de Boer, said last week that it did not matter if Australia arrived in Copenhagen without a scheme in place.

Given this is the biggest decision since Federation, I challenge the television networks to give the science of climate change a fair hearing. We have seen various debates over the years on our television sets on the big issues affecting this country. But to date I am yet to see the scientists on both sides of the debate thrash it out on TV. It is an important issue for people to get their heads around. It is important to have that debate at the national level and to have the issue debated fairly and openly. This challenge is not exclusive to television networks either. I challenge the print media to run full-page unedited spreads in every capital city covering both sides of the debate from a science perspective on whether man-made carbon dioxide is the main driver behind climate change. For far too long those who have simply questioned the science have been shot down and dismissed in the media. Journalism is supposed to be about balance, but over the last few months this balance and fairness have been lost because the government’s propaganda machine has gone into overdrive. Fair and open debate is essential because this decision on the government’s CPRS will significantly affect ordinary Australians. As I have said, thousands of people will be made redundant by the Rudd government’s CPRS, while electricity prices will skyrocket by more than 40 per cent, not to mention local councils passing the buck on to ratepayers as councils’ costs rise.

I am happy to revisit the issue following the outcome of the Copenhagen conference. But until that time I cannot support a multi-billion-dollar tax on our economy when the government cannot even provide me with sufficient evidence to suggest that we need to be reducing carbon dioxide emissions at all in the first place.

Senator ABETZ (Tasmania) (10.23 am)—The Senate is currently considering the Carbon Pollution Reduction Scheme or an emissions trading scheme. There is no doubt that the Carbon Pollution Reduction Scheme Bill 2009 will have significant ramifications. It will be the biggest change to our economy ever driven by deliberate government policy. There will be literally tens of billions of dol-
lars worth of churn, and by that I mean the collection and redistribution of tens of billions of dollars in the Australian economy—and all undertaken by the government. This legislation will impact on every single grocery bill in this country. It will impact on every single power bill in this country. It will impact every single Australian. It is therefore absolutely vital that we examine this legislation very thoroughly and not rush it. It is therefore vital that we have free and open examination of the legislation, and if one undertakes that examination one realises the huge and fatal flaws within it; flaws that make it unacceptable to the coalition. But first let me briefly, wearing my hat as shadow science minister, make a few comments about the science.

I have engaged with scientists on, as most people would say, both sides of the debate. Can I say that to summarise the debate as only having two sides is not to understand it; I would say, with scientists on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism. It should welcome questioning. It should welcome probing. Can I simply say that I believe there are good men and women on all sides of the debate, because there are very many nuances, very many differences of opinion, even amongst those that have similar beliefs. So all I would say is that science in the past has welcomed, and should continue to welcome, scepticism.
But also, very interestingly, it will impact negatively on the recycling sector, something that every Australian is now actively engaged in. They believe that by being engaged in recycling they are making their own personal contribution to the world environment. I am sure all honourable senators got the letter from the Visy on 24 July saying the government’s proposed Carbon Pollution Reduction Scheme ‘will seriously disadvantaged recycling and leave the jobs and the recycling companies high and dry’. As they say, ‘... recycling is the simplest way Australians can reduce their carbon footprint, and 96 per cent of them already do it.’ So it is not very well thought out when recycling companies come to us with this sort of message.

But of course that is not the only area where people are seeking to make a difference for the benefit of the environment. Solar panels—what has the government done on that?

Senator Cash—Not a lot.

Senator ABETZ—Not a lot, indeed, Senator Cash. What have they done when people want to change the fuel used in their motor vehicle from petrol to LPG? We introduced the scheme, which is very popular. They have cut the rebate. If they were genuine about these matters they would be fully supporting recycling, fully supporting the solar sector and fully supporting the conversion of motor vehicles to LPG. But not so.

This government is so arrogant and so full of hubris that it will not even consider genuine alternatives. Frontier Economics has put out a very considered study. What was Minister Wong’s great intellectual contribution to their study? She rejected out of hand before she had sighted it. That is arrogance and hubris writ large. It is an indication that this government has a political agenda on this and not an environmental agenda. It is not willing to listen to any alternative approach.

Of course what hurts deeply is that the conservative side of politics, with the assistance of Senator Xenophon, was able to commission a report that came out and said, ‘We can do this in a greener, cheaper and smarter way, with 40 per cent less churn in the economy and for 40 per cent less cost.’

Why would you not at least read the report before condemning it out of hand if, as was claimed during the last election, global warming is the greatest moral challenge that we face and we need action now? Remember all that mantra? Mr Howard’s scheme that was only going to be introduced in 2011 or 2012 was immoral and irresponsible, and that is why we had to kick Mr Howard out of government. Guess what: this government has now deferred the implementation—until when? Until 2011, getting into the timetable that Mr Howard and the coalition were talking about.

Having said that, we have not closed our minds to the possibility of alternatives and we have been continuing to look at what is happening around the world, and there is no doubt that we as a nation should wait to see what happens in Copenhagen. The minister, with all her incantations and commentary in relation to climate change and the urgency of it, has been blown out of the water by the UN itself, because in a news article we had from Mr de Boer this comment:

Asked whether it mattered if Australia arrived in Copenhagen for climate change talks in December with an ETS in place

... ... ...

Mr de Boer replied:—

and this is a word that is often missing from the minister’s answers—

“Quite honestly, no”.

Did you hear that word ‘honestly’ in there? He said, ‘Quite honestly, no.’ That is the reality. The most expert man in relation to the UN scheme is saying that we do not need
this legislation before Copenhagen, completely and utterly debunking the nonsense of Mr Rudd and Minister Wong and of course now, the sidekick, Mr Combet.

And what has another country said in relation to this. The US Deputy Special Envoy for Climate Change, Jonathan Pershing, appointed by Barack Obama, said, ‘You can have a deal without having the legislation.’ Indeed this legislation’s implementation will be delayed until 2011 in any event, so why the rush before Copenhagen? It does not make any environmental sense and it makes no economic sense. Possibly it makes political sense if you are willing to play politics with this issue which, we have been told, is the greatest moral issue confronting our country.

But what does it say about a government that seeks to ride the horse of high morality and then play politics with it? That is what we are now being exposed to as this debate is getting into its final stages. You see, the discussion about the design, and that is what is so important here, is a discussion about Australian jobs, Australian wealth and, indeed, the world environment. Everybody concedes that it will not make one jot or tittle of difference to the world environment if Australia goes it alone. Why should we have in place a regime which would prejudice Australian jobs and see the wholesale export of Australian jobs, Australian wealth and Australian manufacturing to countries that do not have the environmental standards of Australia? What that means is that, instead of Australia producing, for example, in the zinc industry—and I have a zinc plant in my home state of Tasmania—about two tonnes of CO2 per tonne of zinc manufactured, it will be manufactured in China, where today they produce zinc at a cost of six tonnes of carbon dioxide per tonne of zinc manufactured. Is that what we really want for the environment? That is what will happen under this legislation.

This legislation is more extreme than the Waxman-Markey bill, the legislation of a major competitor of ours in world markets. We will be putting Australian manufacturing at a disadvantage in comparison to the European scheme and the proposed US scheme. That is why it is so vitally important that we make sure that whatever we do within this country dovetails, meshes, with whatever the rest of the world does, because if we do not we will see the wholesale export of jobs and a worse outcome for the world environment. Make no mistake about that. So if you are absolutely concerned about the environment and you look at this legislation, you have got to come to the conclusion that it will not deliver for the world environment that which it sets out to do, because you will have wholesale carbon leakage out of Australia into other countries that have not signed up to such a scheme.

I was able to be at a Carbon Sequestration Leadership Forum meeting in recent times—very interesting. It was great to see India there. But do you know who was missing? Brazil, Russia, China, South Africa—the list goes on. If they are not committed, China, for example, will increase their CO2 emissions within nine months by what we in Australia produce in a year. That will be just their increase. If we mug our economy with this scheme—and make no mistake; it will be a huge mugging of our Australian economy—I would at least want to see an environmental dividend delivered to the world. But the fact is, even if we mug our economy, we will not be delivering a dividend for the world environment; we will in fact be making it worse. That is why we as an opposition have said this legislation should be delayed until we have the option of seeing what is actually delivered at Copenhagen.
We have also said that a few fundamental principles need to be considered. Before going on to those fundamental principles, I remind honourable senators—and I make no excuse for this; I am very concerned, and the Frontier Economics study has shown this to be the case as well—that the major impact of the Carbon Pollution Reduction Scheme as proposed will be in rural and regional Australia. Where are your smelters? Where are your food manufacturers? Where are your cement plants? They are in rural and regional Australia. So there will be a greater adverse impact in rural and regional Australia.

I remind honourable senators as well that the state Labor governments, having funded the original Garnaut report—remember all that hoo-ha before the last election?—are now coming out with their own studies. You do not have to rely on the federal opposition for this; you can rely on state Labor premiers and territory Labor chief ministers to tell you that research prepared for them shows that 126,000 full-time jobs will be lost or forgone—in my own home state of Tasmania, some 2,000. This is what Labor premiers are saying, those who supported Mr Rudd and funded Professor Garnaut and then of course found out what the real cost would be.

So what is the coalition alternative? We have said that at all times we should keep Australian jobs, Australian wealth, Australian families and the world environment in sight. What does this legislation do? It mugs all of them. It fails on every single count. We say that an Australian emissions trading scheme should offer no less protection for jobs, small business and industry than the American ETS. We say that there must be an effective mechanism, such as a regular review by the Productivity Commission, to ensure that the Australian ETS does not materially disadvantage Australian industries and workers relative to American industries and workers. This is all perfectly reasonable, I would have thought, but it was condemned outright by the Minister for Climate Change and Water and Mr Rudd.

We say that we should ensure that an Australian ETS does not simply result in futile carbon and production leakage. Our industries should at least be on a level playing field with the US. We believe that fugitive methane emissions from coalmining should be treated in the same way as they are in the United States and Europe—and why aren’t they? As in the Waxman-Markey bill, agricultural emissions should be excluded from the scheme and agricultural offsets should be included. General increases in electricity prices should be no greater than in comparable countries. Electricity generators should be fairly and adequately compensated for loss of asset value to enable them to invest in new abatement technology. We want effective incentives, and there must be adequate incentives for voluntary action. Because the legislation does not cover off on all those matters, we as a coalition are determined to vote this legislation down.

Senator WONG (South Australia—Minister for Climate Change and Water) (10.43 am)—I thank senators for their contributions to the debate and the Senate for its consideration of the Carbon Pollution Reduction Scheme Bill 2009 and related bills, bills which are crucial to Australia’s economic and environmental future. At the outset and at the conclusion of this debate I would like to acknowledge the enormous amount of work that has gone into getting us to this point. I would like to thank my colleagues in the government for their commitment to tackling climate change, consistent with our election commitment. I want to thank my department, the Department of Climate Change, for their tireless work and the many dedicated officials across government who have played such important roles in developing Australia’s response to climate change.
and have served both governments, governments of both political persuasions, so professionally.

It is important to acknowledge the considerable work that was done, despite the lack of political will to do so, before the Rudd government was elected and before I had carriage of this reform. Work on emissions trading in this country has been going on for more than a decade. Prime Minister Howard received numerous reports on climate change and emissions trading before finally agreeing, before the 2007 election, to implement cap-and-trade emissions trading. So what we have been debating has actually had bipartisan support. Under the most conservative Prime Minister since Robert Menzies, there was bipartisan support for a cap-and-trade system—for what the Senate has been debating.

When I say we have been debating climate change, that might be somewhat generous. While many senators in this place have prepared thorough and researched contributions, you would have to say that some of the contributions in recent days have been very disappointing indeed. Some senators have been looking to the future, but others have resorted to fear and extraordinarily cheap shots. Let me quote just one, Senator Bushby, who said of me:

If she were allowed to, I suspect she would like to burn at the stake all who dare question the truth of the science behind climate change.

Senator Bushby and others, including Senator McGauran, who made similar remarks, really are letting their side down. Some senators have been looking to the future, but others have resorted to fear and extraordinarily cheap shots. Let me quote just one, Senator Bushby, who said of me:

If she were allowed to, I suspect she would like to burn at the stake all who dare question the truth of the science behind climate change.

Senator Bushby and others, including Senator McGauran, who made similar remarks, really are letting their side down. When they say that about me, what they are in effect saying is that all Australians who believe that climate change is a serious problem are extremists. I suggest these senators should look around behind them. Have a look behind yourselves. What they would soon see is that mainstream community opinion, just like mainstream scientific opinion, is simply not with them.

It has been more than a hundred years since the first realisation that the earth’s climate might be sensitive to atmospheric concentrations of gasses, creating a greenhouse effect. The IPCC’s fourth assessment report, the largest assessment of climate science ever undertaken, concluded that warming of the climate system is unequivocal and it is 90 per cent likely that this warming is caused by human activity. The impact that this is having on our environment and on our economy is not something we can simply brush aside. By the end of this century, climate change could see irrigated agricultural production in Australia’s food bowl, the Murray-Darling Basin, drop by more than 90 per cent. By mid-century, heat related deaths could increase by 5,000 a year. We know what this could mean if nothing is done for the rest of the world.

If senators want to take this huge gamble with our future, with the future of our children and those who come after us, they should explain it to the Australians who put them here. Those on this side of the chamber believe Australia’s future is worth too much to take that risk. Others have made extreme and scaremongering claims about the impact of this legislation—extreme claims about thousands of jobs. In many places, some who made these claims—and I notice one has just walked into the chamber—made them not because of a serious concern for jobs but in an attempt to gain credibility for their discredited ideas around the denial of climate change science.

What we know from the Treasury modelling is that under this scheme real wages increase, jobs increase, output increases, GNP increases and so does GDP. The Treasury modelling reminds us what we already know to be true from all the work that has been
done by others, including Professor Garnaut and Lord Stern, and that is that the costs of inaction are greater than the costs of responsible action now. The Treasury modelling also shows that economies that act early to reduce their emissions face lower costs than those that act later. Economies that defer emissions pricing become relatively more emissions intensive and eventually, when a global emissions price is introduced, they will face even higher costs. You know what? That explains why the world is moving. That explains why the world’s leading economies are moving.

Many senators have made reference to developments in the US and have urged the government to effectively photocopy the assistance that is offered under the current United States legislation. They say this is about protecting jobs. I again remind people of the facts. The Carbon Pollution Reduction Scheme, in the bills before the Senate, is already more generous in its treatment of emissions-intensive trade-exposed industries than the legislation which is before the United States congress. So if senators want a scheme that supports jobs by offering the right level of assistance to our industries while we transition to a low-carbon future then they should be voting for these bills. We have tailored these bills to Australia’s circumstances, just as the United States will tailor their bill to US circumstances.

One important thing that the bills in the US and here have in common is that they are both for a cap-and-trade system. In fact, this is what the world has in common, and last month’s G8 declaration made that clear. In implementing emissions trading, some countries are ahead of us and some are behind us. Many are gaining on us. People who look to the future understand that this is the new economic race—to develop low-pollution goods and services, to enable the world’s economies to grow while maintaining our environment. This is not a race we can win from the grandstand and we cannot win it from the commentary box. Australia did not sit back and wait for the full force of the global recession to hit us. We took early and decisive action, and the results of government action to stimulate our economy are clear. Climate change is no different. We have to give ourselves the best chance, which means starting the transition to a low-carbon future now and doing what is right in Australia’s national interest.

There are others in this debate who have made extraordinary claims about the impact on prices. Senator Macdonald, whilst claiming that climate change was not about delivering what Australia wants and engaging in a personal attack on me and others, claimed yesterday that electricity prices would increase by 200 per cent. His approach, I think, reflects an unfortunate tendency in this debate: if you do not like something, do not worry about the facts; just use whatever fact or figure you want in order to try and scare people. The fact is that electricity prices are likely to rise by about $1.50 a week in the first year of the scheme and $2.80 in the second year. The fact is that, to reflect this, the government is providing very significant assistance to low- and middle-income Australians.

We have always been upfront about the fact that tackling climate change will have an effect on prices, but we are not alone. Let us remember what Prime Minister Howard said: ... the idea that you can bring about changes that are needed and which many people have advocated, without there being any impact at all at any time on the cost to the consumer, is quite unrealistic.

It is quite unrealistic, but that is precisely what those opposite are trying to peddle to the Australian people. What Mr Howard was saying is that, fundamental to tackling climate change, those goods and services which
worsen climate change will cost relatively more than those which are low carbon. Despite the fearmongering from those opposite, the overall impact on prices is modest. The CPI impact is about 1.2 per cent over the first two years.

In this debate we have also had quite a lot of discussion about agriculture and the impact of the CPRS on agriculture. I do not know if those opposite have not read the bill or are simply being wilfully mischievous, because agriculture is already excluded from the scheme until at least 2015. It is not in the bills before the Senate, and I am not sure how we could exclude it any more. A number of senators have also made the erroneous claim that we are moving ahead of the rest of the world. Well, as I said, some countries are ahead of us, some are behind us and many are gaining on us.

Climate change policy is the one and only area where the Liberal Party have been consistent. Through their years in government and in opposition their efforts to divert and to delay have been consistent. Their most consistent mantra has been: ‘We should wait until after Copenhagen. We should not be rushing. We should see what the rest of the world is doing.’ The reality is—and I think Australians are aware of this—these excuses have nothing to do with taking stock at Copenhagen and have nothing to do with looking at what the rest of the world is doing; this approach is all about avoiding the hard decisions, debate and division inside the Liberal Party. That is what this position is all about.

Just three days ago, on the eve of this vote, the opposition released a new proposal produced by a consulting firm. It was an approach which would replicate the failed Canadian experiment, to the severe detriment of the Australian economy. Mr Turnbull described it as cheaper, greener and smarter. It is not cheaper to increase uncertainty across the economy. It is not cheaper to undermine investment and jobs by pretending that uncertainty does not matter. It is not cheaper to throw away opportunities to reduce carbon pollution in Australia. It is not cheaper to exempt emissions-intensive trade-exposed industries from playing their part in reducing carbon pollution.

There is nothing cost-effective about giving electricity generators so much assistance that they make windfall gains. There is nothing cost-effective about making low- and middle-income households worse off by undermining investment and jobs by pretending that uncertainty does not matter. It is not cheaper to throw away opportunities to reduce carbon pollution in Australia. It is not cheaper to exempt emissions-intensive trade-exposed industries from playing their part in reducing carbon pollution.

There is nothing cost-effective about giving electricity generators so much assistance that they make windfall gains. There is nothing cost-effective about making low- and middle-income households worse off by pretending that uncertainty does not matter. It is not cheaper to throw away opportunities to reduce carbon pollution in Australia. It is not cheaper to exempt emissions-intensive trade-exposed industries from playing their part in reducing carbon pollution.

There is nothing cost-effective about giving electricity generators so much assistance that they make windfall gains. There is nothing cost-effective about making low- and middle-income households worse off by pretending that uncertainty does not matter. It is not cheaper to throw away opportunities to reduce carbon pollution in Australia. It is not cheaper to exempt emissions-intensive trade-exposed industries from playing their part in reducing carbon pollution.

We are very concerned there is the potential for increased electricity demand to breach the national cap and for the government to then have to intervene and buy international permits ... this could put real pressure on future budgets.

So much for fiscal responsibility; so much for economic responsibility!

It is not greener to toy with a scheme that gives away the opportunity to deliver lower cost abatement in Australia than what is provided under the government’s scheme. It is not true to claim that to deliver an unconditional 10 per cent reduction by 2020 is greener when the government’s plan delivers cuts of as much as 25 per cent by 2020. And it is not smarter to avoid a decision today to allow Australia’s carbon emissions to continue to rise. It is not smarter to pretend this will not leave us isolated from the rest of the world and it is not smarter to undermine our transition to a low-pollution economy.

Opposition senators interjecting—

Senator WONG—I remind senators that this proposal still does not represent coalition
policy, and I hazard a guess to say that it is highly likely that it never will. I have said time and time again—and I will say it again in this place—the government will consider any serious credible amendment to these bills that is put forward in the national interest and that is put forward with the support of the opposition party room. I have made that offer time and time again, but there is not a single amendment on this enormous challenge. On this very substantial economic environmental reform, you have not had the wherewithal and the strength to put one single amendment before this chamber.

Opposition senators interjecting—

Senator WONG—There has been no policy from those who claim to be the alternative government. There is no recognition of the serious need to act now to preserve Australia’s national interest in the face of climate change.

Senator Cormann—It’s not too late to pull it and start again.

Senator WONG—There appear to be some in this place who believe Australia to be so irrelevant that what we do on climate change does not matter.

Senator Cormann—This is a dud scheme and you know it.

Senator WONG—Let me assure you that the world is watching.

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Order! The level of interjection from those on my left is becoming unsustainable. It is difficult for the minister to be heard. I ask that you accord her the respect of someone speaking on these bills.

Senator WONG—Thank you, Madam Acting Deputy President. As I was saying, there are some in this place who appear to believe that this nation is so irrelevant that what we do on climate change does not matter—well, you are wrong. Indeed, an article in today’s Wall Street Journal describes Australia’s action on climate change as a case study for where the action is overseas. To others who look to developed nations like Australia to take leadership on climate change and to the Australian people, who have made it clear that they want action on climate change, on behalf of the government I have one simple message: these bills may be going down today, but this is not the end. We may lose this vote, but this issue will not go away, because we on this side understand Australia cannot afford for climate change action to be unfinished business, and we will not let it be.

Other senators may fail to take the responsibility on climate change, but this government is not going to give up. We will press forward and on with this reform for as long as we have to. We will bring these bills back before the end of the year because it is the right thing to do. We will bring these bills back before the end of this year because it is the responsible thing to do. We will bring these bills back before the end of the year because we on this side understand we have to start the economic transformation we need. We will bring these bills back before the end of the year because, if we do not, this nation goes to Copenhagen with no means to deliver our targets. If we do not, the message to Copenhagen would be that Australia is once again going backwards on climate change.

This Senate is supposed to represent the Australian people. The question for every senator in this place who votes today for Australia’s carbon pollution to keep rising will be this: are you really doing what the Australian people want? Australians expect this government to deliver on climate change and Australians will expect the Senate to do the same—and it should. It is important for all of us to remember this: the chance for us
to avoid any climate change at all is gone; it is lost to us. What we do have is a window to lessen its impact. We have a window to reduce the risk, and that is a window of opportunity which is closing.

That is why we will bring these bills back. We will give this Senate the opportunity to do better. We will give this Senate the opportunity to do the right thing. We will give this Senate the opportunity to do what Australians expect it to do. That is what the Senate should do, because anything less shows an arrant disregard for the demands of Australians today and the inheritance of Australians tomorrow. I commend these bills to the Senate.

Question put:

That the amendment (Senator Milne’s) be agreed to.

The Senate divided. [11.06 am]

(The President—Senator the Hon. J.J. Hogg)

Ayes............. 6
Noes............. 66
Majority........ 60

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

NOES
Abetz, E.
Arbib, M.V.
Barnett, G.
Bilyk, C.L.
Bishop, T.M.
Boyce, S.
Brown, C.L.
Cameron, D.N.
Cash, M.C.
Collins, J.
Cooman, H.L.
Crossin, P.M.

Evans, C.V.
Faulkner, J.P.
Ferguson, A.B.
Fifield, M.P.
Furner, M.L.
Humphries, G.
Hutchins, S.P.
Joyce, B.
Ludwig, J.W.
Macdonald, I.
Mason, B.J.
McGauran, J.J.J.
Minchin, N.H.
O’Brien, K.W.K.
Payne, M.A.
Pratt, L.C.
Ryan, S.M.
Sherry, N.J.
Sterle, G.
Trood, R.B.
Wong, P.

Farrell, D.E.
Feeney, D.
Fielding, S.
Fisher, M.J.
Hogg, J.J.
Hurley, A.
Johnston, D.
Kroger, H.
Lundy, K.A.
Marshall, G.
McEwen, A.
McLucas, J.E.
Nash, F.
Parry, S.
Polley, H.
Ronaldson, M.
Scallion, N.G.
Stephens, U.
Troe, J.M.
Williams, J.R.
Wortley, D.

* denotes teller

Question negatived.

Original question put:

That these bills be now read a second time.

The Senate divided. [11.13 am]

(The President—Senator the Hon. J.J. Hogg)

Ayes............. 30
Noes............. 42
Majority........ 12

AYES
Arbib, M.V.
Bishop, T.M.
Cameron, D.N.
Collins, J.
Crossin, P.M.
Farrell, D.E.
Feeney, D.
Hogg, J.J.
Hutchins, S.P.
Lundy, K.A.
McEwen, A.
O’Brien, K.W.K. *
Pratt, L.C.
Stephens, U.
Wong, P.

Bilyk, C.L.
Brown, C.L.
Carr, K.J.
Conroy, S.M.
Evans, C.V.
Faulkner, J.P.
Furner, M.L.
Hurley, A.
Ludwig, J.W.
Marshall, G.
McEwen, A.
McLucas, J.E.
Polley, H.
Sherry, N.J.
Sterle, G.
Wortley, D.
NOES
Abetz, E. Adams, J. *
Back, C.J. Barnett, G.
Bernardi, C. Birmingham, S.
Boswell, R.L.D. Boyce, S.
Brandis, G.H. Brown, B.J.
Bushby, D.C. Cash, M.C.
Colbeck, R. Coonan, H.L.
Cormann, M.H.P. Eggleston, A.
Ferguson, A.B. Fielding, S.
Fifield, M.P. Fisher, M.J.
Hanson-Young, S.C. Humphries, G.
Johnston, D. Joyce, B.
Kroger, H. Ludlam, S.
Macdonald, I. Mason, B.J.
McGauran, J.J. Milne, C.
Minchin, N.H. Nash, F.
Parry, S. Payne, M.A.
Ronaldson, M. Ryan, S.M.
Scullion, N.G. Siewert, R.
Troeth, J.M. Trood, R.B.
Williams, J.R. Xenophon, N.

PAIRS
Moore, C. Heffernan, W.
Forshaw, M.G. Fierravanti-Wells, C.
* denotes teller

Question negatived.

BUSINESS
Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (11.17 am)—by leave—I move:

That the order of general business for consideration today be as follows:

(1) a motion relating to the Strategic Indigenous Housing and Infrastructure Program; and

(2) orders of the day relating to government documents.

Question agreed to.

FREEDOM OF INFORMATION
(REMOVAL OF CONCLUSIVE
CERTIFICATES AND OTHER
MEASURES) BILL 2008 [2009]

Second Reading

Debate resumed from 26 November 2008, on motion by Senator Faulkner:

That this bill be now read a second time.

Senator BRANDIS (Queensland) (11.18 am)—Part 7 of the Freedom of Information Act provides for categories of exempt documents. In respect of some of these categories—for example, documents affecting national security, defence or international relations and certain internal working documents—the current provisions of the act enable ministers to certify that disclosure of the document would be contrary to the public interest. An application may be made to the Administrative Appeals Tribunal only as to whether reasonable grounds exist for the exemption claim. If the AAT finds that reasonable grounds do not exist, the minister may then decide whether or not to revoke the certificate. If the minister decides not to revoke the certificate, he or she must table a notice of motion in both houses of parliament stating the findings of the minister on any material question of fact, the material on which those findings were made and the reasons for the decision. Subject to this, however, the issue of a certificate is a bar to access to the document and to any further external review.

The proposed amendments contained in the Freedom of Information (Removal of Conclusive Certificates and Other Measures) Bill 2008 will remove the power to issue conclusive certificates and provide for a full external merits review of a decision to exempt a document. Appeal to the Federal Court will be available from the decision of the AAT on a question of law. In addition, existing conclusive certificates will be revoked in the event that a new request for
access is made in respect of documents subject to a certificate. However the existing heads of exemption will continue to apply and the decision will need to be made as to whether exemption will be claimed.

Amendments are also proposed in relation to documents, the disclosure of which may damage national security, defence or international relations or which would disclose confidential foreign government information or cabinet information. In respect of that material, if the AAT intends to adjudicate on the merits of an exemption claim, it will be required to obtain expert evidence from the Inspector-General of Intelligence and Security.

There is also a proposed amendment to provide for exemption for material received by a minister from an intelligence agency. Currently the exemption only refers to material held by an intelligence agency and not to such material when it has been transmitted to a minister, although other heads of exemption could be claimed.

The coalition’s commitment to open, responsible government is well known. It was the Liberal Party which pioneered freedom of information legislation in Australia. The Freedom of Information Act, which this bill amends, is the act of a Liberal government—the Fraser government. It is a vital measure to ensure that government remains open, responsible and accountable for its decisions. While the availability of conclusive certificates was seen as a necessary control on the flow of information at the time the FOI Act was introduced, the coalition agrees that certificates have the potential to act as a brake on the process and that sufficient measures exist elsewhere in the act to ensure that genuinely sensitive information receives appropriate treatment.

Conclusive certificates were used very sparingly under the Howard government. On the information available, it appears that in the 11½ years of the Howard government only 12 conclusive certificates were issued. Records for previous Labor governments are very difficult to locate; however, it appears that 55 were issued in the period between 1982 and 1986 alone, during most of which time the Hawke government was in power.

The coalition, consistent with its historical commitment to freedom of information legislation and consistent with its established practice of being much more sparing than Labor governments have been in the issuance of conclusive certificates, will support this bill to abolish, save in the exempted categories, the conclusive certificate regime. I commend the Liberal senators on the Senate Standing Committee on Finance and Public Administration, which examined this bill. In their report they noted that the number of FOI applications received in 2007-08 declined by almost 30 per cent from 2005-06. Even so, the response time has lengthened. The proportion of requests responded to within 30 days declined by 12 per cent, while the proportion still awaiting a response after 90 days has more than doubled. Further, while the percentage of requests refused has remained constant, the proportion granted in full has declined by 12 per cent from 2006-07 and the requests only partially granted have correspondingly increased. Finally, despite the decrease in applications, the overall cost of providing freedom of information has increased by some 18 per cent. When the decline is taken into account, the average cost per application has risen by over 28 per cent.

The performance of the Rudd government on FOI, as in so many other areas of public policy, has demonstrably not matched its rhetoric. The true measure of the openness and transparency of a government is found in its attitudes and actions when it comes to freedom of information. Legislative amend-
ments, when there is need for them, are fine, but governments with their control over the information in their possession can always find ways to work the legislation to slow or control disclosure. That is the practice we are seeing now under the Rudd government, whose heroic proclamations of commitment to freedom of information are falsified by the objective evidence of their practice. The opposition supports the amendments.

Senator LUDLAM (Western Australia)  
(11.24 am)—The Australian Greens welcome the government’s decision to abolish conclusive certificates under the Freedom of Information (Removal of Conclusive Certificates and Other Measures) Bill 2008 but, strictly speaking, only as part of the broader reform package for Australia’s freedom of information regime. Many of the witnesses at the hearings held when the Senate Standing Committee on Finance and Public Administration considered this bill pointed out very strongly that these measures are really only sensible in the context of much broader reforms, and we look forward to those coming before the Senate.

It is very good to see this government showing a degree of leadership on what is clearly a very important issue—that is, commitment to the principles of openness and transparency. The previous government, perhaps most generously, could be said to have had a very mixed record in this regard. The Greens are very committed to open and transparent government at all levels. We have been promoting freedom of information reform in here for some time. We believe that creating a culture of openness at all levels of government is very important, indeed essential, if the Australian people are to have any faith at all in the laws that are made in our name. And it is a prerequisite to an effective democracy. At this point, I particularly acknowledge my Greens colleague Senator Bob Brown, who has been a very long term advocate of freedom of information reform.

Conclusive certificates, the measures we are dealing with specifically today, allow a minister to effectively circumvent freedom of information laws by barring access to a particular document. Without going into details of the process again, which I believe has been canvassed sufficiently so far, the process did give ministers a right to veto an external review. This, I think, was totally at odds with the purpose of having freedom of information legislation in the first place. So we share the government’s belief that it should not be preserved. We differ, however, when it comes to the status of documents that originate from a Defence or intelligence agency. This goes to the intent of the amendments which have been circulated in the chamber and for which I will be seeking the support of all parties.

Under the government’s new subsection 7(2B) a minister is exempt from the act, period, when dealing with documents that have originated from or been received by security and intelligence agencies. Obviously the Greens understand that certain documents originating in these agencies are sensitive in nature and have real consequences for our national security, defence, international relations and so on. We would not want to be seen to be diminishing those considerations. We recognise that these kinds of documents cannot necessarily be made public. However, section 33 of the existing Freedom of Information Act, which remains unamended by the provisions before us today, provides very clear exemptions to deal with these things so that national security and other concerns are not compromised by FOI requests. Under that section, documents that deal with these sorts of interests, and would be or could reasonably be expected to cause damage to these interests, are exempt. These protections already exist in the drafting of the original
act; so this protects documents when required in the national interest.

Like the Australian Press Council, who made a submission to the inquiry into this bill, the Greens do not believe that, simply because a document originated in a security agency, it automatically has implications for national security and therefore should be held behind a firewall of automatic exemption. In fact, many documents pass through any number of agencies, including some security and intelligence agencies, before they reach a minister. It is ludicrous simply to tick a box and say that if it has come through a certain department then it is in the national interest and should be excluded. There are instances when the public absolutely has a right to know and must know about the nature of documents that originated in security agencies. Most recently, under the former government, we saw the most appalling treatment of Dr Haneef. His visa revocation case dealt with inconsistencies between reports and threat assessments by different agencies. That information needed to be made public in the interests of accountable and transparent government. Of course, it was, and the rest is on the record.

It should be noted that this attempt to exclude security agencies from freedom of information is particularly worrying in the Australian context, and particularly now. This is a point that was taken up by Associate Professor Moira Paterson of Monash University Law School in her submission. We do not have a bill of rights in Australia in which the rights and freedoms of citizens are protected. We are vulnerable to our civil liberties being jettisoned in the name of national security, not necessarily in big, dramatic cases such as the case of Dr Haneef but in the slow creep and advance of these laws as they encroach into our rights and freedoms. The appalling treatment of Dr Haneef is probably the most recent case in point. If these agencies are not subject to public scrutiny, how can we ensure that they do not exceed their brief? How can we ensure that they do not throw our human rights out of the window in the name of national security?

It was put to me in a conversation with a very senior legal counsel who has worked on many of the terror cases where these sorts of laws might come into effect that the security intelligence agencies need to be tightly circumscribed under law and not be exempt from the sorts of provisions that we see under the Freedom of Information Act. This is partly to their own protection, so that the laws and the boundaries within which they operate are made clear. We must have a freedom of information regime that gives us the power to review the work of these agencies where possible, within the provisions as they exist to protect national security. We must have an FOI regime that gives us the flexibility to weigh the public interest in national security against the public interest in accountability and transparency because sometimes the latter will outweigh the former.

It is for this reason that we are moving the amendments to strengthen the government’s bill today. I believe that, if the government wants to come back with properly considered proposals for further exemptions for security agencies, that should certainly be considered and will be considered in good faith by the Australian Greens when the substantive reforms to the FOI Act come before us—whenever the government chooses to bring that forward. But we do not believe that these provisions belong in the FOI amendment bill that we see before us today. Under our amendments, section 7(2B) would be deleted, section 7(2A) would be amended and section 7(1) would be deleted. This has been proposed by the Australian Greens to ensure that we do not allow the pendulum to swing too far in favour of security at the ex-
pense of open, transparent and accountable government.

Senator XENOPHON (South Australia) (11.31 am)—I will make a brief contribution to indicate my support for the Freedom of Information (Removal of Conclusive Certificates and Other Measures) Bill 2008 [2009]. I note the concern about conclusive certificates and I welcome this bill. I would like to pay tribute to the work that Senator Ludwig’s predecessor, Senator Faulkner, did on this and also to the work that Senator Ludwig is continuing in relation to freedom of information reform. Clearly there were concerns about the abuse of conclusive certificates previously, and clearly this is a welcome development.

I note from my brief discussion with Senator Ludwig previously that there will be an opportunity to have a review after two years of the workings of the new, substantive FOI bill, including these provisions dealing with conclusive certificates. So I think that we do have some further safeguards built in to ensure that there can be adequate scrutiny of how this particular bill will operate and whether it needs to be expanded even further.

On the question of Senator Ludlam’s proposed amendment with respect to national security issues, I am inclined to support that for the simple reason that I believe that there are still adequate safeguards by having an appeal process and an ability to have it reviewed by a tribunal. The only concern I have is whether, if the tribunal needs to test issues that could well be sensitive national security issues, there would be a closed hearing. If the nub of the issue is that it is a matter of national security, rather than an administrative matter which cannot reasonably be said to be a matter of national security, there ought to be some flexibility in the court process.

I do not know whether Senator Ludlam’s amendment will get up. If it does, there may be some further consideration of how it would be implemented. But I think it is important that, in the context of this piece of legislation, there is change coming, and that is a good thing when it comes to improving FOI. I think that having comprehensive, thorough and open freedom of information laws is one of the key foundations of a democracy, and I see this legislation as being a real step in the right direction.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (11.33 am)—The Freedom of Information (Removal of Conclusive Certificates and Other Measures) Bill 2008 [2009] delivers on the government’s election commitment to remove the powers to issue conclusive certificates under the Freedom of Information Act 1982. Currently, if a conclusive certificate is issued, the Administrative Appeals Tribunal cannot undertake a full reconsideration of the decision to claim exemption. The passage of this bill will ensure that all exempt decisions under the FOI Act and Archives Act will be subject to full external merits review. The removal of the certificates power will therefore enhance public confidence in decisions about access to government information. The removal of the power to issue conclusive certificates does not mean that information that should be protected against disclosure will be released. Where an exemption claim properly applies to a document, the document will not need to be disclosed.

A number of measures in the bill will introduce procedural requirements to be observed by the AAT in the conduct of review proceedings for particular sensitive documents, namely documents whose release could damage national security, defence or international relations, or would disclose confidential foreign government information.
or cabinet information. These measures do not affect substantive rights of access to documents or records; rather, they are safeguards for the protection of particularly sensitive information in the conduct of AAT proceedings.

By the existing provisions in the FOI Act, intelligence agencies and the Inspector-General of Intelligence and Security are wholly excluded from the operation of the act, and documents in the hands of agencies are excluded if they originated with or were received from an intelligence agency or the Inspector-General of Intelligence and Security. The bill will in the same way exempt these classes of documents from the operation of the FOI Act when held by ministers. It is anomalous to treat intelligence agency documents differently when they are held by a minister.

In its report on the bill, the Senate Standing Committee on Finance and Public Administration—I thank the committee for the work it undertook to review the bill—made a single recommendation: that the Senate pass this bill. So I thank the chair and the senators who participated in that review of the bill. Since this bill was introduced into the parliament, the government has released draft legislation for public comment to fulfil the rest of its election commitment on FOI reform. The draft legislation, together with this bill, constitutes the most significant overhaul of the FOI Act since its commencement in 1982. While the repeal of the powers to issue conclusive certificates is just one initiative among many in the government’s broader FOI reform package, it is an important step in making government more open, accountable and transparent. In closing the debate on this bill, I also thank those who participated in the second reading debate. Although there were not many, I do understand that the bill has broad support to pass.

Question agreed to.
Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator LUDLAM (Western Australia) (11.37 am)—by leave—I move Australian Greens amendments (1) and (4) on sheet 5792 together:

(1) Schedule 1, page 3 (after line 6), after item 1, insert:

1A Subsection 7(1)
Repeal the subsection.

(4) Schedule 1, page 13 (after line 28), at the end of the Schedule, add:

36 Division 1 of Part I of Schedule 2
Repeal the Division.

The chamber probably understands the intention here. Given that the minister is still with us, I would firstly like to put a question to him. Perhaps I misunderstood the statement that he made in his closing remarks, that the agencies that we are concerned with here are already completely exempt from the Freedom of Information Act, and therefore the amendments that I am putting are redundant. Minister, could you just clarify that for us.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (11.38 am)—If I say ‘yes’, does that clarify it? The answer is yes.

Senator LUDLAM (Western Australia) (11.38 am)—It is certainly a clarifying statement, but I remain somewhat confused. In the example that I raised in the case of Dr Haneef, documents were sought from intelligence agencies via freedom of information and were found to not compromise national security and were therefore released, at least in part, into the public domain.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (11.39 am)—The simple answer is that they
were not from intelligence agencies, as I understand it. I am happy for the record to be corrected. It seems to me that you are confusing intelligence agencies and policing agencies. We are talking about intelligence agencies, not policing agencies, with respect to the amendment.

**Senator LUDLAM** (Western Australia)
(11.39 am)—Thank you, Minister. I think it will come down to a specific reading of the definition as such, because often the line between the two is particularly blurry as, for example, in the cases of ASIO and the AFP. Also, in an administrative sense, there is the sort of work that Senator Johnston did over a reasonable period of time in unearthing the facts behind the SAS pay scandal. It was an extraordinary amount of work and eventually led to the situation being rectified. Those people were lucky that they had senators in this place who were willing to go out and unearth that information, but, if that were not the case, freedom of information requests may well have been made of the department. Minister, could you clarify for us whether FOI requests of that nature, which are purely administrative and do not relate to national security, would be caught by the amendment that you are moving today.

**Senator LUDWIG** (Queensland—Special Minister of State and Cabinet Secretary)
(11.40 am)—In response to that, dealing with both (1) and (4) together, the government does not accept the amendments moved by Senator Ludlam. The effect of item (1), effectively together with item (4), is to repeal the existing exclusion from the FOI Act that applies to some intelligence agencies and a limited number of other bodies, which includes the Auditor-General and the Australian Government Solicitor. If it is the intention of the Greens to apply the FOI Act to all intelligence agencies, then the amendment does not actually achieve that. I am not sure that I really want to provide you with the opportunity to correct it, either! The amendments do not cover the exclusion of Department of Defence intelligence agencies, which are prescribed for the purpose of subsection 7(1)(a) of the FOI Act. The way your amendment has been structured does not include all the intelligence agencies.

The government does recognise, though, if we go to the nub of the issue, that strong justification is needed to support wholly excluding agencies or classes of documents from the operation of the FOI Act. A total exclusion will be justified where the functions of the agency would be compromised by right of public access to information they hold. That is clearly the case for intelligence agencies. Intelligence agencies cannot realistically be expected to carry out their functions with the same level of transparency ordinarily expected of administrative action. Intelligence agencies remain accountable through special measures such as the Joint...
Standing Committee on Intelligence and Security and the inquiry power of the Inspector-General of Intelligence and Security.

In addition, the joint 1996 Australian Law Reform Commission and Administrative Review Council *Open government* report recommended that intelligence agencies should remain excluded from the operation of the act. That was recommendation 74. We are provided with that comfort. We looked at the original *Open government* report. In its reasons, the review observed that, if an intelligence agency were subject to the FOI Act, the vast majority of their documents would be exempt. Without going into any great detail, I will cease at that point, but, for all the reasons I have articulated, we are not supporting the amendments.

Senator BRANDIS (Queensland) (11.44 am)—I indicate on behalf of the opposition that the opposition does not support these amendments either. It is our view that it is necessary to have some limitations on the removal of conclusive certificates appropriate exemptions in relation to these agencies and, for essentially similar reasons to those expressed by the minister on behalf of the government, the opposition will be voting against these amendments.

Question put:

That the amendments (Senator Ludlam’s) be agreed to.

The committee divided. [11.49 am]

(The Chairman—Senator the Hon. A.B. Ferguson)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noes</td>
<td>41</td>
</tr>
<tr>
<td>Majority</td>
<td>35</td>
</tr>
</tbody>
</table>

AYES

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

NOES

Back, C.J. Bernardi, C.
Birmingham, S. Boyce, S.
Brown, C.L. Cameron, D.N.
Cash, M.C. Collins, J.
Crossin, P.M. Feeney, D.
Fielding, S. Furner, M.L.
Kroger, H. Lundy, K.A.
McLachlan, J.E. Parry, S.
Polley, H. Ronaldson, M.
Stephens, U. Williams, J.R.

* denotes teller

Question negatived.

Senator LUDLAM (Western Australia) (11.53 am)—I indicate at this point, for the benefit of the chamber, that I do not intend to call a vote for the following two amendments. Firstly, I move Australian Greens amendment (2) on sheet 5792:

(2) Schedule 1, page 3 (after line 6), after item 1, insert:

1B Subsection 7(2A)

Repeal the subsection.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (11.53 am)—The government does not support this amendment. The effect of item 2 is to repeal the existing exclusion from the FOI Act that applies to documents in the possession of non-intelligence agencies that have been received from the intelligence agencies and the Inspector-General of Intelligence and Security. The purpose of this exclusion is to provide for consistency in the application of the FOI Act to a document of an intelligence agency or the IGIS. Intelligence agencies and
the IGIS are now wholly excluded. Intelligence agencies cannot realistically be expected to carry out their functions with the same level of transparency ordinarily expected of administrative action. As a class, though it is the document, these documents could be expected to be almost all exempt if an access application were to be made. The government believes a strong case exists for wholly excluding intelligence agencies and their documents, both in the hands of agencies and ministers for the operation of the FOI Act. It is otherwise to ensure consistency in respect of a document.

Senator BRANDIS (Queensland) (11.54 am)—The opposition opposes this amendment. It strikes me as more than curious that the Greens would think there should be, in freedom of information laws, equal coverage of the documents of security agencies, which, by their very nature, are necessarily kept secret, and other categories of government documents. Plainly, the documents and information embodied in documents obtained by national security agencies by their very nature must be kept secret. There are very sound national security reasons that everybody understands why that should be so. To treat them as being in a similar category to general government information is a nonsense. For those reasons, the opposition concurs with the government’s opposition to this amendment.

Senator LUDLAM (Western Australia) (11.55 am)—I did not intend to speak on this provision because I believed it would probably fail. Actually, that has been made abundantly clear at this point. It is consistent with the first two amendments that we moved. I have been listening carefully, and I would put to the minister, or Senator Brandis if he feels like he would like to comment: where are these amendments inconsistent in any way with the existing provisions of the Freedom of Information Act that provide that for a number of legitimate reasons documents will be exempt on grounds of national security and so on? I simply do not accept the fact that the amendments that we are moving today will harm or compromise national security or the work that these agencies are doing, and so I am really puzzled as to why the government is running these arguments that we are somehow intent on compromising national security when that is patently not the case. We are not going anywhere near the existing provisions in the act which guarantee that documents which may be germane to national security or similar matters should be exempt.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (11.57 am)—The short answer is, I think, what I said at the beginning, which was that the effect of item 2 is to repeal—that is, what you are intending to do is repeal the existing exclusion from the FOI Act that applies to a document in the possession of a non-intelligence agency that has been received from the intelligence agency. So the intelligence agency is or could be the originator of the document that is exempt, and because it is in the possession of a non-intelligence agency it should continue to hold an exemption. The purpose of this exclusion is to provide for consistency in the application of the FOI Act to a document of an intelligence agency or the IGIS. It would be odd not to think that, quite frankly. I am not saying that you think that, Senator Ludlam, but this item, in my view, misses the intention of what you are trying to achieve. It means that intelligence can continue to do their work with the exemption and provide information or documents to non-intelligence agencies and continue to have the understanding that the documents would be exempted to facilitate their work.

Question negatived.
Senator LUDLAM (Western Australia) (11.58 am)—The Australian Greens oppose schedule 1 in the following terms:

(3) Schedule 1, item 2, page 3 (lines 7 to 18), item TO BE OPPOSED.

We oppose item 2 of the bill, which would insert the subsection 7(2B). The Greens oppose this proposed subsection, which would allow a document in the possession of a minister to be automatically exempt from operation of the Freedom of Information Act when it has originated with or been received from defence or security agencies. Regardless of the government’s protestations that this subsection is merely to correct an anomaly, I believe this subsection in effect is an expansion of the exemptions from the existing act, which we opposed in our previous set of amendments. I commend this amendment to the Senate.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (11.59 am)—I understand that Senator Ludlam believes that it is not an anomaly. It does rectify an anomaly. The effect of the measure that the government proposes in item 2 of schedule 1 of the bill will be to exclude a document from the FOI Act that is held by a minister and has been received from or has originated with an intelligence agency. The purpose is to have the policy that applies now to non-intelligence agencies apply to ministers, which is what I highlighted previously in amendment (2). It would not be logical to treat intelligence agency documents in the hands of ministers differently to when these documents are in the hands of agencies.

The government believes there is a strong case for wholly excluding intelligence agencies and their documents—both in the hands of agencies and ministers—from the operation of the FOI Act. It would otherwise mean ministers would then not be able to view those documents on the basis that an anomalous position could arise where ministers, not being exempt, would then have an FOI request placed on them for those documents. The document may then be otherwise subject to the FOI provisions.

Senator BRANDIS (Queensland) (12.01 pm)—The opposition agree with the government on this matter. We believe that the provision is appropriate in its current form and will oppose the amendment.

The TEMPORARY CHAIRMAN (Senator Mark Bishop)—The question now is that schedule 1, item 2 stand as printed.

Question agreed to.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (12.02 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

EXCISE TARIFF AMENDMENT (2009 MEASURES No. 1) BILL 2009 [No. 2] CUSTOMS TARIFF AMENDMENT (2009 MEASURES No. 1) BILL 2009 [No. 2]

Second Reading

Debate resumed from 23 June, on motion by Senator Wong:

That these bills be now read a second time.

Senator CORMANN (Western Australia) (12.03 pm)—When this 70 per cent tax hike on ready-to-drink beverages was first announced by the government, it was presented
as a key measure in the fight against binge drinking. This was supposed to address alcohol abuse and alcohol abuse related harm in the community, in particular among young people. The reality is that this legislation was never about that. This tax hike was never about fighting binge drinking. It was never about addressing alcohol abuse related harm in the community. This was always a tax binge to deal with the Rudd government’s binge spending and binge debt. The hollow-men, the spin doctors, in the Rudd government that were looking for a way to sell a tax grab, to make it palatable to the public, thought the best way was to dress it up as a health measure.

We have had this debate earlier this year and we went—in some great detail—through all of the arguments as to why this is not an effective way to address binge drinking in the community. I say to the responsible drinkers of RTDs across Australia: the Rudd government wants to make you pay for and to make you contribute to their spending binge. They want you to pay to help address the financial mess that they have got our country into. In particular, I say to the responsible young people of legal drinking age who perhaps prefer the RTD beverages to some of the other alcoholic products available: this government wants you to help pay for their binge spending and their binge levels of debt. Young people are really the victims of this government across many areas. Young people are the victims of this 70 per cent tax hike on RTDs. They are the victims of the student tax grab that is being pursued by this government. And they are the people that will have to pay back the incredible levels of debt that are being mounted up under this government for decades to come.

When this measure was introduced, there was no health target. There was no performance measure alongside it to determine how, and by how much, the level of alcohol abuse related harm in the community was to be reduced. There was no measure whatsoever to give us some sort of target to measure whether it had been successful in helping to address alcohol abuse related harm in the community. There was only one target, and that was a fiscal target: the government wanted to raise $3.1 billion in additional revenue.

As I have mentioned, the government thought, ‘How do we sell this?’ The spin doctors came up with a great idea: ‘Let’s send out health minister Nicola Roxon and let’s ask her to sell it as a health measure.’ This is yet another area in which the Minister for Health and Ageing operates as the propaganda minister for Treasury to sell a good old-fashioned—or, rather, a bad old-fashioned—Labor tax grab on behalf of the government by dressing it up inappropriately as a health measure. Why do I say this is not an effective health measure? Well, there was no evidence to start off with that this would be the appropriate way to deal with this. Why is it that whenever there is a serious problem in the community the only way Labor think they can address it is by introducing a new tax or a tax hike? If they did want to address it through taxation, what they should have done—and this is what all the public health experts said before the relevant Community Affairs Committee inquiry—was make a hard decision. If Labor really wanted to address it through taxation, they should have made a hard decision and explored the opportunity of introducing volumetric taxation on alcohol. They know that if you really want to use taxation as a vehicle to help address alcohol abuse and alcohol abuse related harm in the community, then you have got to have in place a tax system that encourages people to go for lower alcohol content beverages rather than higher alcohol content beverages. Of course, in that context, this measure before us goes exactly in the wrong di-
rection. This measure actually increases the tax on a comparatively lower alcohol content beverage and it makes more lethal alcoholic beverages comparatively more attractive.

If the Rudd government had gone to the authoritative data from the Australian Institute of Health and Welfare, the national body with the most authoritative data on levels of alcohol consumption and levels of drug use and abuse across the community, they would have seen that the drink of choice for male binge drinkers, the drink of choice for male problem drinkers, is beer for all ages; that is, from 14 years up. The drinks of choice for female binge drinkers are spirits and liqueurs, up until the age of 29, and white wine, for those 29 years of age and over. So, even by looking at the data of the most authoritative source, the Australian Institute of Health and Welfare, you note the government should have been able to see that by targeting ready-to-drink beverages they were actually targeting the wrong drinks. The international evidence was also very clear that this was also not going to be an effective way of addressing binge drinking. In jurisdictions where this had been tried before all of the negative flow-on consequences that we predicted did actually happen.

We had two Senate inquiries into this. One of them was after this measure had been in place for 12 months, as we wanted to see whether the government had any evidence at all that this 70 per cent tax hike on RTDs had been successful in reducing alcohol abuse or alcohol abuse related harm in the community among young people in particular. There was none. There was no evidence at all. The only thing that the government were able to tell us was: ‘The sales of RTDs have gone down, which was why our revenue estimates have collapsed. Our revenue estimates have collapsed and so sales have gone down, so this is evidence that there is less binge drinking.’ But they cannot say that at all because they have got absolutely no idea of who is drinking less. All they know is that, yes, in the first year of this 70 per cent tax hike, the sale of RTDs went down. They have got no idea of who is drinking less and of whether they are problem drinkers or responsible drinkers drinking less. They have got no idea of whether problem drinkers are the ones who have actually substituted to the more lethal, stronger spirits. They have got no idea of whether younger people are now substituting with stronger spirits, the more lethal drinks. They have no data whatsoever.

In fact, what we pointed to at the time was Treasury modelling which indicated that as of 1 July 2009 the sales of RTDs were expected to go up again. Sure enough, that is exactly what is happening. As we said in March, when the Senate defeated this measure when it was first presented, the sales of RTDs are going up again. Let us go back through the government’s logic. When this was debated in March they were trying to tell us that sales of RTDs are down and that means consumption is down and that must mean that binge drinking is down. The sales are now going up again! Overall sales of alcoholic products across Australia are now higher than they were when this measure was first introduced. So does that mean that the government, by their own logic—the logic that they presented to us—now concede that binge drinking is up; because sales are up, consumption is up so binge drinking must be up? It is not a reasonable argument and I readily grant you that because we do not know who is drinking more. It could well be that responsible drinkers are drinking more and are drinking more responsibly. We would not have a clue.

The point I am making is that clearly from the outset this was never a health measure. It was trying to address in a simplistic way what is overall a very complex problem. Alcohol abuse and drug abuse are very com-
plex social issues which we as a parliament ought to address seriously with a comprehensive, strategic approach that is well considered and based on the evidence. An ad hoc tax measure, an ad hoc tax grab which is the only thing that Labor ever seem to come up with when faced with a public policy challenge, is not the answer particularly when it has the sorts of flow-on consequences that this measure has very clearly had.

I raised in the debate in May, when we were looking at the consequences of the Senate’s defeat of the measure in March—and this is a very serious issue that I think the parliament will have to consider moving forward—that this measure was first introduced as a tariff proposal on about 27 April 2008 and tariff proposals are a very important administrative tool for government. It is important for a government to be able to introduce and announce revenue measures with immediate effect. There is an important proviso attached to that: those tariff proposals have to be validated by parliament. They have got to come to the Senate and we have got to have a vote on them. Normally that happens very soon after a particular proposal has been introduced by the government. On this occasion it took the government nearly 12 months. They waited until the last possible minute to introduce it. Why? I suspect the government were in doubt as to whether they had a majority on the floor of the Senate. They were concerned that on bringing this particular tariff proposal to the parliament the chances were it would be defeated. And so it was. The tariff proposal to increase the tax on RTDs by 70 per cent was defeated. The Senate rejected it. It did not have the support of the parliament.

Irrespective of that, the government continued to collect the revenue for another month and a half. There is argument that, because the tariff proposal was in place for 12 months, the government was able to do that. However, where I really am seriously concerned and where I will, along with my colleagues, explore all possible avenues to see this addressed is when the government turns around after that first 12-month period is out of the way and re-introduces the exact same tariff proposal in clear defiance of the express will of the parliament. The Senate, clearly taking the view that it would not be practical to return the $340 million that had been collected over the first 12 months of this measure, having rejected it in March, made a decision in May, which we had flagged we would support, to validate the revenue collected so far, making it very clear that we would not be supporting the continuation of that tax hike moving forward. The Senate, the parliament, had expressed its view. It had rejected the measure put forward by the government to increase the tax on ready-to-drink beverages by 70 per cent and, in complete defiance of the parliament, the government turns around and introduces a tariff proposal implementing the same measure again for a further 12 months. If this were allowed to stand, the government could go on and do this year in, year out. If this is a valid way for the government to act under current legislation, then I think the parliament has to very seriously consider ways in which it can ensure that the government takes note of, follows and acts on the decisions made by this parliament. Why would the parliament have to validate the tariff proposal if once it rejects that proposal the government can just turn around and say, ‘Thank you very much for that, but we will just go ahead and continue to do the same anyway’?

In concluding on behalf of the opposition, this was very bad public policy from the start. It is an ad hoc tax grab which has the potential to make things worse in terms of alcohol abuse related harm in the community, because it has the potential to encourage younger people to go for the more lethal
spirits and mix them rather than for the pre-
mixed, comparatively lower content alcohol
products. It is a measure that was never
based on the evidence. It is a bad, old-
fashioned Labor tax grab. It is part of Labor
trying to address its binge spending and its
binge debt. It was never based on the evi-
dence when it was first introduced. It was
sold as a health measure as part of a political
strategy to sell a tax grab to the public; ‘Eve-
rybody surely is going to support this if we
are doing it as part of our fight against binge
drinking,’ was how the strategy went. This
was the political strategy of the government.
But there was no evidence that this would
work that way at the start, there was no evi-
dence after 12 months in operation, and we
now know that the sales of RTDs are on the
up again and, by the government’s own ar-
guments two or three months ago when we
last discussed this, this must mean, according
to the government, that binge drinking is on
the up again.

We are obviously in the situation now
where this government has taken our country
from a circumstance of no net public debt
and a $22 billion surplus to a circumstance
where this year we are looking at a $58 bil-
lion deficit and $315 billion of debt. In that
context there is only one reason why the op-
opposition, despite this being a very bad public
policy measure, will not oppose it —
and that
is because of the financial mess the Rudd
government has taken this country into. The
financial mess that we find ourselves in to-
day is the only reason the opposition will not
be opposing this legislation. But let there be
no doubt —this is a tax grab. The government
dishonestly sought to sell it as a health
measure for political purposes. There was no
evidence that this ever was going to be effec-
tive from a health point of view when it was
first introduced, there was no evidence that it
would be effective after the first 12 months
of operation, and we can now very clearly
see that the sale of alcohol products overall
is on the increase and that the sale of alco-
hol — RTDs in particular — is on the increase
again. This measure has failed, and from that
point of view we think that the government
should have a very, very serious look at the
way it is approaching this very serious social
issue across our community.

Senator SIEWERT (Western Australia)
(12.19 pm) — The Australian Greens have
maintained a consistent position throughout
this debate on ready-to-drink beverages. We
have had a clear policy position: we were
focused on harm minimisation; we were fo-
cused on a policy position where we agreed
we needed to reduce the influence of alcohol
on our culture; and we needed particularly to
protect our young and vulnerable and to offer
help and support to those in need. Our posi-
tion is evidence based and is consistent with
that advocated by doctors, public health ad-
covates and drug and alcohol experts. We
have developed our position in close consul-
tation with such organisations.

We support, in principle, taxation meas-
ures that increase the cost of those activities
that are incurring a cost for society, cause
people harm and do damage to our environ-
ment. Such measures send a clear price sig-
al about these things — that these activities
are undesirable — and they also of course
provide a source of revenue which can and,
this is very important, should be directed to
reducing that harm. We all know what alco-
hol abuse is doing and the cost of alcohol
related harm to our community in Australia.
The consistent estimate is that alcohol abuse
is costing around $15.3 billion a year to our
community. There are also those — myself
included — who think this is an underestimate
because it does not include the costs you
cannot put a price on such as the impact of
domestic violence on families and the harm
and stress caused to the families of those
suffering from alcohol related harm.
Alcohol delivers to the Commonwealth approximately $7.1 billion a year in customs and excise—that is, before the introduction of this additional excise on RTDs, which it is estimated will bring in $1.6 over four years or $400 million a year. We believe that the government needs to be spending much more of this money on preventing alcohol related harm, reducing its impacts and helping those who are suffering. We have the evidence of what works to reduce risky consumption of alcohol. In fact, it also relates to issues such as tobacco and junk food. In this case, we are talking about alcohol. However—and we have held this position consistently—price in itself will not work. A price mechanism alone does not work. All the national and international research on this clearly highlights that you need to be taking a comprehensive approach in dealing with this issue. This is the approach the Greens have been advocating and pursuing the entire time of this debate.

I must point out to the coalition, who keep saying that there is no evidence that price mechanisms work, that they have not been reading any of the national or international literature. In past debates on this issue, I have quoted many pieces of research. But I will provide one quote from a recent statement by the Royal Australasian College of Physicians, which said:

A 2009 review of 112 studies found that higher taxes and prices led to reduced consumption of alcohol, both for overall consumption and for measures of heavy drinking. In particular, young people’s drinking was very sensitive to price because their discretionary income is relatively small. A recent World Health Organization expert committee report concluded:

Policies that increase alcohol prices have been shown to reduce the proportion of young people who are heavy drinkers, to reduce underage drinking, and to reduce per occasion binge drinking. Higher prices also delay intentions among younger teenagers to start drinking and slow progression towards drinking larger amounts.

That is from national and international studies. While I agree with the coalition that we should be looking not just at ready-to-drink beverages but also at the overall issue of alcohol consumption and make this part of a comprehensive approach to binge drinking and alcohol related harm, we also need to look at alcohol products. That would be a much more consistent approach to dealing with alcohol related harm and would solve some of the issues that we have been talking about, such as alcohol substitution.

One of the issues to do with RTDs that is particularly important and one of the reasons why the Greens support this measure is that RTDs are particularly focused on young people. There is absolutely no denying that these products are focused on young people. They are colourful and they are sweet. They are designed to introduce young people to drinking. That is the nature of the product. They are trying to get people to drink earlier in life, to start them drinking. One of the reasons for the sweetness, as I have said in this place before, is that when you are younger you reject the taste of alcohol. Sweetness masks the taste of alcohol but gets you drinking. Then, in the view of some people in the industry, you can move to other forms of alcohol. That is why the Greens believe that it is particularly important to focus on RTDs. Having said that, we believe that there needs to be an overall approach to the pricing of all alcohol substances as part of a comprehensive approach to the problem of binge drinking and alcohol related harm.

This comprehensive approach includes the tackling of the very sensitive issue of the alcohol sponsorship of sport and phasing that out, and I will come back to that; stopping alcohol advertising to children; taking a tougher approach to the alcohol fuelled bad behaviour of some of our well-known public
identities; mandatory warning messages on all alcohol advertising and at point of sale; requiring prominent, hard-hitting warning labels; and, investing in early identification, counselling and rehabilitation. That is what all the public health advocates, doctors and drug and alcohol experts say we need to be doing—in other words, taking a comprehensive approach.

We do not believe that it is acceptable for the Commonwealth to apply a tax, thinking that that is all they need to do to address alcohol problems. I recognise that the government has some preventative health measures in place that relate to alcohol. We have clearly said—and I will state it again—that we do not think that they go far enough. We believe that it is absolutely imperative that we take this much more comprehensive approach.

There was some media very recently, and Senator Cormann mentioned this, around a recent increase in the sales of RTDs. The Greens believe that is a clear indication of why we need a comprehensive approach and why this excise should be part of a package of measures. Other nations have introduced the concept of a minimum price for alcohol. We believe the government needs to look at that as part of a comprehensive approach.

The Greens have said to the government that, while in principle we support this measure, we believe it needs to be tied to a much more comprehensive package. That is why we negotiated, along with Senator Xenophon, a package of measures which starts to address the issues around sponsorship of sport, mandatory warnings, warning labels and social marketing and provides a hotline to help with early identification and counselling. We thought that was at least a step in the right direction towards developing a comprehensive approach.

We know that there are very clear ties between alcohol related harm and binge drinking and sponsorship of sport. We believe a plan needs to be put in place that starts to substitute some other type of funding for alcohol sponsorship of sport. We need to promote public health messages, working with local clubs and community organisations to provide them with a choice in order to replace alcohol sponsorship. We need to identify and support champions and advocates who can talk about the effects of alcohol related harm. We need look no further than to some recent unfortunate incidents associated with the Australian cricket team and some of our football teams and the ruined sporting careers of some sporting heroes because of alcohol related harm. People say that we should not be interfering with alcohol sponsorship of sport, that it is not really having that much of an impact. Unfortunately, that is not the case. Research has clearly shown that there is a link.

You only had to look at Ricky Ponting on TV talking about the unfortunate incident that led to having to send one of our Australian cricket team members home. He was sitting there with a cap with ‘VB’ on it and with a VB symbol on his shirt. He was talking about the impact that alcohol had had on the cricket team, yet here they are sponsored by an alcohol company and he cannot make a statement about the problems that alcohol has caused without actually having the logo of one of the Australian alcohol companies on his clothing. That sends an extremely poor message to our community. We have to break those links. Australia led the way in breaking those sports sponsorship links between tobacco and sporting activities and we need to be doing the same with alcohol.

The government, as part of taking a more comprehensive approach, has agreed to take a very small step. It will be setting up a fund to which sporting organisations and clubs
can go, on a voluntary basis, to try and start breaking that link between alcohol sponsorship and sport. We need to be very clearly changing the messages that we are sending to our children and to our community. That links to advertising, where we need to be stopping the showing of alcohol advertising to children and where we need to be making sure that we have mandatory warnings with alcohol advertising on TV, in the print media and at the point of sale. It is very important that the impact of alcohol related harm and the impact on personal health are highlighted to people consuming alcohol. We also need to be dealing with labelling issues and making sure that we have strong and effective labelling on alcohol products.

We also need to be making sure that we are actually collecting data. I believe that decision makers and policy makers do not have access to adequate data to enable them to look at what measures are proving effective. We need to be making sure that all states and territories are collecting alcohol sales data from licensees, that emergency departments are collecting adequate and appropriate data and that it is standardised across the country. During the Senate inquiry, it proved exceedingly difficult to get access to standardised and effective data. We need to make sure that we are getting access to appropriate data from the police on the relationship that alcohol is having on incidents the police have to deal with. We believe these data collections could be enhanced by an early warning monitoring system which regularly accesses data on consumption and harm among sentinel groups of young people at risk across Australia. There is clearly a lot of further work that we need to do on data collection.

We also believe it is very important that we establish early identification and support services—to develop and research early identification referral services for at-risk drinkers and so maximise the benefits of early intervention, particularly for young drinkers. As I said earlier, we need to very clearly identify the impacts of alcohol across our society. We have absolutely no doubt that just dealing with RTDs is not going to deal with the overall issue of alcohol related harm in Australia. However, it will go a long way and it will go a long way to addressing alcohol related harm to young people.

We believe we need to have early intervention nurses in emergency departments and referral resources for police, schools and courts. We need a single national drug and alcohol hotline number to connect individuals, their families and friends to existing state and territory drug and alcohol services. We need joined-up services offering a client focused approach to referral, treatment and rehabilitation in a timely manner. We need more resources for counselling and rehabilitation throughout Australia. This is a particularly important point in a comprehensive approach. We need to be making sure that we are offering those rehabilitation services.

We also need strong social marketing campaigns. There are already some programs. The government will be contributing more resources to social marketing. These need to be well targeted, hard-hitting messages focused not just on young people, although you need to be making sure that particular messages are appropriately focused on the particular demographic group that you are trying to get your message through to. We obviously need an evidence based approach and we believe it needs to be done by an independent authority—that is, no industry involvement. We need to be using that to promote the alcohol hotline.

In conclusion, we believe that it is absolutely essential that Australia deals with the impact of alcohol related harm. We need to be dealing with the $15.3 billion worth of
harm it causes Australia. We need to be focusing on some of the revenue that the government makes out of the consumption of alcohol—over $7 billion. We need to be allocating a greater proportion of that to address alcohol related harm. We need our program to address alcohol related harm to be comprehensive. We need it to be addressing licensing, advertising, sponsorship, social marketing and access to alcohol. We need the program to be addressing that comprehensive approach. All the national and international research shows that. We need to be taking an overall approach to alcohol.

This is one measure that must be (a) part of a comprehensive approach but (b) the first part of addressing the issues around alcohol pricing. Alcohol pricing works as a comprehensive approach, but it does not work just for RTDs; it works for all forms of alcohol consumption. If we are going to try and reduce the level of substitution—and the report of the Senate Standing Committee on Community Affairs showed that there had been some substitution, although the overall level of alcohol consumption had dropped—then addressing price across the board on alcohol products could also address that issue of substitution.

We also need to mandate advertising controls, because quite obviously the current system is not working. I have articulated this issue in the past. I am very disappointed with the approach that the industry chose to take to the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] and to the Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2], and to this measure. They actively sought to undermine the measure by putting on excessive advertising over this issue and then offering alternative, cheaper products and encouraging substitution. While the industry made a big deal of the substitution, they actively encouraged that substitution. So the data on substitution unfortunately cannot be relied upon, because of the active campaign that was put in place by the industry to encourage substitution by focusing particularly on this measure.

So we will be supporting this measure. The government have given us a commitment they are still prepared to fund the package of comprehensive measures that the Greens and Senator Xenophon negotiated previously with the government. We think that is a step in the right direction in terms of taking a comprehensive approach to dealing with alcohol related harm and dealing with RTDs in particular. So the Greens will be supporting this measure and appreciate the government’s commitment to the package of measures that we negotiated with them.

Senator BIRMINGHAM (South Australia) (12.38 pm)—Sometimes this place has a tendency to feel a little bit like groundhog day. Today is one of those instances, not just because we started the day, for the third day in a row, with the CPRS legislation but because we find ourselves back here once again today debating a flawed piece of government legislation that the Senate has already dealt with appropriately, by knocking it back at that stage. It is unfortunate that we are here again looking at this government’s alcopops bills, the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] and the Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2], which quite clearly are nothing more than a tax grab. It is disappointing to be back here again having to do this, because this is a narrow measure—a narrow measure that really does not do what the government claims in terms of striking at the heart of abusive drinking or drinking at risky levels. Instead, it is about revenue, pure and simple.

My colleague Senator Cormann summed up the many arguments against this measure and the approach taken by the government,
in great detail and very eloquently, and I do not wish to go over those arguments again. Suffice to say it is the case that this measure will pass. That, too, is disappointing. But what has changed since these bills were first considered by the Senate, of course, is the fiscal situation of the country. Frankly, we now know that the Rudd government need the money—pure and simple. They need the money, they need the cash, from this measure. That is why it is likely to pass, why the debate has changed and shifted in the months since the bills were first rejected. It is disappointing that Australia is in this position, thanks to the profligacy of the Rudd government—their excessive spending, the way they have thrown money away left, right and centre.

These bills are a sign to Australians of what they will face in the years to come, because the only way Labor’s debt will be paid back will be through higher taxes. Higher taxes on alcopops, higher taxes on every part of Australians’ lifestyle and work life, will result from the government’s debt binge, because that is the only way it will be paid off: higher taxes and/or lower services—less for health, less for education, less for the environment. That is the result that we are likely to see.

But I do not wish to dwell on the overall aspects of this legislation. I want to focus particularly on one part, which I raised in my speech last time, which I raised in the committee stage and which I raised with the government. It relates to the shoddy drafting of some of the changes that were meant to capture ‘malternatives’, things that snuck in as a result of the initial introduction of the alcopops tax and tried to take advantage of other tax rates for other alcohol products. In particular the issue I raised previously was that of ginger beer, representing a constituent of mine in South Australia, Angove’s Family Winemakers, who have been makers of ginger beer for a long time. They make the Stones Ginger Beer product, a product with a history dating back hundreds of years. It has been made to the same formula, with the same ingredients and processes since the 1700s. Ginger beer is not a product that is causing widespread alcohol abuse in Australia. I have heard nobody argue that it is. It is incredibly disappointing that the government has failed to listen to those concerns.

It is disappointing because this was raised in the committee report into this legislation back in March. The committee noted at the time that Minister Roxon, in introducing the amendments, indicated that the government was prepared to make further changes to the proposed definitions in the event that any unintended consequences were identified. The Department of the Treasury confirmed in its appearance before the committee that it would consider the particular issues raised by Angove’s Family Winemakers. The committee went on to express its belief that, should there be any further amendments to the new definitions, the government would be mindful of not creating further loopholes but would consider these concerns. The government-dominated committee seemed to believe that this issue could be addressed. Indeed, the supplementary explanatory memorandum made it clear that the amendments were not designed to affect the taxation of conventional products. Well, nothing is more conventional, nothing is more historical, than a product like ginger beer. So it is of great disappointment that the government has not listened to this concern. I raised it during the committee stage of the last debate with the then parliamentary secretary, Senator McLucas, on 17 March. Senator McLucas said:

We are in continuing discussions with your constituent … We understand that he is producing a product legitimately and it is a quality product.
He is not trying to get through a loophole as some of the other producers have tried to do.

Sadly, those discussions have led nowhere fast. And Angove’s Family Winemakers finds the same bills presented, with the same terms, with the same catch that will ensure that they get caught out. That, frankly, is an unfair slug on an innocent producer of an innocent product. Whatever the merits or otherwise of the rest of this debate, I urge the government to pause, to take the time over the next few hours, during the likely pause in debate on this legislation, to think about bringing in some amendments to ensure that Angove’s are protected, to ensure that ginger beer is taxed as it should be—as a beer. That is the market it competes in. That is the market it is up against. Its taste profile, with a strong ginger element, is such that there is no way it is competing with alcopops. It does not have, as the brewers call it, ‘sessionability’, which in a sense is a phrase for those who might binge, who might consume to a great extent. I urge the government, and plead with the minister, to go away, talk to Treasury and get these changes in place.

Debate interrupted.

FINANCIAL SECTOR LEGISLATION AMENDMENT (ENHANCING SUPERVISION AND ENFORCEMENT) BILL 2009

Second Reading

Debate resumed from 15 June, on motion by Senator Faulkner:

That this bill be now read a second time.

Senator COONAN (New South Wales) (12.45 pm)—I speak on the proposed Financial Sector Legislation Amendment (Enhancing Supervision and Enforcement) Bill 2009 and confirm that the coalition supports this bill. I will address a few comments to it briefly. The purpose of the bill is twofold: firstly, to make APRA responsible for the supervision of what are called non-operating holding companies—otherwise known as NOHCs—of life insurers; and, secondly, to harmonise and strengthen the regulators’ powers to seek court injunctions under a range of acts, including the Banking Act 1959, the Insurance Act 1973, the Life Insurance Act 1995 and the Superannuation Industry (Supervision) Act 1993.

Prudential regulation of non-operating holding companies and related corporate groups was a recommendation from the HIH royal commission. It was also identified in the Wallis report that the former coalition government commissioned in 1997 and acted upon. With the passage of the bill, APRA will be able to seek a consistent and comprehensive range of injunctions from the Federal Court of Australia, and this power will apply to authorised deposit-taking institutions—otherwise known as ADIs—and to general insurance, life insurance and superannuation.

The bill is aimed at ensuring that, where life insurance companies are part of large corporate groups, they are not exposed to risks that stem from other companies within the group. As these risks may affect policy holders, the parent of the non-operating holding company will become subject to APRA’s prudential supervision. The objectives of the bill are consistent with international agreements on prudential supervision of systemically important financial institutions. Following the Wallis inquiry and the HIH royal commission, APRA was given regulatory oversight of ADIs and of general insurers, and this particular bill continues the former government’s work by bringing the non-operating holding companies of life insurers within APRA’s bailiwick.

There was, however, an important matter, which I will just mention, raised during the coalition’s consultation phase with industry into this bill. Many APRA directions are not
subject to a merits review process. APRA’s power to issue directions without merits reviews is used to prevent borrowing, prevent the payment of dividends, and remove directors and senior managers—all very significant matters for listed companies. So we have come to the view that there may be some value in considering having a universal merits review process for all of APRA’s directions. If there were processes for merits review available on all of the directions, it could enhance natural justice, improve prudential regulation in our country and instil greater confidence in stakeholders across industries in working with the regulator. Such a merits review would have the added advantage of allowing the regulator and regulated entities to better understand the practical implications of such directions and indeed whether such directions were necessary.

I reinforce that the coalition support this bill, but we do ask the government to have a look at this and to work with us and industry stakeholders across the entire Australian financial services field to consider whether a widened merits review capability is warranted. With those comments, I commend the bill.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (12.49 pm)—I thank the senators for their contributions to this important piece of legislation, and particularly Senator Coonan’s most recent remarks. The Financial Sector Legislation Amendment (Enhancing Supervision and Enforcement) Bill 2009 enhances Australia’s prudential regulatory framework by ensuring that APRA can effectively supervise life insurance in non-operating holding companies, or NOHCs, which can have a significant impact on the conduct and financial health of life insurance companies.

The scope of the regime introduced by this bill is closely modelled on the existing regulation of the NOHCs of general insurers and authorised deposit-taking institutions. The measure is consistent with insurance core principle ICP 17 of the International Association of Insurance Supervisors on group-wide supervision.

Also, the bill ensures that injunctions are an effective tool to enforce financial entities’ compliance with prudential requirements. The amendments will give APRA flexibility to respond to a range of circumstances relating to the financial health of an entity in a timely and appropriate way. I note that the Senate Standing Committee on Economics has recognised that in the current economic environment the government may want to act promptly to fill gaps in the prudential architecture. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

THERAPEUTIC GOODS AMENDMENT (2009 MEASURES No. 1) BILL 2009

Second Reading

Debate resumed from 15 June, on motion by Senator Faulkner:

That this bill be now read a second time.

Senator CORMANN (Western Australia) (12.51 pm)—The opposition supports the Therapeutic Goods Amendment (2009 Measures No. 1) Bill 2009, which is part of the ongoing reform of the Therapeutic Goods
Act introduced under the Howard government and delayed by the withdrawal of New Zealand from the development of a joint regulatory arrangement in 2007. There has been general support by industry for the principles underlying this bill, however with the proviso that the support is conditional upon thorough and ongoing industry consultation moving forward. That seems to be a little bit of a theme coming through in relation to these sorts of bills.

The bill makes a number of amendments to the Therapeutic Goods Act, including in relation to the ability to suspend goods from the register, the individual licensing of manufacturing sites, increased monitoring for safety and quality and also changes to the treatment of homeopathic and anthroposophic preparations. As I have already mentioned, the opposition supports this bill as part of the ongoing reform process in relation to the Therapeutic Goods Act.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (12.53 pm)—In concluding this debate can I say that, as mentioned in the second reading speech for this bill, this bill amends the Therapeutic Goods Act 1989 in a number of ways. Schedule 1 enables medicines to be suspended from being made available in Australia where there are concerns that are able to be corrected in the period of the suspension. This complements the suspension provisions, which are currently available under the act, for medical devices.

The second set of changes will clarify the issuing of manufacturing licences so that they cover only one site and will enable licences to be varied and transferred to another manufacturer, which is currently not possible. The bill also enhances the existing monitoring powers in the act to ensure that full inspection of premises can occur, and that any relevant samples and recordings can be taken to support the maintenance of high standards for therapeutic goods in Australia.

Schedule 4 of the bill sets out a new framework for the regulation of homeopathic and anthroposophic medicines. The new framework will commence in July 2011 to allow time for this industry sector to prepare to comply with the requirements and to ensure further consultation can occur to inform the necessary changes to the regulations giving effect to the details of the framework.

Schedule 5 of the bill enables the minister to determine ingredients that are permitted and those that are prohibited, from being included in listed medicines. Schedule 6 makes amendments to references in the act to orders published in the Gazette and disallowable instruments, to clarify that these are legislative instruments for the purposes of the Legislative Instruments Act 2003.

Finally, Schedule 7 makes a number of minor amendments to improve and clarify the operation of the act. Most significantly this schedule provides more transparent arrangements for the setting of conditions on therapeutic goods. The schedule also makes other improvements, including ensuring the ongoing quality of medicines that are manufactured overseas. The government intends to make further amendments to the regulatory regime for therapeutic goods, later in the year, particularly to establish a new regulatory framework for biological therapeutic products. The government is committed to ensuring that the regulatory arrangements for therapeutic goods in Australia continue to meet the needs of Australians to have access to safe and effective therapeutic goods. This bill continues that commitment, and I commend the bill to the Senate.

Question agreed to.
Third Reading

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (12.56 pm)—I move:

That this bill be now read a third time.

Senator XENOPHON (South Australia) (12.56 pm)—Before this bill is agreed to I want to put on the record, briefly, some concerns that have been expressed to me and concerns I share in relation to this bill. There are concerns, from those who practice in the field of complementary medicine, that this bill may impose an unfair impost upon them—that it may put them at a significant disadvantage for no discernible health benefit for Australians. I will quote from Alan Stubenrauch, the Federal Vice President of the Complementary Medicine Association, who, on behalf of the association has written to me about this. He has said:

The association is concerned that if some complementary medicines which pass a certain threshold of harm become listed as medicines under the TGA they will be put out of reach to the professional naturopath and put solely into the hands of other health professionals such as doctors who may not have the depth and hours of training and experience in the safe use of these medicines that professional naturopaths have.

The association goes on to say:

We believe that the way to control any potential risks posed by these complementary medicines is to ensure that they are prescribed by qualified and experienced practitioners educated in the uses, benefits and contraindications of these complementary medicines. And clearly these professionals are properly qualified naturopaths. To maintain public safety we must ensure the public’s ability to differentiate between a properly qualified naturopath and someone who has not had sufficient training to safely administer these medicines.

These are concerns shared by homeopaths and other complementary health professionals. The association goes on to say:

The only way to ensure this is to urgently pursue the establishment of a properly administered national register of qualified naturopaths, and ideally statutory registration for the profession of naturopathy, thus protecting and limiting the title of naturopath to practitioners who are fully qualified in that science.

The association goes on to say that they believe that there ought to be further consultation in relation to this and that they believe a specific committee made up of qualified complementary medicines practitioners would be able to advise the minister and to ensure that the public has the greatest degree of security and safety in relation to this. I think those concerns from homeopaths that I have spoken to are mirrored by practitioners I have spoken to in the last few days.

Val Johanson, the Principal Consultant of Johanson and Associates Consulting has also written to me expressing her concerns. She makes the point:

Australia is one of the few countries in the world that regulates these natural products as medicines subject to strict pharmaceutical manufacturing standards. Canada has established a regulatory system for natural health products that is separate from both food and medicines. In the US and New Zealand they regulate most supplements under food law and last year New Zealand did not agree to adopt the Australian system for regulating supplements as medicines despite a treaty between the two countries to establish a joint office for regulation of therapeutic goods. Switzerland has recently—May 2009—become the first country in Europe to provide authority in its constitution for complementary medicines to be taken into consideration in the public health system.

She goes on to say:
The original intent of the regulation of natural health care products in Australia was to provide a risk based system of control over the safety and quality of these products—a light touch approach that reflects their very low risk. The ongoing evolution and implementation of the Australian regulatory system has resulted in an industry that is hamstrung and hobbled by inappropriate and excessive regulation and escalating costs.

That sums up the tenor of her concerns.

We should also remember what occurred in the Pan Pharmaceuticals case, where there were very significant adverse health outcomes resulting from a batch of products from Pan. This is a very serious concern and something that was well publicised at the time. But what I find interesting is that there was subsequently a very significant payout by the Commonwealth—the result of a judgement against the Commonwealth—for $50 million. It awarded $5 million in costs to Mr Selim, the owner of Pan Pharmaceuticals. I think that the way that matter was handled is indicative of some of the problems with the administration. It was handled in such a way as to effectively destroy a business and went over and beyond the appropriate concerns about health and other matters.

I cannot support this legislation. I understand that it will be agreed to, but I want to put on record my concerns. I, along with millions of other Australians, benefit from complementary medicines, and I think there are some real concerns that there may be some undue regulations that go beyond the appropriate concerns about the health and safety of these products and that will hamstrung this particular industry without any discernible public benefit.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (1.01 pm)—I thank Senator Xenophon for his contribution. I assure Senator Xenophon that the government has consulted very extensively with homoeopathic and anthroposophic practitioners and suppliers on an appropriate level of regulation of those substances and that this bill provides a framework for standards for homoeopathic medicines; it does not set out a new regulatory burden. The schedule does not come into effect until 2011, which allows time for broader consultation and for the industry sector to prepare to comply with the framework. So there will be plenty of time to continue our consultations and to ensure that the legislation delivers what we want to have in Australia, which is a framework for therapeutic goods that continues to meet the need of Australians to access safe and effective therapeutic goods.

Question agreed to.

Bill read a third time.

EXCISE TARIFF AMENDMENT (2009 MEASURES No. 1) BILL 2009 [No. 2]
CUSTOMS TARIFF AMENDMENT (2009 MEASURES BILL No. 1) BILL 2009 [No. 2]

Second Reading

Debate resumed.

Senator XENOPHON (South Australia) (1.03 pm)—These bills—the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] and the Customs Tariff Amendment (2009 Measures Bill No. 1) Bill 2009 [No. 2]—feel a little bit like Groundhog Day. I can indicate that I again support this legislation.

I note the undertaking given by the minister to me, Senator Brown and Senator Siewert, in a letter of 17 March of this year, to provide an additional $50 million worth of funding for further measures to combat binge drinking; a fund to provide sponsorship to local community organisations that provide sporting and cultural activities as an alterna-
tive to other forms of sponsorship; community level initiatives designed to tackle binge drinking; enhanced telephone counselling services and alcohol referrals; and a possible expansion of the existing social marketing campaigns. Further, there are a number of measures that the government indicated it would be taking, including, for the first time, the pre-vetting of alcohol advertising. I would be grateful if the minister could provide confirmation of the fact that there will be pre-vetting of advertising by an expert panel for the first time. These are important matters.

I note that the sales of so-called alcopops have rebounded, despite the excise increase, according to an article in the West Australian of 8 August. Could the minister comment on the Nielsen data that indicates that the sector has bounced back to an extent but that it still appears to be significantly reduced from what it was before this increase. The Senate inquiry into this also indicated that there has been an overall reduction—albeit a marginal reduction—in the number of drinks sold, in terms of the total volume of alcohol, even with the issue of substitution. So this is not a magic bullet. I have never said that of this particular tax. For the government to say that it was a health measure in itself is a tad disingenuous, but it is fair to say that providing extra funding for health measures on top of the $50 million that has been agreed to between my colleagues in the Greens, me and the government and for those programs to have the effect that I and others believe they will have in winding back the serious problem of binge drinking.

_Senator EGGLESTON_ (Western Australia) (1.06 pm)—The government claims that the alcopop tax was introduced to reduce binge drinking in teenagers, but, as I have said many times, if the government were genuine in this endeavour, rather than an increase in tax focused on a preferred drink of young people, the broader issue of alcoholism in the Australian community would have been addressed.

If a tax were introduced, I would suggest a volumetric tax be put in place on alcoholic drinks, whereby drinks would be taxed according to the percentage of alcohol they contain. A low-alcohol content drink would have a low tax and would thereby be cheaper, and a high-alcohol content drink would have a high tax and would thereby be more expensive.

_Senator Cormann_—Hear, hear!

_Senator EGGLESTON_—Thank you very much, Senator Cormann, for agreeing with that proposition. There is no doubt at all that alcoholism in Australia has a huge impact on our society. There is a horrendous social cost and also a huge cost to industry in this country. The social costs include: the impact on families of domestic violence, marital disharmony and breakdown; a huge cost to the social services budget in looking after people claiming social security as a result of breakdowns in marriages, unemployment; and so on. Then there are the long-term and more subtle effects such as underachieving children who are the victims of alcoholic parents and broken marriages.

As we know, there is a huge impact of alcoholism in Indigenous communities. We have read about what has been happening in
the Northern Territory and in the north of Western Australia, in towns like Fitzroy Crossing, Halls Creek and Kalumburu, over the last year or so. Alcoholism is in fact wrecking those societies. I have attended three or four public meetings in Halls Creek over the years I have been in the Senate to discuss possible solutions to the problems alcohol has caused in the Indigenous population of that town. Until recently there was no good news, but when I was in Halls Creek in July I was told by the police that the ban on takeaway alcohol had resulted in a marked decrease in charges for domestic violence and assault. That is some progress but more is needed from government to solve the sad impact of alcohol on Indigenous people.

Many years ago I attended a seminar that BHP ran in Port Hedland, where alcohol was labelled the biggest drug problem in Australia and was said to cause a huge cost to industry as a result of workplace and other injuries, loss of time at work and decreased efficiency, as well as domestic and social problems outside the work environment. According to the Alcohol and Other Drugs Council of Australia, the carnage left by alcohol misuse is staggering. Statistics show that around one-third of Australians put themselves at risk of alcohol related harm—such as premature death or disability—in the short term from events such as road injury, violence and assault on at least one occasion in their lives. Almost 10 per cent of the population consumes alcohol in a manner that puts them at risk of long-term harm such as cancer, cirrhosis of the liver, cardiovascular disease, organic brain syndrome and psychiatric illness. It is estimated that nearly five per cent of the total injury and disease burden in Australia is attributable to alcohol. That in turn means that there is an enormous cost to health services. Alcohol is the major cause of drug related death among young Australians. Elevated blood alcohol levels are implicated in one-third of all road traffic accidents, which speaks for itself.

If we are to deal effectively with the problem of binge drinking and alcoholism, then the government has to be serious about finding solutions. The cost of alcohol to consumers is an important factor in curbing excessive drinking, and tax is a very significant factor in the cost of drinks. I believe that a volumetric tax is the most obvious way to use this fact in reducing the consumption of alcoholic drinks in Australian society and thereby mitigating, if not substantially reducing, the social consequences of alcoholism in Australia. Last year in Scotland, the government recognised this and announced a plan to introduce a standard price per unit of alcohol consumed in Scotland—in other words, a volumetric tax. This was done to tackle the $3.5 billion cost of alcohol abuse to the community at large in Scotland.

Similarly, in 1999, pivotal research by Curtin University of Technology in Perth, which conducted a study into cask-wine drinking patterns in the Northern Territory, found that, with the introduction of a surcharge, average consumption of alcohol was significantly reduced. The implications of that should be obvious to anyone who gives it any consideration whatsoever. The price of low-alcohol beer would be substantially lower than the price of a glass of cask wine and that in turn would significantly reduce the level of excessive drinking in our society.

Senator Cormann—But that would require a hard decision!

Senator EGGLESTON—That would require, as Senator Cormann said, a hard decision and a commitment to a socially-effective policy, which is glaringly absent in the planning of the Rudd government. Clearly that social objective is not on the radar of the Rudd government and, instead,
this measure is just designed to raise revenue for the high-spending Rudd government.

The AMA has for years supported the concept of the introduction of a volumetric tax on alcohol, as has the Productivity Commission, the Australian Council of Social Service, the National Centre for Research into the Prevention of Drug Abuse, the Salvation Army and the Alcohol Advisory Council of Western Australia. The Rudd government must be aware of the positions of these bodies, of the extent of the damage alcoholism causes on an ongoing basis in the Australian community and of the need for the federal government to develop a strong, broad policy profile to counter these problems. Accordingly, I call upon the Rudd government to demonstrate some leadership in dealing with the problem and the horrendous consequences of alcohol abuse in this country.

While any serious attempt to counter the problem of alcoholism in Australia would include education, law enforcement, industry involvement and rehabilitation services, a very important part of any solution has to be the introduction of a volumetric tax on alcoholic drinks so that there is a cost incentive to encourage drinkers to move to lower-alcohol drinks across the board.

Mr Acting Deputy President, I think you will agree it is a dreadful indictment of the record of the Rudd government that, while pretending to be an administration which is concerned about dealing with the social problems of the community in general and Indigenous people in particular, and in spite of the benefits it has been demonstrated a volumetric tax on alcohol would bring, no plan has been announced to introduce a volumetric tax on alcoholic drinks. For this omission the Rudd government must stand condemned for its hypocrisy.

Senator FIELDING (Victoria—Leader of the Family First Party) (1.15 pm)—Today, as I rise to speak on the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] and the related bill, I feel a sense of déjà vu and I imagine I am not alone. Today this Senate meets again to vote on a blatant tax grab that will do nothing to tackle Australia’s $16 billion alcohol toll. This is a tax grab the Rudd government has dressed up as the answer to Australia’s $16 billion binge-drinking problem. The Rudd government has surrounded this tax grab with smoke and mirrors to make the public believe it is doing something. This is the Rudd government’s showcase performance on binge drinking and it is all show and no substance. The Rudd government has spent a lot of time and effort working on this masquerade, hoping that the Australian public are gullible enough to think that a tax on one alcoholic product would halt the scourge of binge drinking in our communities. The simple fact is that a blatant tax grab on one product will do little to tackle Australia’s binge drinking problem. Australians are smart and they can see a political stunt a mile away—and that is what this is: a political stunt. Until there is a recognition by this government that we have to change the way we all think about alcohol and break that mentality of drinking to get drunk, nothing will change.

The Prime Minister has had plenty of time to deal with this issue. Back in 2007, when Mr Rudd was still only the Leader of the Opposition, I visited him in his office and warned him that Australia had a binge-drinking problem which was spiralling out of control. That was in 2007, before he was Prime Minister. I warned him that we needed to do more to tackle this problem that was impacting the very fabric of our society. This alcohol problem still accounts for around 40 per cent of police work and is the cause of
one in five deaths on our roads. Forty per cent of police work is alcohol related—it is huge. I told him that we needed to do three things that were outlined clearly in my Alcohol Toll Reduction Bill 2007 [2008]. The first item in that bill was to restrict alcohol advertising and unhook alcohol from sport. The second was to put health warning labels on all alcohol products. The third was to get the advertising out of the hands of industry and into the hands of a totally independent regulatory body. However, although Mr Rudd listened, he did little.

I again visited Mr Rudd, this time when he was Prime Minister, and again alerted him to the serious issue of Australia’s alcohol toll. I again stressed the three real actions which the government could take to help address Australia’s alcohol toll. Again the government did little.

But, all of a sudden, perhaps after looking at the Treasury figures and deciding that the government needed more money for its spending spree, the Prime Minister woke up one day and decided that Australia had a drinking problem that, according to the Rudd government, could be solved by hiking up the price of one alcohol product. What a joke! Was that the best they could come up with? A blatant tax grab is not going to solve Australia’s binge-drinking problem. Australia’s alcohol toll is a genuine issue—a $16 billion drain on our economy each year. That is what it costs to mop up after binge drinking.

We need to change the culture of binge drinking to one of responsible drinking in Australia. In a survey released earlier this year, the Alcohol Education and Rehabilitation Foundation revealed that more than 80 per cent of Australians recognise that as a society we have a drinking problem and that 85 per cent of Australians want more done to fix that problem. Close to one and a half years after the alcopops tax was introduced to curb binge drinking, more Australians than ever are demanding that more be done. They want the government to stand up to the alcohol giants and put an end to the link between alcohol and sport. Paul Dillon, a drug educator with Drug and Alcohol Research and Training Australia, was right when he said in an article in the Newcastle Herald:

Alcohol and sport are tangled together so tightly in this country that it is extremely difficult to work out where one stops and the other one begins and that is exactly the way the alcohol companies like it. As a result, there are very few sports now that don’t have a drinking culture.

It is an indictment that we have allowed alcohol to become so intrinsically tied to sport. The reason for this is that the only exemption in Australia that allows alcohol ads to appear on television at any time during the day is for sporting programs. It clearly ties alcohol and sport together and this link needs to be broken. Mr Dillon went on to say in the article:

Let me repeat it:

It is time for this link to be severed—not because alcohol is bad or we should not be drinking but because it sends a mixed and confusing message to the Australian public.

Perhaps the Rudd government is also confused. The Rudd government must be confused if it cannot see the harmful links between alcohol and sport and the way the alcohol industry has been allowed to use its influence to target future drinkers in our young. Plenty of other people can see it. Respected social researcher Hugh Mackay, in an article in the Age, writes:
… as a society, we’ve acted as if we desperately want young people to get hooked on alcohol as quickly as possible, drink as much as they want, whenever they like, and get smashed as often as possible. 

He goes on to argue:

If you want to change the way people behave, you need to make significant changes to the environment that shapes their behaviour.

We have tolerated appalling behaviour and often excuse violence on the grounds of drunkenness. In short, we have worshipped the stuff. If that is not sounding alarm bells to the Australian government, the Rudd government, whilst the best they can do is come up with a blatant tax grab that they hide behind, claiming that it is going to tackle binge drinking, then they are just crazy.

When you think about it, haven’t we just allowed this to happen, the way that alcohol is worshipped? Haven’t we all laughed at someone being completely, stupidly drunk? Haven’t we all nodded knowingly at the work colleague who cannot do their work after a big drinking session from the night before? This is a tough one for us to tackle. This is us looking at ourselves in the mirror and saying, ‘Are we happy with where we are?’ Let us face it: haven’t we as a society celebrated and applauded the drunk? It is changing a little. We turn to alcohol to celebrate and commiserate, to heal and bond with others. We have to question this. As Hugh Mackay so aptly says, we have raised alcohol to a status in our society that it does not deserve. By linking alcohol with sport, the government is normalising, sanitising and glamorising alcohol for future generations. This is our future, our kids, and we are allowing alcohol to be tied with sport in such a way that it sanitises, glamorises and normalises alcohol to our kids. If it was not so serious, it would be a sad joke.

But now we are seeing the nasty side of alcohol abuse: the wave of excessive violence in our streets, the glass used as a weapon to cut and scar, the beatings and bashings that stain our streets and our homes with blood. Binge drinking robs our society to the tune of $16 billion a year, and also inflicts an enormous emotional cost—splitting families apart and destroying relationships. It has been a year and a half since the alcopops tax grab has been in place, a tax the government promised would address binge drinking. It has clearly failed. The Brumby Labor government had to hold an emergency summit in April because the alcohol-fuelled violence in Melbourne was spiralling out of control. That is a bit odd, isn’t it? At that stage the alcopops tax had been in place for over a year. So if the alcopops tax that had been in place for over a year was working in curbing binge drinking, why the need for an emergency summit? Because the $16 billion alcohol toll is not a tax problem, it is a cultural problem.

If the alcopops tax was really effective in preventing binge drinking, sales of alcopops would not have increased by 12 per cent in the three months to the end of June. If the tax hike was truly the magic elixir to solve Australia’s alcohol problem, the initial drop in alcopops sales, which occurred following the introduction of the tax, would not have been absorbed by increasing sales in other liquor categories. Our response to Australia’s alcohol abuse epidemic must be more than just a blatant tax grab on alcopops. It is like hitting a giant with a feather. The core change that the Rudd government must address is helping Australians to make the shift away from celebrating getting drunk and from tolerating the mayhem it unleashes on our society to one that refuses to tolerate a binge-drinking culture.

A significant way to break the culture of future generations is to cut the supply line between alcohol and sport. That is a biggie, isn’t it? I have spoken to the health minister,
to the Treasurer and to the Prime Minister about removing alcohol advertisements during family viewing times before 9 pm, which would stop these alcohol ads from being shown during sports programs. I have again explained that I realise this will have to be a process that is phased in to accommodate television programming schedules already locked in and to allow the industry to unhook itself and to adjust. That is common sense, but they would not even go there. They just refuse to stand up to the alcohol giants. Why? The simple message to the Rudd government is this: show some guts and take a stand and stop hiding behind a blatant tax grab.

The alcopops tax is a complete fizzer. The Rudd government must make this important change and draw that important line in the sand and say, ‘That’s enough; enough is enough.’ Only yesterday it was revealed in the Australian that the Department of Health and Ageing had sought advice on the alcopops tax from the National Centre for Education and Training on Addiction. This national centre told the government that it needed to do more than simply increase taxes on alcopops if it was serious about addressing the problem of binge drinking in our society. It is no surprise the government decided to still not release the full report from the national centre.

I have one last thought. Picture this: you are alone at home with your young children watching football on television. The doorbell rings. A man stands at the door with his arms laden with alcohol products. He says he is there to sit with your children. He is dressed in sporting gear. He assures you that the children cannot drink the products he has with him but they can look as much as they like. Would you invite him in to sit on your couch next to your children? That is what you are allowing to happen by allowing the alcohol advertising to continue during sports programming. I ask senators to think about their vote on this issue and to stand up to the government and say, ‘You have got to do more than a blatant tax grab to address Australia’s $16 billion drinking problem.’

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (1.31 pm)—I thank all the senators who have made contributions to this debate on the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] and the Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2]. In particular, I would like to take the opportunity to thank Senator Xenophon and the Greens senators for their constructive contributions to this important debate and their proactive negotiations. I would also like to thank Senator Fielding. I think it goes without saying that he has had a long-standing commitment to anti-binge drinking measures.

The Excise Tariff Amendment (2009 Measures No. 1) Bill and the Customs Tariff Amendment (2009 Measures No. 1) Bill increase the rate of excise and excise equivalent customs duties in the Excise Tariff Act 1921 and the Customs Tariff Act 1995 on beverages commonly referred to as alcopops from $39.36 per litre of alcohol content to $66.67 per litre of alcohol content, with effect on and from 27 April 2008. This rate is subject to biannual indexation and is increased in February and August each year. As at 1 August 2009, the rate applicable to alcopops is $69.57.

While the opposition no longer opposes the legislation, it has continued to question the impact of this measure. Yet this measure has been widely backed by health experts, by police and by the community. The measure has reduced the consumption of alcopops and spirits. Alcopops clearances fell by around 35 per cent over the period of May 2008 to April 2009 compared with the previ-
ous year. Overall, even after some substitution, spirit clearances have dropped by eight per cent over the same period. There is still a decline, even taking into account beer consumption. This year’s budget papers show average weekly beer and spirit clearances dropped by 0.5 per cent. If you put it in terms of litres, it is about 9,000 litres of alcohol in the period between May 2008 to March 2009 compared with the same period between 2007 and 2008. On this measure this equates to about 720,000 fewer standard drinks being consumed per week on average.

I think it is useful to correct a few misconceptions that have been raised about this alcopops measure. First, the measure closes a loophole opened up by the former coalition government where alcopops are taxed at a lower rate than other spirits. Alcopops will now be taxed at the same rate as other spirits—not more, not less. This is what we mean by closing the loophole. Second, the alcopops measure was never at any time a standalone initiative, as some opposition members have—and I suggest disingenuously—suggested. Binge drinking is a long-term issue which requires sustained long-term action. Experts agree that to effectively tackle binge drinking we need to have a multipronged and prolonged strategy. There is no serious argument against this proposition. So, when you hear people say that this measure of itself has not fixed a binge drinking culture built up over many decades within a few short months, we know they are simply being, quite frankly, glib.

Cultural change takes a long time to occur and I look forward to seeing the findings of the Preventative Health Taskforce, which has preventing alcohol related harm as one of its three priorities. I am sure the Minister for Health and Ageing, Ms Roxon, would also be pleased to see those results as well. On top of this, as long ago as March 2008, the Prime Minister and the Minister for Health and Ageing announced the National Binge Drinking Strategy. This involved investing $53.5 million to address binge drinking among young people. By tackling the issue on many fronts we aim to make inroads into behaviour, particularly amongst young people.

Thirdly, I would like to address the issue of substitution. This argument runs that, if the price of alcopops has increased incidentally by taxing them at the same rate as full strength spirits, young people will substitute their drinking to full strength spirits and mix their own drinks. Whilst there has been some substitution to full strength spirits, partly driven by the marketing strategies of alcopops sellers, overall there was a fall in total spirit excise and equivalent customs duty clearance of around eight per cent, as I mentioned earlier.

Earlier I thanked the Greens senators and Senator Xenophon, and I can confirm that the written commitment by the Minister for Health and Ageing to a $50 million package of important anti-binge drinking measures will be honoured if these bills are passed unamended. The bills also alter the taxation definition of beer and grape wine in the Excise Tariff Act 1921 and the Customs Tariff Act 1995 to ensure beer and grape wine products that attempt to mimic spirit based products in their taste are taxed as a spirit product. Changes to the A New Tax System (Wine Equalisation Tax) Regulations 2000 will follow, if these bills are passed by parliament, to ensure domestically produced grape wine products are taxed on a comparable basis to imported grape wine products. I thank all those who have contributed to the debate, as I indicated earlier. It has been a long debate over quite some time as opposed to taking up the time of the Senate. I urge the Senate to pass the amending bills, which are essentially a part of the government’s measure to address binge drinking.
Question agreed to.

Senator FIELDING (Victoria—Leader of the Family First Party) (1.37 pm)—by leave—Mr Acting Deputy President, I ask that my name be recorded as being opposed.

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop)—It is so noted, Senator.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (1.38 pm)—by leave—It is quite obvious that the National Party, and I am representing Senators Nash, Williams and Boswell, were not supporting the alcopops tax. We have been consistent on that. We made a commitment to the people of Bundaberg that we see it—and this is evident to them—as no more than another tax grab. It is not going to change the health of teenagers. We have a great issue with the idea that the world is getting warmer, so tax people, and teenagers drink too much, so put out another tax. This is a form of politics that we do not agree with. We have been consistent with our obligations and the commitments we have made to those senators here. I thank the Senate.

Senator FIELDING (Victoria—Leader of the Family First Party) (1.39 pm)—by leave—Mr Acting Deputy President, I do not want to take the issue too much further but I certainly heard two noes before and I have just heard a statement by a senator who voted no. I think we should have the vote again if there is another no added to mine.

The ACTING DEPUTY PRESIDENT—Senator, the issue is the number of voices calling and that is in the hearing of the chair. I deliberately watched you and your colleagues down at that end of the chamber to note the number of voices that called. I heard one and I saw only one mouth move. The ruling stands, thank you, Senator.

Bills read a second time.

Third Reading

Bills passed through their remaining stages without amendment or debate.

HIGHER EDUCATION LEGISLATION AMENDMENT (STUDENT SERVICES AND AMENITIES, AND OTHER MEASURES) BILL 2009

Second Reading

Debate resumed from 20 March, on motion by Senator Stephens:

That this bill be now read a second time.

Senator MASON (Queensland) (1.40 pm)—It is simple: the coalition opposes the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 because we do not believe that students should be forced to pay for services that they will not or cannot use. For the opposition this has always been a very important matter of principle. Yet those who sponsor this bill do not seem to understand that the university world has changed under their feet. Changing demography and culture mean that most students today simply do not have the time, the inclination or even the opportunity to use the services offered. Universities have changed enormously since the issue of voluntary student unionism was first raised back in the 1970s, over 35 years ago, yet the mindset of the government is stuck back in the 1970s. The universities of today are mainstream. They are not elite. They are no longer, if they ever were, finishing schools for the genteel middle class. Today more students are older and many more study part-time and in the evenings due to competing work and family commitments. Many more take advantage of greater flexibility and competition as well as opportunities that new communications technologies bring to study externally.

The government, the sponsor of this bill, assumes that universities are filled with 18-
to 22-year-olds who are studying full-time on campus. This is wrong; it is totally wrong. Today mature-age students are reskilling and attending at far greater rates than when I was at university. I will refer quickly to page 70 of the Bradley review report, the report of the Australian Higher Education Review in December last year, and to table 8. It shows for 2007 mature-age students—that is, students 21 or over—constitute 66.2 per cent of the total student population. That is nearly two-thirds over 21. Full-time students now are only 46.7 per cent of the total student population, considerably less than half. The world has changed. Moreover, the government's own push—it is even a noble push—for greater student access and equity will ensure that there will be many, many more students from disadvantaged backgrounds coming to university. That is a good thing, but they too will be juggling work and study and yet the government, who says it represents them, will expect them to pay for the rent seekers and those that believe their interests should be subsidised by everyone else. It will have the disadvantaged students, whom it wants to come to university, paying for other people’s services. From the government there is no sense of hypocrisy or paradox at all—none. The university world has well and truly changed. We live today in a credentials culture. Today’s students see their higher education much more as a way to gain credentials rather than as a way to chalk up the so-called university experience on their personal development CV. Just as people go to work not to socialise, students go to universities to gain education, not to while away their free time on extracurricular activities.

The government seems to assume that students today live among the dreaming spires in some sort of re-run of Chariots of Fire or Brideshead Revisited. That is not what happens on modern university campuses. It certainly does not happen at the University of Western Sydney. It does not happen at the university where I taught—Queensland University of Technology. The world has changed. Young people do not do that anymore. In my own office I have four students—all studying part-time and working full-time or part-time. Not one of them has any access to the services that this bill will make them pay for.

Again I refer to Bradley review commissioned by the government. Professor Bradley concludes on page 49:

In 2006 nearly 71 per cent of full-time domestic undergraduate students reported working during semester.

Seventy-one per cent!

On average these students were working about 15 hours per week. One in six of the full-time undergraduate students who was working during the semester were working more than 20 hours per week.

Yet the government expects them to pay for services that they cannot and will not use. This trend will only continue. More students will be working while they are studying and more will be older. Increasingly, students do not have the time to access the student services that they are expected by this government to pay for. Even those students—and it is a minority of students now—aged between 18 and 22 are a very different group than they were 10, 20 or 30 years ago, when I was at university. Generation Y, which accounts for the bulk of university students at the moment, is less collectivist, less committed to institutionalised civil society, whether inside or outside the walls of the university. That is a great comparison, in contradiction, to their parents, the baby boomers. They would much rather and much more readily join a group on Facebook than a group at university. They are still interested in sports, hobbies and activities, but they are more inclined to organise and customise their own
free time than to rely on student unions to do it for them. Social networking is easier and less formal than it once was. Generation Y does not need student unions to organise their time for them. That is a huge change. Universities have changed. The government does not appreciate this. The culture and the demography of universities have changed. Students at universities have changed. They are older; they are more mature; they work. They cannot take advantage of these services, which they are supposed to pay for.

The old debate about forcing students to pay for services they will not or cannot use is grounded in an understanding of universities that is not one but now two generations old. It is absolutely outdated. It totally misunderstands the life of the modern student in Australian universities. Government is still pushing this outdated, collectivist claptrap from the 1970s. Believe me—I taught at a university—the world has changed. The profile of the average student today has changed totally in the last 20 years. Most students, unlike student politicians, are not interested in student unions or the services student unions provide. Fifty-nine per cent of students voted against compulsory fees in a poll commissioned by the Australian Democrats. At most only five per cent of students ever even vote in student union elections. This debate is totally an insiders’ debate. The only ones interested in it seem to be Labor politicians who cut their ideological milk teeth at university. No-one else is interested in it: Ms Gillard and Ms Ellis, who introduced this bill in the House of Representatives—what a coincidence! They learned something, anyway. They were socialists then, became economic conservatives but now what are they? Reborn social democrats. At least they learned about ideological promiscuity, if nothing else!

Services and activities provided by the student unions are superfluous. These services already exist and are being provided first by the universities themselves, second by the government and third by the non-government voluntary sector. Many of them are free, others are heavily subsidised and all of them are available to university students without prejudice or discrimination. Whether it be cafeterias, child care, welfare advice, medical services, legal services, counselling or sporting activities—everyone is entitled to use them. When people outside of university need help, they go to Centrelink or to legal aid or any number of non-government organisations such as Lifeline. When people outside of university are interested in a pastime, an activity or a sport, what do they do? They join a club, they pay some money and they all contribute money to the common pool towards their club or their association. That is what everyone does in this community. But somehow students are supposed to be treated differently to everyone else. Students do not expect everyone in their suburb, for example, to be forced to pay a levy or a tax so that they can enjoy beer appreciation or rugby union. Students do not expect to be treated differently to anyone else. A compulsory fee forces students to pay for often a second-rate duplicate of services that already exist.

The government’s bill is premised on a false analogy. Proponents of compulsory fees like to use this analogy: that universities or student unions are really akin to local government. They provide valuable services at the local level and therefore need to tax everyone within their catchment area to pay for these services. In other words, services provided on a university campus are paid for not by the users of that service but by everyone enrolled at the university. The argument is self-serving and it is patently false. In Australia we only have three tiers of government: federal, state and local. There is no fourth tier of student union government. Just
as all of us here in parliament, whether we are Liberals, socialists, economic conservatives or former economic conservatives, we all recognise that only the state should have the monopoly on the legitimate use of force in our society. So we should all recognise that only the state should have the monopoly on taxation. Student unions might produce a disproportionate number of Labor Party politicians, but it does not make them governments nor does it give them the right to tax every student at a university.

But it gets worse. If you look specifically at the legislation, despite all the rhetoric and all the talk from the government over several months now about how this bill will clean up the use of student funds, the system still remains open to political abuse and is devoid of effective enforcement mechanisms. That is the problem. Even on the terms of the government’s bill, while it is true on the face of it that the bill prohibits student groups from spending in support of political parties or political candidates, there is nothing at all to prevent the money being spent on political campaigns or political causes per se whether the students whose money is being spent agree with it or not.

Senator Cormann—that is what it is all about.

Senator MASON—Indeed; that is right. None of us here have a problem about giving money to any group, but I do not want my money spent on a group that does not support my interests. I repeat: there is nothing to prevent money compulsorily acquired from students from being used for political causes. Nothing in this bill does that; nothing. Under this bill, using student funds for, for example, the Your Rights at Work campaign would be fine; that would be okay. You could not give the money to the ALP, but you could give it to the Your Rights at Work campaign. What does that mean about this bill? It means that this bill does not do what they said it would do. Money will be creamed off from students who have no interest in it and be given to groups who will use it for political purposes. You can even give the money to a union if you want to under this bill, because they are not a political party of a candidate. We could give it to the AWU, the SDA or the CFMEU. There is nothing in the bill to stop that or prohibit that. That is a distinct failing of this legislation.

I agree that while money compulsorily acquired from students could no longer be used for the PLO, as it was in my day—I am sure that Senator Conroy remembers those days; I suppose that is Hamas today—because the argument might be made that Hamas is a terrorist organisation. But what is to stop money compulsorily acquired from students being given to one of those very trendy but very violent anti-globalisations groups—those groups that go around smashing Starbucks and McDonald’s while wearing hoodies and so forth; those sorts of groups? What is to stop money compulsorily acquired from students being used for those purposes? I will tell you the answer: nothing. Sure, you cannot give it to the ALP, the Liberal Party or the National Party. But you can give it to trade unions, the Your Rights at Work campaign and all other manner of political causes. This bill does not fix that mischief, and that is its great failing. The bill missed the problem. The issue was never ever about giving money to political parties; it was all about giving money for political causes—extreme and minority causes at that.

But even with a prohibition on the direct support of political parties and candidates, one has to wonder how this prohibition will actually be policed. Neither the bill nor the guidelines made pursuant to the bill provide any credible enforcement or sanction mechanism. The bill merely states that it is up to
the universities to ensure that the money is not spent on political parties and candidates without providing universities with any powers at all to enforce it. So the bill fails again. Not only does it not stop money being used for political causes but even when money is given to political parties directly there are no enforcement mechanisms for universities to enforce it. On the face of the government’s bill, it is a double failure. Even if the very narrow terms are breached, what is the process by which the bill is enforced? What are the sanctions? Who polices it? The act and the guidelines are silent on that. That is an appalling legislative failure.

Put simply, the bill does not reflect the nature of modern student life and the modern student. Except for a few aspiring Labor politicians, I know very few students who hang around universities all day in the student union. They might have 20 or 30 years ago, but they are too busy these days. Every young person I know who is studying at university is working; they have jobs. The make up of the student population today is very different. They nearly all work and they are much older.

Senator Chris Evans—Much older?

Senator MASON—Much older. There is a fundamental problem with the bill. The argument has been going for 30 years and it has always been about stopping money compulsorily acquired by student unions from being used for political causes. And the problem is that this bill still does not prohibit that. There is nothing to stop money being compulsorily acquired from Australian students being used for, for example, trade unions, for the Your Rights at Work campaign or for those very trendy anti-globalisation groups—the hoodie wearers who run around trashing McDonald’s and Starbucks. There is nothing at all to stop that money, which is compulsorily acquired, being used for those purposes. That is the great failure. Even under the terms of the bill, there are no effective enforcement mechanisms or sanctions—none at all. The bill fails firstly to enforce itself, as there are no sanctions, and, secondly, it certainly does not stop the compulsory acquisition of student money for political causes. After 35 years, this lot have learnt nothing. They are still mired in the mid-1970s with this collectivist sludge.

Senator CAROL BROWN (Tasmania) (1.58 pm)—It is with pleasure that I rise to speak on the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009. I will attempt, in following Senator Mason, to outline exactly what this bill does as opposed to making what seemed to me to be some very bizarre statements from the good senator. This bill seeks to rebuild student services and restores a means for independent democratic representation and advocacy on university campuses around Australia. The bill largely seeks to address the problems that have plagued Australian universities, including in my home state of Tasmania the University of Tasmania, as a direct result of the introduction of the short-sighted and extremely corrosive VSU amendments back in 2005.

As the Minister for Early Childhood Education, Childcare and Youth noted in her second reading speech, this bill outlines a robust and balanced solution to ensure that students have access to vital campus services needed to help them navigate their way through university life, achieve success in their studies and actively participate in the university and wider community in general. The Rudd government has made investing in education at all levels a priority.

Debate interrupted.
QUESTIONS WITHOUT NOTICE

Climate Change

Senator ABETZ (2.00 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Now that the minister’s flawed and rushed emissions trading scheme has been defeated, will the government give a commitment that this legislation will not be reintroduced before the UN climate change meeting at Copenhagen in December?

Senator WONG—I thank Senator Abetz for the opportunity to remind him of the commitment we have given. We will bring this back. We will bring this legislation back because, whilst those on the other side want to continue to deny that climate change is real and continue to be divided on this issue, we are firm in our resolve to do the right thing, to do what we told Australians before the last election we would do and to pass this legislation. I remind those opposite what happened here today. One of the major political parties kept its election commitment. Labor senators voted to reduce Australia’s carbon pollution under a cap-and-trade scheme.

Senator Heffernan interjecting—

Senator Chris Evans—Mr President, on a point of order: I do not know what one does in regard to this matter, Mr President, but Senator Heffernan shouted aggressively and rudely at Senator Wong, firstly, but then he made an obscene gesture and I ask you to make him apologise for an obscene gesture.

Senator Heffernan—I apologise to Senator Sterle. He knows I was sending him an obscene message.

Senator Chris Evans—Rubbish! Apologise.

Senator Heffernan—I did apologise to Senator Sterle.

The PRESIDENT—Order! I remind senators that shouting across the chamber is disorderly, as is any interruption to the speaker during their answer to a question in this place.

Senator WONG—I remind everyone in the chamber what occurred here today. Those of us on this side of the chamber voted to reduce Australia’s carbon pollution, voted to ensure we reduce our contribution to climate change and voted in accordance with our election commitment. Those opposite voted to ensure that Australia’s emissions continue to rise and to ensure that Australia’s contribution to climate change continues to worsen and contrary to their election commitment. That is what has occurred here today. We know the reason for it is not that they have any sensible policy because not a single amendment on this issue of national importance was put forward by them. Seriously, how extraordinarily weak, how extraordinarily lazy and how extraordinarily arrogant it is to come in here after a year and a half and not even respect the parliamentary process enough to back your position with an amendment—not a single amendment. Australians understand that you are all at sea and completely divided on climate change. (Time expired)

Senator ABETZ—Mr President, I ask a supplementary question. I remind the Minister for Climate Change and Water that a majority of Australians now wish to have the legislation deferred until after Copenhagen. Will the minister confirm that none of our top three major trading partners—China, Japan and the United States—will have an emissions trading scheme in place before the Copenhagen meeting?

Senator WONG—I can confirm that the European Union already has an emissions trading scheme in place and that the US Congress has already passed a cap-and-trade
scheme through its House of Representatives. I can confirm that the leading economies of the world and the declaration at the G8 made clear that cap-and-trade was the way to go—strong endorsement that cap-and-trade was the way to go. It is a little bit like déjà vu. I am reminded of the excuses that those opposite, when in government, kept giving the Australian people about why they should not ratify Kyoto.

Senator Minchin—Mr President, on a point of order: the minister was asked a very simple question about the status of our three trading partners—China, Japan and the United States. I would ask you to direct her to the question that was asked of her.

Senator Ludwig—Mr President, on the point of order: Senator Wong is answering the question. She is providing information to the Senate about those countries, which is within the ambit of the question, I would humbly submit.

The PRESIDENT—Senator Wong, you have 16 seconds remaining in which to answer the question.

Senator WONG—I would ask people to remember that the same excuses put by those opposite for refusing to sign Kyoto are now being trotted out again as an excuse for inaction, and everybody knows that actually—(Time expired)

Senator ABETZ—Mr President, I ask a further supplementary question. Can the minister advise whether China, Japan and/or the United States are part of the European Union? Further, can I ask: given that none of our top three trading partners—namely, China, Japan and the United States—will have an emissions trading scheme in place before Copenhagen and given that the United Nations and the United States have both said that having an emissions trading scheme in place is not necessary in order to achieve a global deal, will the government undertake not to reintroduce the Australian emissions trading legislation before Copenhagen?

Senator WONG—I will make two very simple points. First, there are a range of factual errors, again, in Senator Abetz’s question. As usual, if the truth does not help, they will make something up. The second point is this: I wonder if Senator Abetz was in the party room when John Howard endorsed going to a cap-and-trade scheme as part of Liberal Party policy before the last election. Because what we are observing now is Senator Abetz walking away from—

Senator Abetz—I rise on a point of order, Mr President, on relevance. I know that the temptation for this minister in particular is to get personal when she does not have facts at her disposal, but I would invite you to draw her attention to the question and remind her that she needs to be directly relevant.

Senator Ludwig—On the point of order, Mr President: what Senator Abetz has put forward is a six-part question, if I counted correctly. Senator Wong went to it in the first instance and dealt with one of the points specifically and, also within the ambit of the question, rejected that part of the question, which was in fact spuriously put. I submit that the premise of the question was unsustainable and, on that basis, Senator Wong was within the ambit of the question and her answer was directly relevant to the question. As I understand it, Senator Wong has about 30 seconds left to finish answering the six-part question.

The PRESIDENT—Senator Wong, you have 31 seconds remaining to answer the question.

Senator WONG—I would like to remind Senator Abetz of something. Here is a quote: … the Howard Government’s policy last year, was that we would establish an emissions trading system not later than 2012. It was not conditional on international action.
Mr Turnbull said that on *Lateline* in July last year. Have you have changed your position again?

Senator Heffernan—Mr President, on a point of order: it was conditional on letting Australian farmers know what they were up to.

The President—that is not a point of order, Senator Heffernan; it is a debating point.

DISTINGUISHED VISITORS

The President—Order! I draw the attention of honourable senators to the presence in the President’s Gallery of members of Committee B for Defence, Security and Foreign Affairs from East Timor. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Papua New Guinea: Aircraft Accident

Senator Hutchins (2.10 pm)—My question is to the Minister for Defence and the Minister representing the Minister for Foreign Affairs, Senator Faulkner. Can the minister advise the Senate of the assistance Australia is providing after the loss of flight CG4684 in Papua New Guinea?

Senator Faulkner—I thank Senator Hutchins for the question. Two evenings ago defence personnel and aircraft were deployed at very short notice on what we all fervently hoped was a rescue mission. As news of the tragedy of the crash filtered back from what is very thick and difficult jungle terrain, the imperatives of the mission unfortunately changed. Thirteen lost their lives, nine of them Australians. The government of course is determined to do everything it can to assist in the recovery and repatriation of the Australians.

ADF efforts will concentrate on supporting the work of the disaster victim identification team and the PNG authorities at the crash site and the recovery of those who were lost in the tragedy. Teams have begun cutting a helicopter landing pad close to the crash site. A three-man victim identification team is currently on-site, and a second three-man team and a supervisor will be winched onto the crash site this afternoon along with additional supplies and equipment. They will be sustained at the site by helicopters, including ADF Black Hawks. The remaining members of the disaster victim identification personnel are currently located in Port Moresby and they will be rotated through the crash site as required.

Senator Hutchins—Can the minister further advise the Senate on the deployment of other defence assets in this effort?

Senator Faulkner—Yes, I can advise the Senate that a C-130 Hercules, which transported a 16-member Australian Federal Police Disaster Victim Identification team, is now in Port Moresby. It is available for additional tasking. The remaining three members of the AFP Disaster Victim Identification team, and four members of the Australian Transport Safety Board, also arrived in Port Moresby by C-17 Globemaster overnight. The recovery of the Australians’ remains will be a priority once the victim identification team is in place. The Caribou aircraft which transported a Papua New Guinea Defence Force infantry contingent to Kokoda Village on 12 August is currently being used to transport people and equipment between Port Moresby and Kokoda Village.

Senator Hutchins—My final question to the minister is: how long is this task of recovery and repatriation expected to take?

Senator Faulkner—Again, I thank Senator Hutchins for his supplementary question. Of course, we all want this recovery mission to conclude without delay, very much for the sake of the families involved.
But I stress here that the site is very difficult. As I have said, it is very rugged terrain and it is also prone to bad weather. The duration of the operation will be better known as investigators assess the situation. Australia has personnel and equipment on hand for any change in contingencies and the government will constantly keep the operation under review. I want to take this opportunity to extend my appreciation to the Papua New Guinea government and security forces that are providing assistance to Australia in responding to the tragedy. I am sure I speak on behalf of all senators when I say that is very much appreciated.

**Indigenous Affairs**

Senator SCULLION (2.15 pm)—My question is for the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, Senator Evans. In April of 2008 the government announced a new $672 million Indigenous housing program known as the Strategic Indigenous Housing and Infrastructure Program that was supposed to see the construction of new houses in remote communities commence in October last year. Given that it is 16 months after the announcement and construction has not started on a single house, how much money has been spent today under the SIHIP and who has received this money?

Senator CHRIS EVANS—Mr President, I raise a point of order on relevance. The question went specifically to the amount of money, so the answer should have a dollar sign in front of it. Can you bring the minister to order.

Senator CHRIS EVANS—Mr President, on the point of order, I was asked a question by Senator Scullion about the Strategic Indigenous Housing and Infrastructure Program. In the 32 seconds he allowed me to address the issue, I attempted to talk about that program and its implementation, which was part of the question. I would think he would do me the courtesy of allowing me to finish or at least get more than 32 seconds into the question, if he was serious about the issue.

The PRESIDENT—You have one minute and 28 seconds remaining to answer the question, Senator Evans.

Senator CHRIS EVANS—Thank you, Mr President. I think everyone in this chamber treats this issue seriously. I know Senator Scullion has taken a keen interest in these matters over the years and he knows the challenges in this area, as his government found out. I wish that we could actually get a more bipartisan approach in trying to resolve these issues.

This is a large scale housing program. The program will deliver, as well as housing, substantial employment and training outcomes for Indigenous people in remote parts of the Northern Territory, with a key target of 20 per cent of the total workforce across the life of the program.

Senator Scullion makes a claim in his question—as he did yesterday in a speech I think he gave to the Senate—that is just factually wrong. I hope it is not politically motivated, but it is factually wrong. Between April and October last year, the Northern Territory government completed a major tender process to select the alliance consor-
tium of companies that would deliver these works. It was essential, as he knows, that the process was done properly. We have had too much failure and too much mis-spending in this area. It is a five-year program delivering over half a billion dollars worth of capital works and the government needs to ensure the best possible companies were engaged for the work. Governments are also working—

Senator Scullion—Mr President, I raise a point of order. In respect of the minister’s response a little earlier, I did afford him the time to stop reading a policy statement and provide an answer to the simple question: ‘How much money has been spent to date under this program and who has received the money?’ I have given him a fair crack; I would ask you to bring him to order.

The President—It is not a time to debate, Senator Scullion. You have made your point of order. Senator Evans, you have seven seconds remaining to answer the question.

Senator Chris Evans—Clearly I cannot answer in seven seconds.

Senator Parry—Mr President, on a point of order, before the minister gets up and answers the following supplementary questions, could you ensure that he does address the question. Senator Scullion did afford him a great opportunity to answer. He got up very arrogantly at the end of that question and said he didn’t have the time to answer the question. That was the height of arrogance. We would like him to answer that question properly in future.

Senator Ludwig—Mr President, on the point of order, if we are going to raise points of order in this place, we should go to what the point of order is. I take that longwinded point of order—it seemed to be, in fact, an interjection—to have been a matter either of a pre-emptive point of order or one of relevance. If it is one of relevance, I can say that in respect of Senator Evans he has been completely relevant to the question. What we now have is an interjection and a re-argument of the facts of the question. Maybe if the questions were better written we might have better responses, with respect.

The President—There is no point of order. Senator Evans, you have completed your answer?

Senator Chris Evans—Yes.

Senator Scullion—Mr President, I ask a supplementary question. Given that the Strategic Indigenous Housing and Infrastructure Program was a joint program between the Rudd government and the Northern Territory Labor government, is it a fact that the Northern Territory government contributed $100 million to the SIHIP and have budgeted to pay themselves back at 11.4 per cent, or over $76 million, for administration and project management?

Senator Chris Evans—The senator quite rightly indicates that this is a joint territory and Commonwealth program and that there are contributions from both governments. I have information available on the contribution that we will be making to the project in the Northern Territory, which is in the order of $1.7 billion. As to the Northern Territory’s contribution in financial terms, I do not have that information in front of me. I am happy to take it on notice and get back to Senator Scullion as soon as I can with the answer to that part of the question.

Senator Scullion—Mr President, I ask a further supplementary question. Given that the person appointed to administer the Strategic Indigenous Housing and Infrastructure Program provided a briefing to members of the Northern Territory parliament where he was reported as saying that up to 70 per cent of the SIHIP funding will be spent on administration, how much money is budg—
ed for administration and how much program funding will be spent on actual house construction?

Senator CHRIS EVANS—I do not know of that statement or to whom Senator Scullion refers. In this series of questions Senator Scullion has said to me, ‘You have not moved fast enough because you have ensured proper probity and proper tendering processes’ and then he said, ‘Haven’t you gone too quickly and not provided enough surety about not spending too much on administration?’ The point is that this is the largest Indigenous housing program ever undertaken.

Senator Scullion—Mr President, I raise a point of order. I am quite sure the Hansard will reflect that that is not what I asked. I asked whether the minister could provide us with some differentiation between the amount of money spent on the administration of the scheme and how much money was actually spent on building houses.

Senator Ludwig—Mr President, on the point of order, I submit there is no point of order. On the first point that was raised by Senator Scullion, if he was misquoted he can take that up after question time, not as a point of order. It is inappropriate to use the point of order to do that. The second point he raised was not to indicate whether there was or was not a point of order but simply to restate the question to the minister. I submit there is no point of order. There is nothing that Senator Scullion has raised which materially even looks like a point of order.

The PRESIDENT—Senator Evans, you have 32 seconds left to answer the question.

Senator CHRIS EVANS—As I was trying to say, this is a huge program. The federal government is making a massive investment in trying to improve the standard of housing in the Northern Territory. As I indicated, they will receive $1.7 billion under the NPA, of which $572 million has been agreed for the Strategic Indigenous Housing and Infrastructure Program in an attempt to address the appalling housing conditions that Indigenous people live in in the Northern Territory.

Emissions Trading Scheme

Senator BOB BROWN (2.24 pm)—My question without notice is to Senator Evans representing the Prime Minister. After the emissions trading scheme legislation failed to pass the Senate earlier today, I immediately wrote to the Prime Minister recommending further negotiations and Senator Milne wrote to her counterpart, the Minister for Climate Change and Water. I ask the Prime Minister’s representative in the Senate: has the Prime Minister flagged an intention to proceed with negotiations with the Greens on legislation which the minister says will return to the parliament before the end of this year, and what is the position of the Prime Minister, as the negotiator in chief, in forwarding this matter and in responding to that letter from me?

Senator CHRIS EVANS—I do not think Senator Brown will be surprised to know that, if he wrote a letter to the Prime Minister a couple of hours ago, I have not been briefed on the Prime Minister’s response to that. In fact, I suspect the Prime Minister has not seen it yet. We run very efficient communication links, but in terms of specifically responding to the letter, obviously I cannot help you, Senator Brown.

What is clear is that this government is committed to trying to ensure that we get CPRS legislation through this parliament. We think it is vital for the environment, vital for the world and vital for this nation. What we have tried to do is bring that legislation into this parliament and gain support to have it passed. We have only 32 senators here. We know we are going to need the support of
others to get it passed. But we have gone through a long process of consultation and a long process of producing discussion papers and a white paper in order to get debate on these issues. Unfortunately, the opposition are in such disarray that they have been unable to respond. You, Senator Brown, have been a critic of the scheme and have decided to vote against it, which of course is your right.

Yes, we do remain committed to seeking to have that legislation passed. We do remain open to negotiations and input from all Australians and all political parties, but we are absolutely committed to getting that legislation carried by this parliament as soon as possible. We think it is important. We undertook to the Australian people to do so. The Liberal-National opposition also did that, but they walked away from that commitment. We hope they reconsider their position and go down the same path that John Howard committed them to and support the legislation that we have introduced in the parliament.

Senator BOB BROWN—I thank the minister for his response and I ask a supplementary question. The minister has indicated that the legislation will be brought back into the Senate. I have been asked questions by the media and they are of this nature. What is the government’s priority? Is it to have that legislation, unchanged, brought before the Senate and tested again or is its priority to get legislation through the parliament which is going to get on with the job of tackling climate change? I ask the minister: has the Prime Minister indicated whether he intends that the government will remain to have the lowest targets of the government, coalition and Greens or is the government prepared to look at improving the targets for greenhouse gas emission reductions by 2020 as part of the process of getting a real package of legislation tackling climate change through the Senate and through the parliament before Christmas?

Senator CHRIS EVANS—I thank Senator Brown for the question. I do not for one minute accept that we have got the lowest targets because, quite frankly, the opposition’s proposals could be described as a magic pudding: they are not at all believable; they are not at all serious. What I can say to Senator Brown is that we have consistently said that we wanted to get the legislation passed before Copenhagen. That has been our position for a long time. It was a position the opposition used to support; they do not any longer. We actually think it is important that Australia pass this legislation, that it makes its contribution to carbon pollution reduction, and we would urge the parliament to support it. While the opposition might be fixated on double dissolutions et cetera, we think it is important legislation, we think it is necessary and we urge the parliament to carry it. (Time expired)

Senator BOB BROWN—Mr President, I have a further supplementary question. The Oxford Economics report released by the Great Barrier Reef Foundation on 10 August indicates a $38 billion hit on the Great Barrier Reef and associated economies if climate change proceeds without a reduction in greenhouse gas emissions. I ask: was this matter of a $38 billion hit on the Great Barrier Reef, which includes $18 billion in the Cairns region, discussed in the caucus deliberations of the government this week or have you had any indication from the Prime Minister that he has taken into account this very serious and damning report from these very esteemed economic analysts?

Senator CHRIS EVANS—The first thing is to reassure you, Senator Brown, I do not leak from the caucus—never have, never will—so I cannot help you on that matter. The second thing to say is that during the
parliamentary break both Senator Minchin and I had a good look at the Great Barrier Reef—we kept bumping into each other while we were having a look at it—and I think we have got two converts, if we needed it, to the fact that it is one of the major environmental assets of this country and a fantastic reef that needs to be protected. It absolutely needs to be protected. That is why we say the Great Barrier Reef and other natural sites like that are at risk if we do nothing. The cost of doing nothing is very high, and the condition of the Great Barrier Reef is one of those costs. That is why we have brought legislation before this parliament to say: ‘Let’s start reducing carbon pollution. Let’s make a start. Let this parliament show some leadership.’ That is what we urge you to do: support us in passing the legislation. (Time expired)

Indigenous Affairs

Senator CASH (2.31 pm)—My question is to the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, Senator Evans. Will the minister explain how it is that the Rudd Labor government has lost the confidence of Indigenous leaders like Mr Galarrwuy Yunupingu, as reported in the Australian newspaper this week, after the Howard government was able to successfully engage such important stakeholders in the Northern Territory intervention process?

Senator CHRIS EVANS—I thank the senator for her question. I am not sure that we have lost the confidence of the gentlemen you refer to. But, quite frankly, what we know is that there are a range of diverse opinions about all issues in political debate in Australia and particularly in the Indigenous area. We have had a number of Indigenous people argue a range of positions about the Northern Territory intervention and what the best way forward is in terms of providing housing and employment opportunities. Mr Warren Mundine, who was President of the Australian Labor Party, had views that were not necessarily consistent with what the ALP was arguing at the time but he was, and remains, a strong advocate. Mr Noel Pearson has made a number of contributions to the debate, some of which I agree with and some of which I do not, but I engaged with him when I was Indigenous affairs spokesman and he makes a really useful contribution to the debate. So I do not think one can try and say, in terms of assessing complex policy: ‘Well, one person disagrees with you on an issue, therefore you ought to reconsider your position, or therefore you ought to go home and pack up and give it away.’ The reality is the debate about the way forward in Indigenous Affairs is contentious.

Senator Cash—You have failed to deliver.

Senator CHRIS EVANS—Failed to deliver, Senator? We have been in government 18 months. I point you to the 11 years of the Howard government when you made no dent in the key indicators of Aboriginal health, employment or other outcomes. So don’t come in here and say to me: ‘Oh, well, you’ve failed.’ Don’t come in here and tell me we have failed, Senator. What we know is that after 11 years of the Howard government—

Senator Minchin—Mr President, on a point of order: I wonder if you could direct the Leader of the Government in the Senate to direct his remarks through the chair.

The PRESIDENT—I point out to honourable senators that interjections are disorderly on both sides and it assists the chair if comments are made to the chair.

Senator CHRIS EVANS—Mr President, as I was saying, we have a serious task in front of us. There is debate among people, but this government has made a huge finan-
cial and political commitment to improving the lot of Indigenous people and closing the gap on those key life indicators. *(Time expired)*

**Senator CASH**—Mr President, I ask a supplementary question. As the government has failed to deliver improved housing to the Indigenous people in the Northern Territory as promised, what practical steps will the government take to ensure this promise is delivered—steps other than bureaucratic intervention, as suggested by Minister Macklin?

**Senator CHRIS EVANS**—I see the tactics committee is struggling without Gordon’s contribution! As I said to the earlier question from Senator Scullion, we have invested in the Strategic Indigenous Housing and Infrastructure Program in a large way. The program will deliver 750 new houses, 230 rebuilds and 2,500 refurbishments of houses in remote Northern Territory communities. That is a massive commitment to try and address the huge shortage of decent housing in the Northern Territory. We are making a genuine attempt, backed by a large financial commitment. I suggest the opposition, just as I did when we were in opposition, try and support the government’s initiatives to try and tackle these problems rather than try these cheap political attacks. Quite frankly, none of us have got it right so far, and unless we get some sort of common commitment we are not going to get it right this time.

**Honourable senators interjecting**—

**The PRESIDENT**—Order! The time for debating these issues is at the end of question time, I remind senators on both sides.

**Senator CASH**—Mr President, I ask a further supplementary question. Does the government have any real strategy to close the gap in Indigenous disadvantage in the Northern Territory?

**Senator CHRIS EVANS**—Mr President—

**Senator Cash**—And we don’t want to spin, we want substance.

**Senator CHRIS EVANS**—If the senator has calmed down, I will give her the answer. Not only do we have a commitment to closing the gap for Indigenous people in the Northern Territory, but we have a commitment for doing it for all Australia’s Indigenous people. We have shocking disadvantage in terms of the health outcomes, the life expectancies, the educational opportunities, the employment opportunities, the housing opportunities of Indigenous people. After 11 years of the Howard government, that is where we are. What we have committed to is a serious attempt to close the gap and that is why you see health policies, that is why you see education policies, that is why you see housing initiatives, that is why you see employment programs designed to close that gap. We are hard at that and I would encourage you to support us.

**DISTINGUISHED VISITORS**

**The PRESIDENT**—Order! I draw the attention of honourable senators to the presence in the chamber of a parliamentary delegation from Nigeria led by Senator Ike Ekwere-ndu, Deputy President of the Senate of the National Assembly. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate.

**Honourable senators**—Hear, hear!

**QUESTIONS WITHOUT NOTICE**

**Economy**

**Senator CROSSIN** (2.37 pm)—My question is to the Assistant Treasurer, Senator Sherry. Is Australia’s world-leading economic performance during this global recession being reflected in a growing sense of confidence among consumers and business? Can the Assistant Treasurer outline some of
the recent signs for optimism that Australia is weathering the worst global financial crisis in 75 years better than any other advanced economy? Does the Assistant Treasurer believe that this optimism is warranted?

Senator SHERRY—It is true that there are few countries with consistently encouraging signs on the economic front in terms of recovery as Australia. Australia has the fastest growth, the lowest debt, the lowest deficit and the second lowest unemployment of the major advanced economies. Indeed this month’s Westpac Melbourne Institute consumer sentiment index has risen to a two-year high. It has increased by 28 per cent in the past three months, which is the largest three-month jump in the survey’s 34-year history.

Of course much of the confidence that is being seen both in the business and in the general community is a consequence of the impact of the decisive actions taken by the Rudd Labor government to cushion the Australian economy from the world’s worst financial and economic recession in the last 75 years. It is now indisputable that the two stimulus packages delivered by the Rudd Labor government have helped to cushion the economy, boost jobs and boost confidence—unfortunately opposed by the Liberal-National Party coalition. There is no doubt also that the Reserve Bank’s 425-basis point reduction in interest rates has also played a major part. As a result of these types of measures, the Australian economy is growing at a faster rate than any other advanced economy. However, caution is needed. We do know that across the world the picture is much bleaker. World economic growth will be significantly negative this year, in marked contrast to that of Australia. (Time expired)

Senator SHERRY—As I was just saying, the world’s advanced economies are expected to decline by four per cent this year in terms of output, according to the International Monetary Fund. The world still is a dangerous place, regrettably, and we are not isolated from the impact of these economic circumstances. As I have said many times, these are the worst circumstances in some 75 years. We will continue to see some good news in the year ahead but there will also be bad news before this crisis is behind us.

As I said earlier, it is particularly unfortunate that the Liberal opposition took a position to oppose our major stimulus package, which was very necessary and which is showing very clearly that it has worked and that it has cushioned the economy. Unlike in other countries, retail sales, construction, housing and the car industry have not fallen—(Time expired)

Senator CROSSIN—Mr President, I ask a further supplementary question. Given that answer I also ask: in light of the success of the Rudd government’s swift and decisive action to protect Australians from the full onslaught of the global financial crisis, can the Assistant Treasurer outline what further policies the government is considering to try to help our country recover from the worst global recession since the Great Depression?

Senator SHERRY—Thank you, once again, for that important question. As I have pointed out on many occasions, when we are asked a serious question about a very serious issue we get a lot of noise and a lot of cat-calling from the Liberal and National parties
opposite. We have had a lot of noise on this issue but no positive policy. Their approach consistently throughout the world recession has been to say no to anything positive that this Labor government has done to cushion the economy. Indeed their view was well outlined by the former shadow Treasurer, who argued that the Liberal and National parties would sit on their hands, do nothing and await developments. That is not the correct approach. The Rudd Labor government has acted decisively, and indeed leading world economic agencies such as the OECD and the International Monetary Fund have credited the decisive actions of the Rudd Labor government. (Time expired)

Telecommunications

Senator MINCHIN (2.43 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy.

Honourable senators interjecting—

Senator MINCHIN—My apologies for that but my question is a serious one. Is the minister aware of continuing concerns about the availability of al-Manar Television in Australia via satellite transmission from Indonesia? Does the minister agree with the findings of the ACMA that, despite supportive references in programs to the designated terrorist organisation Hezbollah, the content broadcast was not in breach of antiterrorism broadcasting standards?

Senator CONROY—I thank Senator Minchin for that question. The government appreciates that the availability in Australia of al-Manar TV via the Indosat satellite is a matter of significant concern in the community. It has been widely reported that al-Manar TV is funded at least in part by Hezbollah. Programming from another country transmitted into Australia via satellite must comply with the ACMA’s antiterrorism standards. These standards were first introduced by the ACMA in 2006. The antiterrorism standards prohibit programs that recruit or solicit funds for a listed terrorist organisation. Last year, the ACMA began an investigation of al-Manar TV. Contrary to media commentary on this issue, al-Manar has never been previously prohibited in Australia. ACMA’s investigation was commenced following media reports about al-Manar being received in the Asia-Pacific region. It did not stem from any specific complaint about program content.

In its investigation, ACMA analysed al-Manar broadcasts for a nine-day period in August and September last year. In its recently released report, ACMA found that al-Manar did not breach the antiterrorism standards, as the program content did not recruit people to join Hezbollah or solicit funds for them. Notwithstanding this finding, given the seriousness of this matter and the limited amount of content examined in the investigation, the government has asked ACMA to continue to keep this matter under close scrutiny and to ensure that programs broadcast in Australia do not breach our antiterrorism standards or other criminal codes. (Time expired)

Senator MINCHIN—Mr President, I ask a supplementary question. I thank the minister for that revelation! But I ask him if he is not concerned about this finding of ACMA: The mere promotion of the beliefs or opinions of a terrorist organisation—done in the instance cited above through an historical analysis of Hezbollah’s war with Israel in 2006—does not in itself constitute a breach of the Anti-terrorism Standard … Isn’t the minister concerned about that finding? And can the minister inform the Senate whether or not al-Manar is in fact banned in the United States and several European countries?
Senator CONROY—I would certainly encourage people to complain to ACMA if they become aware of specific content that they are concerned would breach the antiterrorism standards. Contrary to media reports, the antiterrorism standards have not been diluted or weakened. ACMA amended the standards in December 2008 to replace the term ‘terrorist organisation’ with ‘listed terrorist’. This change ensures the standards align with wider Commonwealth laws dealing with terrorist organisations. Claims that this change affected the findings of the recent ACMA investigation of al-Manar are completely false. The recently completed investigation applied the 2006 standards—(Time expired)

Senator MINCHIN—Mr President, I ask a further supplementary question. I ask the minister whether he thinks that the case reveals that indeed the standards urgently need reviewing for fear that they are inadequate; and will the minister assure the Senate that the government and relevant agencies will take all necessary steps to ensure that viewers in Australia are not exposed to content that in any way promotes radicalism, including terrorism and racism?

Senator CONROY—Thank you. As I was just saying in my previous answer, the recently completed investigation applied the 2006 standards, those introduced under the former government—the former government’s standards. The amendments that are spuriously being referred to commenced after the al-Manar content was broadcast in 2008, so the test was done on the previous standards, introduced under the former government. The antiterrorism standards were designed to prohibit a specific type of terrorist related content and not content relating to racial vilification and racism per se. Matters relating to hate speech and vilification are covered by an industry code of practice and are not part of the antiterrorism standards.

Swine Influenza

Senator XENOPHON (2.49 pm)—My question, of which I gave informal notice earlier today, is to Senator Ludwig, Minister representing the Minister for Health and Ageing. My question relates to the lack of Commonwealth funding for a vaccine for swine flu, which has been developed by researchers at South Australia’s Flinders Medical Centre, Vaxine, which is totally synthetic and is suitable for use by the 300,000 Australians who are allergic to eggs and may experience adverse reactions to the CSL vaccine. Can the minister explain on what basis this company was overlooked by the Commonwealth government in favour of the CSL vaccine when the government committed to ordering 21 million doses of swine flu vaccine at a cost believed to be in the vicinity of $200 million?

Senator LUDWIG—I thank Senator Xenophon for his question. What I can say on behalf of the minister for health is that the National Health and Medical Research Council recently did approve a total of $7 million in grants for 41 Australian medical research projects that will help to ensure that the Australian government’s response to the evolving threat of H1N1 is based on the most up-to-date information available. The grant recipients were chosen after robust, independent, international peer review of the applications to identify the critical projects that would best shed more light on H1N1. That is the basis on which the grants were provided. CSL did not receive any funding from the $7 million in NHMRC research grants. Grant recipients were required to have results by December 2009. Vaxine were unable to show the NHMRC, I am informed, that they would have their results by that time. The govern-
ment has placed an order for 21 million doses of vaccine with CSL Ltd, which CSL has the capacity to produce. The United States has also placed an order with CSL for around 100 million doses of the vaccine.

Senator Xenophon has asked what the basis of the decision was. It appears that, in short, Vaxine were unable to show the NHMRC that they would be able to have a result by that time. That provided the basis upon which the decision was made by the National Health and Medical Research Council, as the appropriate place for such decisions to be made. (Time expired)

Senator XENOPHON—Mr President, I ask a supplementary question. Did any pre-existing agreement with CSL have any role leading to the National Health and Medical Research Council’s decision to reject, apparently without explanation, the Flinders Medical Centre’s application for a relatively modest $950,000 to finalise the trials of this alternative vaccine?

Senator LUDWIG—As I indicated, the government placed an order for 21 million doses of vaccine with CSL Ltd. This order was made on the basis of deeds of agreement in place with CSL until 2010 for the supply of seasonal pre-pandemic and pandemic influenza vaccines. These deeds were initially signed in 2004, following an open tender procurement process conducted by the Department of Health and Ageing. The only information I have for Senator Xenophon in respect of the vaccine relates to the fact that CSL, I think it is helpful to understand, did not receive any funding from the $7 million NHMRC research grant. Vaxine, likewise, did not receive any money from the NHMRC on the basis that, as I have indicated, grant recipients were required to have results in by December 2009. (Time expired)

Senator XENOPHON—Mr President, I ask a further supplementary question. What contingencies have been put in place by the government in relation to ensuring the health of those 300,000 Australians who would be allergic to the CSL vaccine, given that it uses egg products? What alternatives are available? Will the Flinders Medical Centre’s application be revisited in light of that fact alone?

Senator LUDWIG—I also indicate that the government has been acting decisively in respect of the disease. The disease is continuing to spread, consistent with expectations. It remains mild in most people but severe in some. Obviously, many people have contracted swine flu and some have become very ill, with Australia now recording 102 associated deaths. I take this opportunity to extend my sympathies to the families and friends of those people. I will take on notice the issues that Senator Xenophon has raised and ensure that the minister provides an answer at her earliest convenience in relation to some of the specific detail that was asked for.

Broadband

Senator BARNETT (2.55 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. I refer to the minister’s recent claims that the National Broadband Network rollout has actually commenced in Tasmania. Was it true that the Tasmanian NBN Co. as a public company was made only today?

Senator CONROY—I thank Senator Barnett for his continuing endorsement of the National Broadband Network, commencing in Tasmania, as I so publicly repeated a couple of days ago. We appreciate your support.

The PRESIDENT—Order! Senator Conroy, address your comments to the chair.

Senator CONROY—My apologies, Mr President. Yes, it is correct that today the
NBN board had its first constituted meeting of the recently appointed members. One of the first items on its agenda was to formally confirm the application. So the NBN board has today confirmed it. But the work that has commenced in Tasmania was commenced by our partner in Tasmania, Aurora. They have already put ducts up on bridges. As I indicated for you earlier in the week, we will be digging trenches by October, we will be connecting fibre to homes by December and we will be switching on services by July of next year, as we have consistently said.

I look forward to your supplementary question, Senator Barnett, but let me be clear: the rollout in Tasmania has commenced. There is fibre currently being put in the ground by Aurora to a number of institutions—hospitals and the like—which will be rolled into the National Broadband Network. They are currently assets of Aurora and negotiations are taking place. We welcome your ongoing support, Senator Barnett. We welcome your ongoing interest and we look forward to more of your press releases supporting the Tasmanian NBN Co.

Senator BARNETT—Mr President, I ask a supplementary question. The minister referred to a board meeting today. Apart from the naming of Doug Campbell as chairman of the Tasmanian company, why has the minister failed to appoint remaining board members? Isn’t this further evidence that he is simply making it up as he goes along—policy on the run? When will these board members be appointed, if they have not already been appointed?

Senator CONROY—The mysteries of incorporation: when you register, you have to appoint the directors. So, following the decision of the NBN Co. board today, there will be directors on the application forms this afternoon. I am not sure whether the board meeting has actually finished yet, so I do not want to pre-empt—

Opposition senators interjecting—

Senator CONROY—At least I have got my hands on the wheel.

The PRESIDENT—Senator Conroy, ignore the interjections. Just address the chair.

Senator CONROY—Sorry, Mr President. I appreciate your advice. I should ignore all of those interjections. I am not sure whether the board meeting has finished yet, Senator Barnett, but the first tranche of directors will be announced when the board meeting is complete. I know you are excited and look forward to finding out who those directors are. The first tranche will be announced this afternoon and the second tranche will be announced next week. So I am very relaxed about the progress under Mr Doug Campbell. (Time expired)

Senator BARNETT—Mr President, I ask a further supplementary question. The minister is refusing to advise the Senate of the names and identity of the board members.

The PRESIDENT—The question?

Senator BARNETT—I ask you to direct the minister to advise of the names and identity of the board members. If he cannot do that, could he advise of the number of board members who have been appointed today? If, as the minister contends, work has commenced in Tasmania, is he able to say how much federal funding has been allocated to the project and, if not, why not?

Senator CONROY—I think this afternoon there will be four names. As I said, I would rather leave it up to the board to put those names out. That is properly their role. There will be a second tranche next week. In total I think there will be seven. I am comfortable to leave both the Tasmanian government to appoint and the board to announce them this afternoon. (Time expired)
Senator Chris Evans—Mr President, I ask that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Automotive Industry

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (3.01 pm)—Yesterday, Wednesday, 12 August, Senator Abetz asked me a question in regard to how much of EFIC’s current $1.1 billion national interest account has been made available to commercial entities. I seek leave to have that answer incorporated in Hansard.

Leave granted.

The answer read as follows—

Yesterday, Wednesday 12th August Senator Abetz asked me, “How much of EFIC’s current $1.1 billion National Interest Account (MA) has been made available to commercial entities or is GM Holden the only commercial entity to have been given this sort of provision?”

I have sought advice from the Minister for Trade and I can advise the Senate that all NIA transactions support Australian exports.

Depending on the nature of the transaction, the NIA exposure could be to a foreign entity, usually to sovereign borrowers, or directly to an Australian commercial entity.

Around 64 per cent of the current A$1.25 billion maximum exposure on the NIA is Government of Indonesia debt arising from funding of aid projects with Australian inputs under the now discontinued Development Import Finance Facility scheme.

Another 16 per cent per cent relates to exposure to other sovereigns. Around 4 per cent of the NIA exposure is to commercial entities. The remaining 16 per cent is the GMH facility.

Emissions Trading Scheme

Senator WONG (South Australia—Minister for Climate Change and Water) (3.01 pm)—Yesterday Senator Fielding asked me a question in relation to the attendance—or non-attendance—of Professor Will Steffen in response to the senator’s invitation to brief senators today. The response is as follows. The first contact my office had with Professor Will Steffen in relation to yesterday’s briefing was when Professor Steffen advised my office that he had already declined the briefing.

Securency Pty Ltd and Note Printing Australia

Senator SHERRY (Tasmania—Assistant Treasurer) (3.02 pm)—On 15 June 2009 I took on notice an undertaking to provide Senator Bob Brown information on the board structure—

Senator Bob Brown—Mr Deputy President, I rise on a point of order. I cannot hear what the minister is saying.

The DEPUTY PRESIDENT—Would senators who are leaving the chamber please do so quietly.

Senator SHERRY—On 15 June 2009 I took on notice an undertaking to provide Senator Bob Brown information on the board structure of Securency and whether there was any common membership between the Reserve Bank of Australia and Securency. I seek leave to have the response incorporated in Hansard.

Leave granted.

The response read as follows—

Senator BOB BROWN—Mr President, I have a further supplementary question. Is it true that the Deputy Governor of the Reserve Bank is also the chair of the board of Securency, which has now been accused of having agents putting multimillion dollar funds into offshore tax havens as a result of the pursuit of contractual arrangements, including with countries like Sudan, which have been proscribed by the United States because of their terrorist status? I also ask the minister, does it not trouble the government enough to ask the Reserve Bank
about its subsidiary’s dealing with the regime of Saddam Hussein in the 1990s? If it has information about those particular dealings, what is that particular information?

To which you responded:

Senator SHERRY—Securency was established in 1996 and it is half-owned by the Reserve Bank. I do not have the board membership before me but I am happy to take that on notice and examine whether there is any common board membership between the RBA and Securency. I do understand that the board of Securency have referred all matters to the Australian Federal Police. As I have said on two occasions in response to your questions, it would be inappropriate for me to comment further until the police have carried out whatever investigations they believe are appropriate in this matter.

Response:

The board of Securency comprises nine members. Four members are appointed by the Reserve Bank of Australia (RBA), including the Chairman, four members are appointed by the joint-venture partner Innovia Films, and the remaining board member is a non-voting Managing Director.

Directors of Securency appointed by the RBA as at 13 August 2009 are:

- Bob Rankin, Chairman (Assistant Governor, RBA);
- Les Austin (former Assistant Governor, RBA);
- John Akehurst (current member of the RBA Board); and
- Daryl Ross (Chief Financial Officer, RBA).

Directors of Securency appointed by Innovia Films as at 13 August 2009 are:

- David Beeby (Chief Executive, Innovia Films);
- John Wales (Operations Director, Innovia Films);
- Bill Lowther (Deputy Chairman, Innovia Films); and
- Jim Graham (Partner in Candover and Director, Innovia Films).

Securency’s Managing Director is Myles Curtis. John Akehurst is the only RBA Board member who also serves on the Securency Board. Candover is the private equity firm which owns the majority of shares in Innovia Films.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Climate Change
Emissions Trading Scheme

Senator IAN MACDONALD (Queensland) (3.03 pm)—I move:

That the Senate take note of the answers given by the Minister for Climate Change and Water (Senator Wong) and the Minister for Immigration and Citizenship (Senator Evans) to questions without notice asked by Senators Abetz and the Leader of the Australian Greens (Senator Bob Brown) today relating to the proposed Carbon Pollution Reduction Scheme.

What a pathetic sight on the government benches at 11.30 am today—the forlorn Minister for Climate Change and Water realising that it was all over, the game was up. After months of hyperbole, bluff, bluster and finger-pointing, the reality came home to roost to the Labor Party that Australia would not wear the job-destroying, poorly-designed ETS of Senator Wong and Mr Rudd. The reality came home to them that Australians were starting to realise that nothing Australia might do in advance of the rest of the world would make one iota of difference to the changing climate of the world.

While the minister certainly looked forlorn this morning, this was in fairly stark contrast to many behind her on the government benches. Their look of relief was palpable. I challenge Labor members who are going to speak in this debate—and I see Senator Furner writing madly—to put their hand on their heart and say that they were not pleased that this job-destroying proposal has been put to rest. Those Labor members who reluctantly sat on that side of the chamber realise like us, particularly those mem-
bers who sat through any one of the three or four Senate committees have that have looked at this very closely, that jobs would be lost. Those from Queensland realise what a devastating impact this Carbon Pollution Reduction Scheme would have had on workers and families. Mine workers in the Bowen Basin coalfields, in the mineral-processing area in Gladstone, in the power industry, in the cement industry in Gladstone, in the copper industry, in the nickel industry, in the zinc industry in Townsville and in Mount Isa were quite terrified that, had this gone through today, their jobs would have been put at risk. Labor members know as well as we do that this ill-conceived, poorly-designed scheme would have certainly meant job loses.

They realise also, as do most sensible Australians, that Australia acting on its own will not make one iota of difference to the changing climate. There is the breathtaking lie that has been propagated by the ALP and supported by the Greens political party, as they did in question time today, that, had we passed ETS legislation today, the Barrier Reef would have been saved. No-one is more concerned about the Barrier Reef than I. No-one is more proud of the Barrier Reef than I. No-one understands the same as I the importance of that natural wonder not only to the natural ecology but also to jobs and employment along the North Queensland coast. To suggest—as the ALP and Greens do—that passing a bit of legislation in Australia will have any impact on the Great Barrier Reef is simply a lie. They have tried to propagate that lie around Australia, but I think people are realising that, unless the world takes action—unless China, the United States, India, Russia, Indonesia, Columbia, South Africa and Argentina get on board and do something about it—Australia, with its less than 1.4 per cent of greenhouse gas emissions, doing something will have no impact at all.

**Senator FEENEY** (Victoria) (3.08 pm)—I am delighted to rise to take note of the same answer as the previous speaker. One can well imagine this morning that, in the strategy-making of the Liberal Party, when it was decided that once more into the breach they had to mount an argument today on climate change, Senator Macdonald drew the short straw. Once more into the breach, Senator Macdonald. I note that, over all of the ramblings and utterances of Senator Macdonald, not for a moment did he dwell or pause to talk to this chamber about the Liberals’ plan for action on climate change. That is because they have no such plan. This week, we have seen this comedy of Malcolm Turnbull and his united front with Senator Xenophon—

**The DEPUTY PRESIDENT**—Order! I remind you that you must refer to people in the other place by their proper title.

**Senator FEENEY**—The honourable member for Wentworth and Senator Xenophon together offered up a policy—no, I get ahead of myself; they offered up an input. This united front with Senator Xenophon is something that is worth dwelling on for at least a moment, because it is a marriage made in heaven, Senator Macdonald. Yonder, we have a party in search of a policy. Senator Xenophon had a policy in search of a party. One magical moonlit night, the two met and came up with the intensity model to try and put forward as your last-minute excuse as to why you could not support action on climate change.

One of the things that struck me about this marriage of convenience with Senator Xenophon was, firstly, the irony of the fact that the 37 coalition senators opposite needed to crowd behind the credibility of Senator Xenophon in this debate, so wretched had their own credibility in this debate become. There was worse still. After this joint press
conference with Senator Xenophon, my heart literally broke for Senator Fielding, with his loyalty to the sunspot theory and his commitment to backing the Liberal Party in this debate step by step. There he was, left out of the final press conference, abandoned and ditched once more for Senator Xenophon. No loyalty!

The faustian pact was not complete until they secured the Greens’ votes here today. The cost of doing nothing is what united these two great extremes of the debate here in Australia. Yonder, we have a party that cannot reach a position, a party that is ultimately filled with climate change deniers, a party that has put their leader at the bottom of the Atlantic Ocean. It is ‘Mission: Raise the Titanic’ over there for the Turnbull forces. Over here, we had a party that was saying, ‘My way or the highway: only an extreme solution or else no action whatsoever.’ It is the Labor Party that comes to this parliament and puts before the Australian people a plan—not a slogan, Senator Macdonald, and not a wild aspiration, but a plan.

The other thing I enjoy about this debate is the sheer ferocity that Minister Wong arouses in the enemy. I have to say, Minister Wong, that I derive enormous delight from the fact that your position, your competence and your effectiveness in this debate rouses the other side to a very fever pitch of ferocity of hostility. One thing that has been clear in this debate from the very beginning—to paraphrase Calwell—is that no matter where this debate has been, no matter at what point this debate has got to, at every stage the 37 whites opposite have not equalled a Wong. We have trounced you at every step and we have trounced you at every turn.

The DEPUTY PRESIDENT—Be careful.

Senator Nash—Did somebody tell you that that was going to be a good line?

Senator FEENEY—Somebody did, Senator Nash. This debate has now finally reached a point where the Liberal Party and the National Party, amid a strange collection of allies of the moment, have actually defeated the CPRS legislation and adopted a policy of not having a policy. They have a leader whose credibility has been shredded and who offers inputs rather than plans. This is a party that now confronts the wrath of the Australian people because there is a strong determination in the broader community for there to be action on climate change. There is a sense that we must move and we must move now, that the costs of delay outweigh the costs of moving now. Senator Macdonald—(Time expired)

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.13 pm)—It is interesting to hear Henry V being quoted, but I do not think there is going to be any modest stillness or humility given to us today from the Labor side. It is very interesting to see that the stiffening up of the sinews came from this side of the chamber. It was not only from this side of the chamber; it was also from the Greens and the Independents because your plan for the emission trading scheme was so patently ridiculous. It was something that was obviously going to send regional Australia into a complete tailspin, looking at about a 20 per cent reduction in regional economies. We are worried about a recession; we are talking about two quarters of negative growth. How would you look with a 20 per cent reduction in your economy? This was modelling paid for by the Labor Party. So it comes from a reliable source! It comes from the sort of reliable source that may be the sauce bottle that Mr Rudd likes to shake.

The obvious issue here is: why would we put our nation in a position where there is only one outcome—that is, an economic suicide note for us? This was never going to do
anything to the temperature of the globe; it was never going to change the climate, and because of that it was merely a gesture. You cannot make it so that the price of this gesture is the jobs in the coal mining industry not only in Central Queensland but in the Illawarra, in the Hunter Valley, in Mackay in the Surat Basin, in the Bowen Basin and in the new Galilee Basin that is going to open up. You cannot put all these people at risk for something that does not actually achieve anything.

But the part that really resonated with the Australian people—and they are coming on side in wanting to reject the ETS flat out; it is occupying talkback and the airwaves—is the effect of what happens when agriculture is included. If agriculture is included it could bring about the demise of the beef and sheep industries—both industries. If you cause the demise of both those industries you will not just have caused completely immoral destitution in rural Australia, it will also work its way up through every suburban street in our nation. Every suburban street will have to deal with the price of imported goods. How ridiculous it is that a country the size of Western Europe and with a population slightly bigger than Belgium will have to increase the importation of food because our beef industry has become unviable.

I can see Senator Hurley writing notes, so I will tell you exactly how we come to that point. The National Australia Bank modelling talks about the price of carbon being between $10 and $100 a tonne. We know that a bovine ruminant emits about 70 kilograms of methane, which is about a tonne and a half equivalent of carbon. For an ovine ruminant it is about 200 kilograms of carbon a year. If we say $50 a tonne we are talking about $75 per beast per year for cattle and about $10 per sheep per year. That is the end of the industry. There will be no industry. There is no point in talking about what you are going to offset it against. You are not allowed to offset it with soil sequestration because you have signed the Kyoto protocol, which specifically outlaws it.

You also mentioned the demise of the Great Barrier Reef. Everyone is concerned about that—if that is what you believe. But first of all you have to believe that what you are doing will change the temperature of the globe, which it will not. Some very worthwhile sources, such as Professor Peter Ridd of James Cook University, a well-noted oceanographer, have completely debunked that idea. Professor Ridd said that the Great Barrier Reef is vastly more versatile and robust than you seem to give it credit for.

With all of these moralising arguments that the Labor Party trotted out one after the other, it was a case of: the world is going to end, so we are going to tax you; teenagers drink too much, so we are going to tax them. Every time there is a problem their solution is a new tax. And this is a supertax; it is a supertax that people have to pay whether they are making a profit or not. This is a tax that people are going to have to pay merely by reason of the fact that they exist. You can go into some houses in rural Australia, and I did, where people are doing it so tough and life is so hard. They basically have none of the quality of life that we have. They almost live in poverty. And you are going to deliver upon them another tax. Why? Because it helps Mr Rudd’s ego. (Time expired)

Senator Hurley (South Australia) (3.18 pm)—The agricultural rump of the party has just spoken and delivered typical arguments that rely on outright inaccuracies and wild hypothetical imaginings in order to concoct an argument against doing something about climate change regardless of the concrete fact that climate change is, and has been for some time, affecting the agricultural industry more than most industries in this
nation and that primary industries need to do something effective about climate change in this country. Their representatives are here in this parliament arguing wildly and improbably about what we should do about it instead of what most far-sighted people in primary industry have been doing for many, many decades over all sorts of changes, which is looking at the facts, looking at how the primary industries sector may deal with those facts and presenting them in an effective manner while being prepared to compromise. That is what primary industry needs, not the flights of fancy that we hear from Senator Heffernan and Senator Joyce.

As Senator Wong explained, the fact of the matter is that the agricultural sector is not included in the emissions trading scheme. The facts and figures cited by Senator Joyce about beef emissions may or may not be factored into what we achieve when and if the agricultural sector comes into the emissions trading scheme. But rather than addressing in an effective way what we have before us—

Senator Heffernan—So why not come and plead the case with us?

Senator HURLEY—Because basically you have no coherent response. The agricultural rump opposite prefers to think in wild conjecture and talk about issues that have no relevance whatsoever to the bill we voted on today. Climate change—

Senator Joyce—Are you going to disagree with Combet? Are you going to say that agriculture is out?

Senator HURLEY—Agriculture is not part of the emissions trading scheme bill that we considered today.

Opposition senators interjecting—

The DEPUTY PRESIDENT—Order! Are you taking a point of order, Senator Heffernan?

Senator Heffernan—No, I am getting ready.

The DEPUTY PRESIDENT—Please obey the standing orders of the Senate.

Senator HURLEY—The government is trying to do something about Australia’s response, but the opposition and the Greens are rejecting it.

The DEPUTY PRESIDENT—Before I call you, Senator Heffernan, could I also remind you of standing order 185, which says that a senator shall not pass between the
chair and a senator who is speaking, which you did while Senator Joyce was speaking.

Senator HEFFERNAN (New South Wales) (3.23 pm)—I am apologetic. I think it is probably fair to say that the previous speaker, Senator Hurley, in this debate to take note of answers has no idea about the bush and probably thinks that the bush is the rosebush in the front garden, as would apply to most people on the other side.

Government senators interjecting—

Senator HEFFERNAN—There is no-one in the government that lives and/or makes a living in the bush, and it is fair to say that the Prime Minister answered a question about agriculture accurately yesterday when he said, ‘We don’t have an answer.’ How is it reasonable to say to a farmer, who could have several million dollars worth of loan facilities with a bank, ‘Well, we’ll tell you in 2013; if we’re going to do something we’ll implement it in 2015’? If you have some millions of dollars and the government is deciding your fate, which could be up to a 30 per cent reduction in your profitability or, in the case of beef, a 200 per cent drop in profitability at $40 a tonne, how are you supposed to explain that to the bank and expect the bank to maintain confidence in your loan facility? This is silly stuff. This is an insult to Australia’s farmers. Senator, I know you are probably not aware of this, but the white paper says that, regardless of whether the government in 2013 decides that we are in or we are out, farmers will be charged a comparative tax. That is what the white paper says, doesn’t it, Minister? I read it out yesterday. So, one way or another, farmers are going to cop this.

You would be aware that science says that, if the global population grows to nine billion people, 50 per cent of the world’s population is going to be water poor, a billion people will be unable to feed themselves, 30 per cent of the productive land in Asia, where two-thirds of the world’s population will live, is going to go out of production, the food task is going to double and 1.6 billion of the planet’s people could be displaced. That says to me that we have to do something about it. I am not going to stand here and argue all this political—I won’t swear, Mr Deputy President—

The DEPUTY PRESIDENT—I hope not.

Senator HEFFERNAN—rubbish. I am not going to argue about that. I am not interested in what is causing it; I am interested in what we are going to do about it. The world has to model the global food task. You laugh, but when you go to Woolies, Coles or Aldi and walk down the aisle and there is the meat, there is the milk and there are the vegies you cannot take that for granted. At $17 a tonne, I remind you, every irrigated dairy farmer is insolvent. At $40 a tonne, there would be roughly a 30 per cent increase in the cost of beef and sheep production due to the tax. We are not allowed to offset because of signing the Kyoto protocol. This was a great symbolic gesture for the world. It was almost like going to confession, saying, ‘Whew! We’ve got to do something about this. We don’t know what the outcome’s going to be,’ in much the same way as it was necessary for the nation to apologise to the Indigenous people. The apology made everyone feel good, but it did not do anything for the Indigenous people. They are still living 17 to a house in places, there are still 7,000 kids in the Northern Territory who have no access to high school, and every person in this parliament should be ashamed of that.

The global food task is the same thing. The Minister for Climate Change and Water, Senator Penny Wong, was the dux of her class—she is no dope; it is true, she is
smart—but she and the government cannot tell us what is going to happen to farmers. It is an insult to farmers to say, as you have calmly said, Senator, ‘We will tell you in 2013.’ If the Waxman-Markey bill gets through the US Senate, Australia’s farmers will be so seriously disadvantaged in the global market that they will be put out of business. Bear in mind that there are 250 million cattle in India for milk production. We have 28 million cattle. We used to have 210 million sheep; we only have 70 million sheep now. India has more cattle than Australia, Brazil and America put together. If they are out, why would we be in? If Brazil does not go in, why would we be in? If you have a feed of baked beans, your extractions, or whatever they are called, are going to be different to your eating white bread. It is the same with a cow. (Time expired)

Question agreed to.

PERSONAL EXPLANATIONS

Senator IAN MACDONALD (Queensland) (3.29 pm)—Mr Deputy President, I want to use the magnificent Annotated Standing Orders of the Australian Senate, edited by Rosemary Laing—I offer my congratulations to her on this fine book—to seek, pursuant to standing order 191, to make an explanation of a material part of a speech that I made which has been misquoted or misunderstood. Yesterday in a debate I said:

We have heard that electricity costs for ordinary Australian households will go up anywhere between 50 per cent and 200 per cent, particularly 200 per cent when you add the renewable energy scheme to the CPRS.

This morning in a debate Senator Wong said:

Sensor Macdonald … claimed yesterday that electricity prices would increase by 200 per cent. His approach, I think, reflects an unfortunate tendency in this debate: if you do not like something, do not worry about the facts; just use whatever fact or figure you want in order to try and scare people.

I want to draw the Senate’s attention to page 47 of a Senate committee Hansard of 28 April. Ms Savage, the Chief Executive Officer of the Energy Supply Association of Australia, a witness appearing before a Senate committee, said:

From that perspective our estimate is that retail prices—of electricity—would rise by somewhere between 40 and 50 per cent by 2020.

Senator BOSWELL—Yes; thank you. So the average house would pay 40 or 50 per cent more?

Ms Savage—Somewhere in that order, yes.

I also draw the Senate’s attention—

The DEPUTY PRESIDENT—Senator Macdonald, I need just to draw your attention to the fact that you can under standing order 191 explain where you have been either misquoted or misunderstood but you cannot debate that position.

Senator IAN MACDONALD—Mr Deputy President, I am not debating. I am showing where the thing was wrong. I am not entering into any debate. I am simply referring the Senate to items of the Senate committee Hansard.

The DEPUTY PRESIDENT—I will listen carefully.

Senator IAN MACDONALD—That was one instance. The other instance—and this is the end of it, Mr Deputy President—is in a Senate committee Hansard of 28 April. Mr St Baker, the Executive Chairman of ERM Power Pty Ltd, gave evidence to a Senate committee. He had given certain evidence and I said, to be clear:

You are saying that retail customers, with MRET and CPRS, will by 2020 be paying 150 to 200 per cent more than they are paying now—for electricity. Mr St Baker said:

Yes, that is right.
I say no more except that Senator Wong, in accusing me of making up those figures, was clearly mistaken. I was simply relating evidence that had been given to a Senate committee.

TRADE PRACTICES AMENDMENT (GUARANTEED LOWEST PRICES—BLACKTOWN AMENDMENT) BILL 2009

Second Reading

Senator XENOPHON (South Australia) (3.32 pm)—I seek leave to make a statement about the incorporation of my second reading speech on the Trade Practices Amendment (Guaranteed Lowest Prices—Blacktown Amendment) Bill 2009.

The DEPUTY PRESIDENT—Will it be a short statement, Senator Xenophon?

Senator XENOPHON—Yes. It will be less than 30 seconds.

Leave granted.

Senator XENOPHON—I thank the Senate. It has been drawn to my attention that, due to a technical error, my second reading speech on the Trade Practices Amendment (Guaranteed Lowest Prices—Blacktown Amendment) Bill 2009 has unfortunately not been incorporated in the Hansard along with Senator Joyce’s fine speech on the bill. Given that the relevant Hansard has now been finalised, I seek leave instead to have my speech on the bill incorporated in today’s Hansard.

Leave granted.

The speech read as follows—

Along with my colleague, Senator Barnaby Joyce, it is with great satisfaction that I jointly introduce with him the Trade Practices Amendment (Guaranteed Lowest Prices—Blacktown Amendment) Bill 2009 or the Blacktown Amendment as it has become popularly known.

The Blacktown Amendment has been named in honour of the independent petrol retailer Ms Marie El Khoury in the Sydney suburb of Blacktown.

Marie El Khoury has been a tireless campaigner for a fairer deal for independent petrol retailers and motorists.

She represents the silent majority of small business people out there in every part of this country who are on the receiving end of the ever growing market share and power of the big supermarket chains, the big banks and the big oil companies.

Marie and her brother Elia with the support of their family have stood up to send a message to the wider community about the plight of small businesses in this country and how consumers will suffer higher prices if those small businesses are driven out of the market.

To make her point, Marie has on various occasions sold petrol in Blacktown for as low as 41.9 cents a litre—effectively the cost of the fuel exercise and the GST on that.

She has received tremendous support from the public that have waited patiently in line to buy cheap petrol and who have returned to support her business.

She has received great support from the media.

She has received a great deal of correspondence from fellow small business people who, like Marie and Elia El Khoury, face an ongoing struggle to combat the games played by the major supermarket chains and the oil companies.

These games include predatory pricing allegations where the major supermarket chains and the oil companies can sell petrol at a retail price significantly lower than the published terminal gate price for petrol on the given day.

Given that the terminal gate price may be the wholesale price at which independents are forced to buy petrol, it is clear that independents are being forced to buy petrol at a price higher than the price at which the major supermarket chains and the oil companies are retailing the petrol.

It doesn’t take too long for independents to go out business if they are forced to sell at a loss to match the major supermarket chains and the oil companies.
Sadly, that is exactly what has been happening with independent petrol retailers. Over the years an increasing number of independent petrol retailers have been driven out of business. It's not difficult to understand how that has happened. Quite simply, independents petrol retailers are ambushed in two ways. First, they are forced to buy at inflated wholesale prices. That reflects at lack of real competition at the wholesale level. The oil companies have a stranglehold over wholesaling in this country and this gives them immense pricing power which of course they use whenever they can. As a result, independents will at times struggle to buy their petrol at competitive wholesale prices. On this issue we need greater transparency over the wholesaling arrangements between the oil companies. We need greater transparency over wholesale prices paid by independents. These are issues on which we need action from the Government and the ACCC. In this regard, I call on the Government to strengthen OilCode as mandated under the Trade Practices Act to provide greater transparency over wholesale prices. Of course, we need more competition in the petrol industry. This requires that independents have a strong presence in the market. The more independents we have in the market the more genuine and vigorous the competition in the market. In this regard, I call on the ACCC to intervene to ensure that independents get as many of the Mobil service stations earmarked for Caltex as possible. This will be a test of Australia's competition laws and whether or not section 50 of the Trade Practices Act is sufficient to stop the growing numbers of mergers that are leading to Australia having some of the most concentrated markets in the OECD. Currently, around 97% of mergers considered by the ACCC are approved by them. Let's hope for competition sake that the Mobil service stations end up in the hands of independents. Otherwise, we will see higher petrol prices in the same way that we have seen higher bank fees and charges following the Westpac takeover of St George, a merger approved by the ACCC. The second way in which independents are ambushed is through the practice of geographic price discrimination. This occurs where a retailer sells the same product at a different price at different locations. With petrol a major supermarket chain may charge one price at one retail outlet and a different price at another outlet even though they may be in adjoining suburbs. Why the difference in price? Well, some may say that's just competition at work. But such a reaction however is only partially true and misses the point. Yes, the price is lower in a local market where there is competition from an independent retailer, but of course the price is higher in those ever increasing number of local markets where there is an absence of competition from independents. The lower prices where there are independents only last as long as the independents do. Once the independents are gone so is the incentive for the major supermarket chains and the oil companies to compete aggressively on price. To do so would only cut their profit margins. It is far easier for the major supermarket chains and the oil companies to act as a cosy club where there are no independents. They may still compete on price but will only do so within in a much narrower price range than they would have if they were facing independents. Experience has shown that where there are independents in the local market petrol prices can be
significantly lower than where there are no local independents.

In engaging in geographic price discrimination the major supermarket chains and the oil companies are pursuing a simple but devastating practice that ambushes independents and disadvantages consumers.

This occurs because the lower prices in local markets where there are independents are not only being used to drive out those independents but those lower prices are being cross subsidised by consumers being forced to pay higher prices elsewhere.

The major supermarket chains and the oil companies can cross subsidise the lower prices to drive out independents by charging consumers much higher prices across their networks.

What do the major supermarket chains and oil companies do once the independent is driven from the market?

Of course, they raise their prices.

As there are fewer and fewer independents there are fewer and fewer locations with lower prices and naturally more and more locations with higher prices.

These higher prices reflect a collapse of competition in a local market following the exit of an independent.

The practice of geographic price discrimination continues until the independents are all driven from the market.

Where new independents seek to enter the market the practice of geographic price discrimination is rolled again with typically fatal consequences for the independent and consumers.

We have seen this not only in petrol, but also in relation to groceries, liquor, fruit and vegies.

There can be no doubt that geographic price discrimination is anti-competitive.

It is detrimental to consumers, competition and small businesses.

Accordingly, we are proposing the Blacktown Amendment whose purpose is to deal with geographic price discrimination.

The Blacktown Amendment does this by stating that a company must, at a retail outlet operated by the corporation, sell or offer to sell a particular product to a consumer at a price being the lowest price the product is offered for sale at the same time at any retail outlet operated by the company under the same trading name within a distance of 35 kilometres.

The Blacktown Amendment will require that the company sell the same product at the same price at all its retail outlets in the same geographic area.

The Blacktown Amendment will implement a guaranteed lowest prices rule that will ensure that consumers get guaranteed lowest prices everyday and everywhere.

Now the critics will say that the Blacktown Amendment will lead to higher prices.

This criticism is ill conceived as the only thing stopping the major supermarket chains from raising their prices at the moment is independents in the market place.

These independents will be there after the Blacktown Amendment comes into force so if the major supermarket chains choose to raise their prices under the Blacktown Amendment they will not only be treating their customers with contempt but they will lose business to those independents.

The independent will always keep their prices lower to compete with the major supermarket chains because that’s what independents do to get the greater volumes they need to survive against the major supermarket chains.

So the Blacktown Amendment will lead to lower prices because, first, the major supermarket chains need to keep their prices low to compete with independents and, two, because those lower prices to compete with independents will need to be offered by the major supermarket chains to all their other customers in the same geographic area.

The critics will say that we don’t need the Blacktown Amendment as the market will sort itself out.

Well, the fact that the market is failing is precisely the reason why we need the Blacktown Amendment.

The grocery and petrol markets are highly concentrated and that’s what’s pushing up prices in those local markets where there are no independents.
The market has failed in those local markets where there are no independents.
The Blacktown Amendment will act as a proxy for competition in those local markets where competition has collapsed or is failing.
The Blacktown Amendment is not anti-profit making.
It’s just anti-profiteering in those local markets where competition has collapsed or is failing.
Others will say that this will prevent major retailers from competing on price.
Quite the contrary.
The Blacktown Amendment does not prevent retailers from changing their price.
All it does is to require major retailers to be consistent in their pricing for the benefit of all consumers.
Many retailers already do this.
Of course, the Blacktown Amendment recognises that there will legitimate reasons for isolated differences in prices.
In this regard, the Blacktown Amendment contains a number of clearly defined exceptions relating to factory outlets; closing down sales; imminently perishable products; damaged products; products to be permanently deleted from an outlet; and products that have deteriorated in value.
In summary, the Blacktown Amendment is a targeted measure to deal with the anti-competitive practice of geographic price discrimination.
It does this by ensuring that consumers have the benefit of guaranteed lowest prices.
Ultimately, the Blacktown Amendment is pro-consumers, pro-discounting, and pro-small business.
It is carefully balanced and in this regard we would like to acknowledge the work done on the Amendment by Professor Frank Zumbo from the University of New South Wales. Professor Zumbo is a dedicated consumer advocate who has long pursued a strong and effective Trade Practices Act.
Finally, we would like to thank Marie El Khoury and her family for their excellent efforts in seeking a fairer and more competitive market place for the benefit of consumers and small businesses.
The Blacktown Amendment is ultimately a tribute to Marie El Khoury and all Australian small businesses.
I commend the bill to the Senate.

DOCUMENTS
Tabling

Senator FIELDING (Victoria—Leader of the Family First Party) (3.33 pm)—Mr Deputy President, I seek leave to table a document that I have asked each of the whips about. It is an American petition, not an Australian petition, with some signatures of some scientists.
Leave granted.

Senator FIELDING—I thank the Senate.

PARLIAMENTARY ZONE
Approval of Works

The DEPUTY PRESIDENT—In accordance with the provisions of the Parliament Act 1974, I present a proposal by the Department of Parliamentary Services for works within the parliamentary zone relating to the installation of additional CCTV cameras in the parliamentary precinct.

Senator WONG (South Australia—Minister for Climate Change and Water) (3.34 pm)—In accordance with the provisions of the Parliament Act 1974, I present a proposal by the Department of Parliamentary Services for works within the Parliamentary Zone relating to the installation of additional CCTV cameras.

The DEPUTY PRESIDENT—You do need to seek leave.

Senator WONG—I seek leave to give notice of a motion relating to the approval of works proposed for the Parliamentary Zone.
Leave granted.

Senator WONG—My apologies, Mr Deputy President.

The DEPUTY PRESIDENT—I could see you were distracted.
Senator WONG—I was apparently seeking to take your job, which I do not! I give notice that, on 19 August 2009, I shall move:

That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the proposal by the Department of Parliamentary Services to install additional CCTV cameras in the parliamentary precinct.

COMMITTEES
Membership

The DEPUTY PRESIDENT—Order! The President has received letters from party leaders requesting changes in the membership of various committees.

Senator WONG (South Australia—Minister for Climate Change and Water) (3.36 pm)—by leave—I move:

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

Environment, Communications and the Arts References Committee—

Appointed—

Substitute member: Senator Siewert to replace Senator Ludlam for the committee’s inquiry into the impact of mining operations on the Murray-Darling Basin

Participating member: Senator Ludlam

Rural and Regional Affairs and Transport References Committee—

Appointed—

Substitute member: Senator Adams to replace Senator Heffernan for the committee’s inquiry into rural and regional access to secondary and tertiary education opportunities

Participating member: Senator Heffernan.

Question agreed to.

STRATEGIC INDIGENOUS HOUSING AND INFRASTRUCTURE PROGRAM

Senator SCULLION (Northern Territory) (3.37 pm)—I move:

That the Senate notes the failure of the Rudd Labor Government to construct a single new house in remote Northern Territory Indigenous communities due to its mismanagement of the $672 million Strategic Indigenous Housing and Infrastructure Program.

On the first full day of sitting of the parliament after the last election, we will always remember the carnival atmosphere of that very special day in Australian history when the Prime Minister of Australia delivered his apology speech to Indigenous Australians. I, along with most Australians, recognised the importance of this symbolic gesture to the stolen generations. Notably in his speech, the Prime Minister said:

I said before the election that the nation needed a kind of war cabinet on parts of Indigenous policy, because the challenges are too great and the consequences too great to allow it all to become a political football ...

He went on to say:

I therefore propose a joint policy commission, to be led by the Leader of the Opposition and me, with a mandate to develop and implement—to begin with—an effective housing strategy for remote communities over the next five years.

Clearly from these statements, the Prime Minister was saying that housing was an absolute, fundamental problem and that it was the very first issue to be tackled by his government, and so a war cabinet was set up to fix the problem. The tough talk on practical issues gave hope to Indigenous Australians. The Labor government was going to continue with the work commenced under the intervention to deliver the housing that is critical to fixing so many of the other problems in Indigenous communities that are linked to health and educational outcomes.

I think we would all understand that it is pretty hard to listen in class—it certainly was for me—if you have not had any sleep because you are sharing a home with 20 people who are bumping around the place, having showers and so on. I think just that number of people would make it very difficult for anyone to get enough sleep at night and then ...
be able to listen to their lessons. It would also be very difficult to avoid things like ear, nose and throat infections if you could not have a shower. The basic elements of hygiene are simply not there in so many of these communities, and that has an inordinate impact on the health and educational outcomes of the people who live in them.

Indigenous people welcomed the Prime Minister’s commitment. They were prepared to take the Prime Minister at his word, that he was all about action and not just talk. That was the tenor of the speech. Indigenous people agreed to support the government on the basis of practical results. We knew that the practical results were coming down the line, and Indigenous people were certainly not going to rely on platitudes and symbolism alone. But Indigenous Australians, as we know now, have been let down in the most callous way. The tough talk of the Prime Minister has now been replaced with complete incompetence and neglect. The TV cameras have been packed away and copies of the apology speech have been distributed. The Prime Minister, wherever he travels, is very proud of his apology. However it seems that now the spin and the media opportunities have disappeared, the focus of this government on Indigenous housing has also disappeared. Remote Indigenous Australians have been left behind and forgotten in the fiasco that is the Strategic Indigenous Housing and Infrastructure Program.

A lot of money has been spent—we still do not know how much—and many people have been making a tidy income from implementing these schemes. Yet after so much time, few houses have materialised. There has been so much time, so much money, yet no houses. Even those Australians who have not been following this issue would have to think that, if there are no houses—that is, zero—out of the 750 houses, that benchmark is one that we have probably failed. But we are told time and time again by the government that things are on track and that everything is going to be okay. No minister with responsibility for delivering on Labor’s housing program should dare raise their head. This is a shameful outcome, delivered as a result of the government’s mismanagement of the Strategic Indigenous Housing and Infrastructure Program. It seriously exposes the way in which the Kevin Rudd government operates. We have heard in this place in answers to questions the words—obviously taken from one of the government’s focus groups—‘swift and decisive’. That certainly has not applied to this program. I would say ‘slow, indecisive and completely hopeless’. There are no houses out of 750. It beggars belief that such an important undertaking of ‘we will fix this’—a compact with the Indigenous people of Australia—was made by the Prime Minister in his first speech in the new parliament, and here we are, many, many months down the track, and not a single house.

One of the things I have noticed that the government are quite good at is manipulating the media cycle with stunts and announcements. It seems that whenever the government have a bit of problem they simply make another announcement. They just have another media release. They have a bit of a press gathering. They might even roll out another tax. This program is a perfect example of the government’s reliance on spin over substance. There have been announcements made over the months. There have been full-colour, roadside media releases announcing bigger and better sums of money and espousing the commitment of this government to address inadequate housing. Yet not a single house has been built.

I rang the Minister for Families, Housing, Community Services and Indigenous Affairs and relayed the concerns of some community
members who are very disappointed. They had exposed the fact that they had walked through raw sewage in the community of Ampilatwatja and had walked off. There would not be many Australians who would not have heard of the Kalkaringi walk-off. I spoke to the members of this community at an old soak outside of Ampilatwatja when I visited there a few days ago. The entire sad scenario was played out in the national media. These people said, ‘We are protesting. We are walking away from this community. We would rather live in the bush than live in this community.’ Astonishingly, not one person from the Northern Territory Labor government and not one person from the federal government had even bothered to go and see them. The community was waiting. I explained these circumstances directly to the minister. Given that the minister has charge of this portfolio and given that the situation had been broadcast across the airwaves, it should have been well known to her.

At that stage, I would have generally expected action. The minister’s only response to all of this was to have her spokeswoman say, ‘They’re committed to improving conditions on Territory Aboriginal communities.’ That is almost as pathetic as the answers given by the Leader of the Government, Senator Evans, in this place today in question time. It is just pathetic. The minister’s words—‘We’re committed to doing this,’ and ‘We’re committed to doing that’—are supposed to make people think that they are actually doing something. But what people want is practical outcomes, and they certainly have not had that.

I read with some interest the other day the ANAO report, where Mr McPhee, on the subject of the importance of effective implementation in achieving policy goals, says: Amongst other things, implementation requires effective governance, risk management, procurement and contract management, the right type and quantum of resources, oversight and review.

This would be a litany of how not to do it. None of those things have been organised. We have Senator Crossin on the other side shaking her head. She is part of the government. She looks after the interests of Territorians, she purports to look after the interests of Indigenous Territorians and I have not heard a peep from her about this. I have not had media releases from her office saying that this is an outrage. I have not read any of that. Out of how many houses—750? Zero. Just give me a moment; let us weigh that up.

Senator Crossin—What you say is wrong.

The DEPUTY PRESIDENT—Order! Senator Crossin, I see your name on the speakers list. You will have your chance.

Senator SCULLION—The policy idea, and it was a great one—it was a coalition policy idea, and I was proud to stand in this place and make those announcements as part of the intervention—was that the money was allocated. It is very interesting, because I suspect by some of the interjections coming from the other side that Senator Crossin is actually going to say to us, ‘No, they have been built.’ This was the spin of six months ago, when I started talking about this. But when I went to estimates and said, ‘Yes, the houses have been built,’ but, asked whether that was programs that were actually going on at the time or whether it was part of the new program, they had to accept that not one house had been built as part of this new program. It is a complete and utter outrage. I have been trying for months to get some answers on these very serious questions as to the status of—

Senator Crossin—You are not asking the right person.

Senator SCULLION—We have got more and more mutterings from Senator Crossin. I
do not know if you pay any attention in question time, but the questions were asked again today and the government came up with absolutely nothing. There was not one answer. How much had been spent? How many houses had been built? Nothing—there is no answer. You know why? Because they do not know. This has been the worst managed, most horrifically bungled bureaucracy in the history of Federation. I am sure, as more of that comes out, we will have more spin from those on the other side.

There are a number of things we have asked for. I have written to the minister. We have said that we would like the budget to be released. That is similar to many of the questions we asked the minister today: where is the expenditure? Of course, it cannot be released because, as I have said, I suspect people do not understand what is going on. It is a complete disgrace: $672 million and not a single house. So what they have promised is a program of around 750 new houses, including new subdivisions; 230 new houses to replace houses to be demolished; 2,500 housing upgrades; essential infrastructure to support new houses; and improvements to living conditions in town camps.

I was just visiting a friend of mine, Queenie—I was dropping off a couple of kangaroos at a town camp last week. I said, ‘How’s this accommodation going?’ This was in the town camp. It is a piece of tarpaulin, an old spring bed and half a car body. Of course, there is an Indigenous organisation for that that charges them for that luxury—they charge them rent. There is no shower; there is no toilet; there is no power. Each one of the five people in that shelter gets charged $50 a fortnight for the privilege of being able to use a tap that is out on the flat. They are the circumstances that Senator Crossin’s government is quite happy with. The situation is normal! Nothing has changed. Everything is okay! It is an absolute outrage, and I will continue to attack the government on this matter until some changes are evident in these camps.

We have had a number of media releases. We had one dated 28 October that said an additional $6.5 million is going to be spent on new housing in Tennant Creek—that is above and beyond the $30 million that was provided by the previous government in other promises. That was going to help stop the overcrowding across seven community areas. That was, as I said, in addition to this money. There have been a couple of refurbishments at Tennant Creek, I understand—a new fridge or something like that—but the media release also revealed, ‘Civil works will begin next month.’ That would have been in November 2008. The media release also said, ‘Housing construction and refurbishment works can begin as planned in early 2009.’ Well, it would have been a very cold and cramped Christmas, Senator Crossin. Did you enjoy your Christmas pudding, Senator Crossin? They did not. They were there that entire time, and they had absolutely nothing done.

Senator Crossin interjecting—

The DEPUTY PRESIDENT—Order! Senator Scullion, please address your remarks through the chair. Senator Crossin, would you cease interjecting.

Senator SCULLION—Of course, nothing has happened. It was a very cold and crowded Christmas. In February, we started asking some questions again: ‘What’s happened now?’ The Northern Territory News on 25 February said that construction had not commenced on a single house, but what the government did was to put another media release out. Territory Labor decided that this was all getting a little bit awkward for them, so the Chief Minister decided to release the first annual report card on the Closing the Gap initiative. It says how much money they
spent. It talks about the recruitment. But there is not a single benchmark outcome in health or education or anything like that. Labor believes that if they spend a lot of money—if they put a dollar sign there—it equals an outcome. Well, we can see there is no outcome. There are no houses. The parlous state of the welfare of our first Australians in the Northern Territory remains largely the same.

Whilst they are delivering illusions of actions, and broken promises, we can see that there is now a very clear series of steps. We fast-forward to May 2009. A further announcement was made by the government on the construction of houses. Again, it was an admission of a delay in construction. We were told that work was due to start in a few months time, in May 2009—seven months after the announced start date. I have to say, the Tiwi Islands inform me that there are still no houses today. I had a photo of a 50-millimetre peg in the ground. That is the sum of the new housing construction.

Senator Crossin—Rubbish.

Senator SCULLION—‘Rubbish’—again there are interjections from those on the other side. I have been there and I have not visited a brand new house on the Tiwi Islands. If the senator would like to correct me on that when she is on her feet, I would be delighted. If she can give me a name and an address, that would be very useful.

Senator Crossin—You don’t understand what SIHIP is about.

Senator SCULLION—If you do not mind, I will take that interjection, through you, Mr Deputy President. What we understand, Senator Crossin, is that those on the other side promised 750 houses and they have not delivered one. They should be ashamed of that. We have a complete series of spin that continues to roll out. One of the things those on the other side should really think about is that you cannot protect your baby son from the freezing desert wind with an announcement; you cannot keep the rain off your children’s heads with a press conference or a promise. We need action. We have had enough symbolism, we have had enough rhetoric, but we actually need action. This is one of the most shameful events in the history of Indigenous affairs.

I acknowledge that this is a very hard area. Today in question time, Senator Evans said we should show some bipartisan support. We did. We supported it in the intervention. Galarrwuy Yunupingu said he supported the intervention, but he said to me, ‘Senator, the problem is that we have had all the painful bits. We’ve had our income quarantined. You can’t take grog into the community. You can’t do this and you can’t do that. But, on balance, we thought it was okay because there were some good bits too—infrastructure, houses, better conditions.’ Of course, none of that has happened.

We would really like to know what is happening in the Northern Territory government. There seems to be a bit of a mess there at the moment. The Northern Territory government is expected to take about $76 million out of the $627 million. They only contributed $100 million and out of that they have apparently, at the moment, taken $76 million. That is not bad, is it? They cannot make a house but they can put the hand in the skyrocket of the taxpayer, just like that, and knock off their $76 million. We do not actually know if any money has been spent on houses. We keep asking and we are not getting any answers at all.

It really is important to understand that, in the context of the apology—which I know was supported in a bipartisan sense by this entire parliament; it was a great day for Australia—symbolism alone is not going to help the lives and the welfare of our most vulner-
able and our first Australians. A message to the Prime Minister—I do not think there is any mischief in this; I am not saying that Prime Minister Rudd was saying things he did not believe would happen—is that he needs to get a minister on the ground who is capable of delivering to our first Australians. Clearly she is not at the moment. Under any measure, this program is a complete and utter failure. Senator Crossin will try to put a case that houses are there. As I have said, those in the media are requesting: ‘What we’d like from her is a name and an address.’ Announcing programs, posing for pictures and wearing hard hats is no substitute for action and results. I again remind Mr Rudd that, in terms of symbolism, our most vulnerable Australians cannot shelter from rain, cold winds or the elements under an apology. We acknowledge the importance of symbolism, but, without the backup of some practical changes on the ground, our first Australians are never going to have the opportunity to be able to embrace the lifestyle that the rest of Australians take for granted. The government stands condemned.

Senator CROSSIN (Northern Territory) (3.57 pm)—I rise this afternoon to provide a contribution to this MPI. I actually welcome the opportunity to provide some history on this program, some completeness about the rationale for this program, and to fill some gaps that have existed, certainly in the last couple of weeks and in the last few days, in the emotive tirade of Senator Scullion. It provides an opportunity to put some facts and history on the table about this. I want to try and bring back the Indigenous housing issue that confronts all of us in this country in what we had hoped would be an unemotional but bipartisan way, but obviously that is not the way Senator Scullion wants to play it.

SIHIP stands for Strategic Indigenous Housing and Infrastructure Program—and I clearly want to emphasise ‘infrastructure’. This is not just about housing; this is also about infrastructure. It is a jointly funded program between the Northern Territory government and the Australian government which was instigated under the Howard government in 2007. So this is a program that is the making of the previous federal government. It has been progressively rolling out new and upgraded service land and related infrastructure, as well as new, replacement and upgraded housing in communities across the Northern Territory. It has a budget of $700 million, which will be spent over five years. It is one of the largest investments in Indigenous housing to be made by a government. SIHIP is about much more than building houses. It is also about creating healthy homes, real training and job opportunities for local residents.

There are some fundamental differences between what has been done in the past and what we want to achieve under this program. The SIHIP vision is to provide Indigenous Australians with adequate, appropriate and sustainable housing, whilst creating opportunity for employment and workforce development in Indigenous communities. So SIHIP is different from every other housing program that has been delivered. That is the cornerstone of this program and is the very essence of what Senator Scullion has failed to grasp—in fact, does not want to grasp. This program is fundamentally different and I am going to spend my time outlining why that is the case.

Under this program we will work closely with communities to build homes that will work for them, unlike in the past. Those homes will be safe and robust and are designed to last for decades, not just years. They will be well designed and they will link construction to the delivery of real training and unemployment opportunities for locals.

Senator Scullion—Eighteen months!
Senator CROSSIN—I want to remind the Senate, Mr Deputy President, that it is unparliamentary for a senator to yell out in this chamber while not sitting in their designated seat. You might want to remind Senator Scullion that if he is going to interject he should do it from his own chair, not somewhere else in the ether of this chamber.

SIHIP is a complex program representing the largest investment in Indigenous housing that has ever been undertaken in the Northern Territory. That is why it is essential that this program is properly established with careful management and coordination. SIHIP has set the direction for investment in housing for Indigenous Australians for the long term. It has in fact provided a basis for the new National Partnership Agreement on Remote Indigenous Housing, which will now cover all Australian jurisdictions. The perception that the program is faltering, that the collective resolve of governments is wavering, is clearly wrong. The truth is anything but that. Breaking Indigenous disadvantage in this country does require long-term effort on behalf of governments, and that is what the Commonwealth and Territory governments have committed to.

In the debate on SIHIP, some have claimed that there have not been any new houses built in the bush for over a year. Over the last 18 months the Commonwealth and Northern Territory governments have built 90 new houses under programs that overlap with SIHIP. Those claims about no new housing are misleading. What people do not fundamentally understand is that SIHIP replaces all previous housing programs—it is a new program. What underpins this program? Property rights, geography, low levels of employment and economic activity and other factors have meant that the private sector has never moved to address the supply of housing on the Indigenous estate. Those same factors have complicated the delivery of government housing and infrastructure programs for over 40 years.

Before some activity occurred in 2007, for 11 years Indigenous housing was in a state of inertia in this country. For 11 years the previous government sat on their hands before they decided that they would provide the injection of money that was needed to address this problem. What developed over that time was an Indigenous-specific housing system, which was allowed to morph under the Howard federal government, comprising a large number of Indigenous community housing organisations that only managed to build a small number of dwellings—on average, about 100 homes per organisation. Funding for the construction, maintenance and management of those housing organisations came from 12-month grants—let’s get this right—to a collection of programs. We had a mishmash of grants right across this country getting doled out to Indigenous housing organisations on a yearly basis. What progress could possibly have been made under that structure? The answer is very little.

Senator Scullion—You’ve done nothing. You are a failure.

Senator CROSSIN—Under your government, Senator Scullion, very little progress was made. These programs include the longstanding Aboriginal Rental Housing Program, the Community Housing and Infrastructure Program—or CHIP—the National Aboriginal Health Strategy and some smaller niche programs. It was a complex network of programs to navigate. Annual grants did not encourage long-term planning and the management of the housing was further complicated by the Indigenous community housing organisations not actually owning the assets, as most discrete communities are located on inalienable communal land. For these housing organisations, property and tenancy man-
agement was difficult, sometimes poor, and rent revenues were often low. SIHIP actually demands that housing amongst the Northern Territory Indigenous population living in remote communities be effectively addressed by governments.

In 2007 the backlog for housing and related infrastructure in the bush was around $2.7 billion. When we came to government, we inherited from the Howard government a backlog of $2.7 billion. That figure was indicative of the chronic overcrowding experienced by many households across the Territory. It was and still remains a daunting prospect, and big changes are clearly needed for housing in the bush. We knew that in the Northern Territory housing of course underpins the creation of new markets in remote communities—it could be a source of sustainable economic development for remote townships and entire regions. With housing, jobs and skills can be created, enterprises would grow, markets in land and housing would emerge and private investment in communities would increase. SIHIP is the first housing program to set meaningful targets in addition to bricks-and-mortar targets. Community involvement and jobs now and for the future are critical, as is securing the value of assets with leases.

In September 2007, the Commonwealth and Northern Territory governments struck up a memorandum of understanding for Indigenous housing, accommodation and related services that would see the Commonwealth contribute $793 million to improve housing for Indigenous people in the bush over the 2006 to 2010 financial period.

The work with Connell Wagner examined the remote housing supply chain in great detail, and made clear why small programs could continue to fall short of the objectives. The traditional grant programs were never going to achieve the necessary economies of scale: the mobilisation costs were too high relative to such small returns; the logistical costs reduced the value for money that we were getting and construction programs were too short; and employment and training outcomes were rarely mandated. It was a chronic situation that was being strangled and needed to change. So both governments determined that the alliance contracting model was the best way to deliver SIHIP—both governments: the previous federal government and the Northern Territory government. This is an alliance model that we have inherited and we have accepted and it will continue to deliver this outcome.

**Senator Scullion**—How much did they get paid for that? What’s it going to cost?

**Senator CROSSIN**—It outstripped traditional management contracting against all of the NT’s and Commonwealth’s evaluation criteria. It had transparency, whole-of-life costing, stakeholder involvement, local employment, flexibility, quality and continuous improvement to name a few. Strategic alliance models have proven successful across a range of projects where government and the private sector work closely and collaboratively to reduce and manage risks, achieve time and budgetary savings, and deliver objectives that are normally difficult to quantify.

**Senator Scullion**—You haven’t built any houses!

**Senator CROSSIN**—So SIHIP is actually a federal government, Northern Territory government and private sector partnership.
Parsons Brinckerhoff is actually managing this project, not the Northern Territory government. It is a key fact here that has been lost—

Senator Scullion—Oh yeah, blame game! Who does he work for?

Senator Crossin—and it is a key fact, Senator Scullion, that this is the model that your government put on the table, your model that we have all agreed to, your model that everyone has signed up to.

So, both governments set about formulating SIHIP under an alliance model. On 12 April 2008, just after we came into government, the Chief Minister and Minister Macklin launched the $647 million landmark housing project that covers 73 remote communities and some urban areas. As we know, SIHIP would deliver 750 new houses, over 230 new houses to replace derelict structures and upgrade 2,500 existing homes. It would also provide essential infrastructure to support the new housing developments, and better conditions in town camps. At that time the program took in 3,500 houses. Absolutely nothing has changed. Each and every one of those commitments holds true today.

The preliminaries for SIHIP were completed on schedule. A commercial manager was engaged in March 2008. The alliance participants were contracted and awarded the tender in October 2008. There are three alliances: New Future Alliance, Territory Alliance and Earth Connect Alliance.

In November 2008, the alliance groups for the Tiwi Islands, Groote Eylandt and Tennant Creek packages of work began engaging with the communities in question. The programs at those locations are now in full swing, with over $145 million worth of work already being delivered. The next tranche of $355 million is being scoped for 47 communities and 25 town camps, so that will be $500 million in housing programs—not all new houses: upgrades, refurbishment and infrastructure by the end of 2009. On the Tiwi Islands, with the first phase of work, overcrowding will be reduced by around 60 per cent. The program will achieve this by building 29 new houses for 170 people, putting extensions on 25 existing houses so that they can accommodate a further 50 people and refurbishing 155 homes. Ninety houses will be constructed on the Tiwi Islands over the life of SIHIP. We have set an Indigenous employment target on the Tiwi Islands over the life of SIHIP. We have set an Indigenous employment target on the Tiwi projects of 20 per cent—something that has never been done in the life of Indigenous housing upgrades and builds in this country before.

The Territory Alliance has already employed 10 local people at Nguiu, and another 15 are being trained for work. That is an outcome I would have thought Senator Scullion would applaud.

Senator Scullion—but they haven’t got a house to work on. That’s not a job!

Senator Crossin—the alliance is also working with Tiwi Enterprises to establish a local labour hire company and has held a skid steer, backhoe and heavy truck driving course for eight Indigenous trainees so that they can work on the refurbishments at Pirlangimpi and Milikapiti. Because what we do not want to do is go into the communities and build houses anywhere that are totally inappropriate and walk away without any local people trained or engaged in work. This is a new model that will redesign the way in which Indigenous housing is delivered out bush, but Senator Scullion does not want to know about it. He does not want to know about the facts and he does not want to talk about some of the positive elements that this program is starting to deliver.

The first phase of work at Groote Eylandt and Bickerton Island will improve the housing situation for more than 600 people. There will be 26 new houses that will have a col-
lective capacity for 184 people, and the capacity for 80 visitors. This feature was requested by the community. What we are doing in this program is consulting with Indigenous people. You see, you cannot stand up here and say, ‘Don’t build houses anywhere, don’t build designs that are inappropriate, don’t talk to Indigenous people,’ and then say, six months later, ‘But you’ve got no outcomes.’ We have gone into communities and engaged with them and consulted them. Because the local population swells during the wet season, 75 of the 152 existing houses that are not up to standard are to be upgraded as requested. That is what the community wanted. Eighty new and replacement houses will be constructed over the life of SIHIP. And they are specially designed because the people at Groote Eylandt suffer from the Machado-Joseph disease. So there has been time taken to consult with the people about the design of the house that they want that suits their disability.

In Tennant Creek, the New Future Alliance is working closely with Julalikari Council and local subcontractors, who are doing the majority of the work in the town camps. As I mentioned, all 78 houses in the town camps will be refurbished and new homes will follow. There will also be an upgrade of power, water, sewerage and road infrastructure.

Senator Scullion—When?

Senator CROSSIN—There is an Indigenous employment target of 30 per cent at Tennant Creek, and the New Future Alliance thinks, at this stage, that they can improve that. To total those figures: these initial alliance packages will deliver at least 55 new houses in the first instance—

Senator Scullion—When? Where?

Senator CROSSIN—308 refurbishments, significant infrastructure upgrades, real jobs and training opportunities and reductions to overcrowding, and they will drive local economies by engaging local people and local businesses. Before any of the work has started under the strategic alliance—

Senator Scullion—When?

Senator CROSSIN—Senator Scullion keeps saying, ‘When?’ You obviously failed to hear that I said contracts were not actually signed until November of last year. This was under your model, the strategic alliance: ‘Let’s get out there; let’s have three alliances; let’s actually advertise for tender, get expressions of interest, award the tender and sign the tender contract.’ That was done in November of last year under the model your government put forward.

But, before any of that work is actually started, the alliance group is engaging with the community to bed down an important range of issues. There is land tenure: all of this sits on a 40-year lease. It has to be negotiated with the Land Council. There is land use and planning of the area, housing design, priorities, options, jobs and training opportunities, and how local businesses can benefit—experience tells us that the cookie cutter approach does not work for Indigenous housing. We have established in each community Indigenous housing reference groups that actually provide advice and recommendations on the community and cultural issues affecting housing work. We have listened to Indigenous people, who have said to us, ‘Don’t just come in here and build houses and upgrade our houses. Talk to us.’ So we have set up Indigenous housing reference groups in communities to advise this work.

This is a comprehensive package for Indigenous housing in this country and it has never been done in any way like this before. It is a package that was put on the table by the Howard government. It is a package that we have picked up and refined—we have asked for Indigenous employment and train-
The first round of packages has reinforced the importance of meaningful engagement. As I said, on Groote Eylandt the engagement was to ensure that the houses that were built actually met the needs of the people who suffer with disability in that community. As I said, some people have questioned the wisdom of investing in existing remote housing stock rather than directing all SIHIP funds to new construction. I would say this: to not invest in existing stock would represent a waste of our resources. Refurbishment has not just meant a coat of paint. It has meant a complete upgrade. (Time expired)

Senator SIEWERT (Western Australia) (4.17 pm)—I rise to make a contribution to this discussion over whether the Strategic Indigenous Housing and Infrastructure Program has actually begun delivering. I am hearing a bit of hypocrisy from both sides of this chamber at this time. Federal and territorial governments of both persuasions have failed over many years to deliver housing to Aboriginal communities throughout Australia—particularly the federal and Northern Territory governments in the Northern Territory.

In 2007 the Howard government suddenly decided that, almost 12 years into their time in government, it was time to deal with Aboriginal issues—particularly in the Northern Territory—and foisted onto the Northern Territory Aboriginal community the Northern Territory intervention. They spent hundreds of millions of dollars, they overrode people’s rights, they exempted their discriminatory measures from the Racial Discrimination Act and they never intended to build houses. There was money in the budget allocated but that was to provide housing for government employees. During that time, and prior to that time, they spent an inordinate amount of time reviewing various housing projects and then came up—as Senator Crossin pointed out—with the SIHIP project. That was the previous government’s design. At the time, the Howard government was requiring 99-year leases. At the time, the then opposition spokesperson, Jenny Macklin—now the minister—made some very strong statements in the other place around opposing 99-year leases, how that was obstructing progress and how it meant that it would slow down building houses. Now this same minister is requiring communities to sign—admittedly they are not 99-year leases—40-year leases. And she is saying that, unless state or territory governments can get the communities to sign away their land, they will not get housing.

One of the key areas that is currently holding up building houses is the fact that this government—contrary to statements they made in opposition—is now requiring people to make the choice to give up their land so that they can have houses. The classic example of that is what is being done in the Alice Springs town camps, where in May the minister came out with announcements saying she was abandoning negotiations and she was going to compulsorily acquire the leases. She was not prepared to negotiate them anymore because the Tangentyere Council and the town campers would not agree to everything that she wanted. This is despite the fact that the town camps had actually agreed to sign 40-year leases, but they were concerned about having to hand over management of the houses.

Then, in July, the Tangentyere Council agreed finally that they would in fact sign an agreement for housing money to be provided to town camps and they would agree to the government’s conditions. However, I will quote from a letter that Tangentyere Council
wrote to the government and which has been reported in the media. Tangentyere’s lawyers, Gilbert and Tobin, wrote to Minister Macklin, saying:

The housing associations have agreed to enter into sub leases for the simple reason that you have threatened them with compulsory acquisition if they do not …

They go on to say:

The loss of tenure to these lands is something that is abhorrent to the housing associations and they could not run the risk that it might occur.

Gilbert and Tobin added that it was:

… in the overriding best interests of the associations and their members that their interest in these lands be maintained rather than completely for-gone.

Acquisitions of these lands would not allow the associations or members to have any input into protecting their rights or interests.

This ultimate risk of compulsory acquisition has hovered in the background throughout the protracted negotiations.

On the public claims by the minister that the time for negotiation had ended, Tangentyere’s lawyers noted:

It is simply incorrect to assert that time has run out. The timetable is completely within your power to set, as indeed you have done throughout these negotiations.

This is one of the reasons why housing is not being delivered in the Northern Territory. The government is still requiring people in 2009 to give up rights to their land and when they do not do what the government says the government comes in with its big stick and says, ‘We’ll take your land away.’ This is happening again; they have been through it once before. They have lived with it for centuries with people coming and taking away their land. After hard-fought battles they have won back their land but then the government comes in and says, ‘We’re going to take it away again to give you what everybody else in Australia expects and gets, which is access to housing, access to infrastructure and access to sewerage and municipal services.’ So this government says, ‘We’re not going to give you that unless you give up your land again.’ So, as the lawyers from Tangentyere Council point out in that letter, they could not allow that to happen again so they ended up agreeing to the government’s conditions. How is that fair? It is not. How is that meeting our requirements under any international conventions on treating people equally? It does not. Yet this government has proceeded with that approach.

It has also been reported widely in the media that during 2008 the minister was informed by a colleague—a parliamentary secretary who, as I understand it, sent a briefing note to the minister—that everything was not plain sailing with SIHIP and there were some problems. As I understand it, Senator Stephens wrote to Minister Macklin, after meetings with people in the Northern Territory, to say that under SIHIP there would be little chance of a house being built before 2011 and that the entire project was really worthy of a review before too much more money was wasted. The original funding pool that was announced was $700 million but it was now down to $634 million yet no houses had been built for Aboriginal families. The model was likely to lead to high-level corruption because it lent itself to an insidious process that was the subject of a royal commission in New South Wales in the 1980s. The alliance model was supposed to reduce the cost of building houses through economies of scale but it would in fact ensure a race to the top rather than competitive pricing. The claimed promise of 20 per cent of Aboriginal employment throughout the SIHIP was in fact aspirational. The government bureaucrats running the SIHIP were commercially naive and had no genuine knowledge of how the construction industry actually worked. There were a number of
other points: the only winners under the model would be lawyers and consultants; the building industry was flabbergasted by the approach being considered by the government.

Clearly, there were deep problems with this program, yet the government has continued with it and still no houses are built. We will take a step back to the intervention. Under the intervention, as I said a couple of moments ago, housing was to be provided for government business managers and other government workers in town and also, as I must add here, as safe houses. Some of the safe houses are still not operating. They have not got their staff there. They have only just been made available over the last couple of months and operational two years down the track. The houses, and admittedly they are largely prefabricated houses, were put in place in communities within months. Within months those compounds were up and running and were liveable and operational. So within months they could move to put houses in place for government business managers and government employees, but still no houses have been built in any of these communities for Aboriginal families.

We have this program being mismanaged with no new houses being built for Aboriginal families. We have also got the situation whereby the intervention was foisted on these communities, their income support was compulsorily acquired—in some communities that has been going on for two years—and their control over their townships was taken away from them. They have raised many other concerns about the intervention. They have had alcohol bans. In some communities they have been more successful than in others. But at the same time they had all that, they did not have the funding put in place to have adequate rehabilitation. Ask anybody as you go throughout the Northern Territory, ‘Are there enough resources for safe houses, for rehabilitation and for counselling?’ and they will tell you no. So they copped all that expecting that at least they would get adequate housing delivered. They would get either new houses or maintenance done on their houses. So they suffered the intervention and all of the income quarantining and the shame—and many people feel shame—that goes with that and all the problems that go with that because they thought, ‘At least we’ll get housing.’

But now the government has come along and changed its mind and not everybody in the communities subject to the intervention is going to get access to housing. While there are 26 communities Australia-wide, the government has decided that only 15 communities are going to be the focus of the provision of maintenance and new housing. So you can understand why many people in these communities are upset. They have copped what they think is the bad side of the intervention, expecting they would at least get something out of it, but they are going to get nothing out of it. Not only are we not seeing houses built under SIHIP, we are also seeing the situation where many of these communities are not going to see any houses at all. On top of that, they are being asked to sign 40-year leases and give up control of their land. You can understand why the people in the Northern Territory are mighty annoyed.

This is not only happening in the Northern Territory. In all the states the provision of housing for Aboriginal communities under Commonwealth funding is now dependent on communities and their people signing 40-year leases. Yet again, they see that as signing away their land under something that Canberra or their state wants to impose on them. It is not good enough. It never was good enough and it is certainly not good enough in 2009. It is certainly not a way by which we should be delivering houses to members of the communities.
Going back to Alice Springs, we had a situation where it seemed to be going okay for a while. Negotiations did seem to be going okay. The minister funded the community to develop a community housing model. They were using the top standards for developing that model. The actual entity is not in place yet, but it is moving quite rapidly towards getting established. The community was very clear that they wanted to maintain control of housing decisions. It would be under the government’s guidelines but they wanted to maintain control. But the government was forcing, and wants to force, the community to agree to Northern Territory Housing making the decisions and doing the day-to-day management of those houses. Northern Territory Housing has a very bad record of involving and providing housing for Aboriginal members of the community in the Northern Territory. So you can understand why that community was very nervous about handing over control to Northern Territory Housing, when Northern Territory Housing has not proved they can provide adequately for members of the Aboriginal community. Instead of the government going, ‘Okay, we’ll try to come up with a solution,’ which a number of other organisations were working on trying to come up with, the government goes, ‘No, we’ll compulsorily acquire your land. You’re not doing what we want.’ They bring in the big stick yet again. Of course, the community, ultimately, backed down because they did not want to be in a situation where their land was taken away from them—as I have already expressed by reading out the excerpts from the letters that the Tangentyere Council wrote.

It is about time the Australian government and Australian governments of all persuasions provided adequate housing to the Aboriginal community. They have gone down the path of a flawed model. I acknowledge that SIHIP was not this government’s model in the first place; it started off with the previous government. Concerns were expressed from the beginning about the nature of actually forming alliances—the way of deciding that companies making up the alliance would be the ones that get to tender. There were concerns expressed from the communities where they thought that decision-making in the communities would be overridden—that some of the enterprises that were already existing in communities, such as provision of building materials, would in fact be overridden by this model. It is quite clear that it is very bureaucratic. I know the government is saying that the original level of funding would still be made available, but some level of funding has simply gone into the bureaucracy and is funding bureaucracy. There were promises from all levels of government that that would not happen. Yet here it is happening yet again.

There are questions that I ask in estimates that go unanswered about whether they have reviewed the model, where they were willing to, whether they had any advice that it should be. Other people have asked these questions. I have put a few on notice, but other people have been asking much broader questions. These questions remain unanswered. To proceed with a model that is clearly flawed, that is taking 18 months to build houses, is not good enough. Fair enough, we do want provision of Aboriginal employment for these houses. We do want good design. Absolutely, because design in the past has been completely inappropriate: three-bedroom houses, one bathroom when we know it is going to be used by a number of occupants. Designs that simply are not appropriate for the environment in which they are placed or to match the situation. It is completely inappropriate. But, instead of working out how you could do a stage process to get to the perfect model, we have not built any houses. Yet we can build houses for government business
managers. How is that fair? How is it fair that we are requiring communities to sign over 40-year leases? That is also holding up the program. We are making them sign 40-year leases. People do not want to. But the government is not prepared to come up with another model or to look at how we can get around that so communities feel comfortable that they do not have to sign 40-year leases or sign over control, because that is how it is seen—that they are signing over control again. It is simply inappropriate.

It is time the government looked at SIHIP and it is time it actually provided housing on the ground and it did not just restricted to those 15 communities that they have decided on. The government made that decision without, again, consultation. ‘They are the communities we are going to focus on. We have subjected everybody else to this discriminatory intervention, but we are only going to focus on those communities.’ Those communities do not have houses. Those communities do not know what is going on. They have not been consulted. It is a mess and it is time it was fixed. It is continuing. We just have a series of messes when we are dealing with these issues and nobody seems to be able to get it right. It is not rocket science. We should in 2009 be able to get it right—end discriminatory practices, end taking away people’s land and actually provide decent living conditions. We have spent hundreds of millions of dollars on the intervention. We have got a bit better, I will acknowledge—we have police in some communities, and everybody likes that. But, besides that, we have nothing to show for it—nothing, other than we have taken away people’s rights yet again. We still have not got it right. We still have not got members of the Aboriginal communities living in decent living conditions—and they still have their rights taken away. It is time we did better.

**Senator ADAMS** (Western Australia) (4.35 pm)—I rise this afternoon to speak to the motion moved by Senator Scullion. I would like to commence by saying that, as a member of the Senate Select Committee on Regional and Remote Indigenous Communities, I have, along with my colleagues, made quite a lot of visits to these communities that my colleagues have spoken about. I would just like to start by saying that the Rudd government’s implementation of the Strategic Indigenous Housing and Infrastructure Program has been an abject failure. SIHIP was established with the best intentions to construct houses in Aboriginal communities to address the chronic need which currently exists. As a member of that committee, I have heard very good evidence of it. It is a positive policy that was instigated by the previous coalition government and was a key part of the Northern Territory intervention. Mr Rudd agreed. In his apology speech, the Prime Minister stated that housing is the single biggest issue which needs to be addressed.

The policy is not the problem. It is Labor’s lack of consultation and delivery of the program that has made this a complete and utter failure. When the Rudd government announced the new housing program in April 2008, it was described as a landmark joint program between the Commonwealth and Northern Territory governments which would bring construction, infrastructure and, very importantly, jobs to 73 Northern Territory Indigenous communities. The government announced that work was scheduled to commence in October 2008. The Australian government would establish the program and provide support in the developmental stages of the program and the Northern Territory government would deliver it. The program is large and the Rudd government said that it would build approximately 750 new houses and subdivisions, build over 230 new houses
to replace existing houses which need to be
demolished, refurbish over 2,500 houses,
provide essential infrastructure to support the
new houses and make critical improvements
to living conditions in town camps.

Wherever the committee went, the biggest
complaint was: ‘There has been no consulta-
tion with us. We are the people this is affect-
ing; we are the public who want these new
houses. But no-one’s been to see us.’ I would
like to quote from the second report of the
Senate Select Committee on Regional and
Remote Indigenous Communities. This 2009
report was presented to the Senate last
month. Recommendation 3 states:

The committee recommends that the Com-
monwealth government review its overall com-
munication strategy for regional and remote In-
digenous communities with the view to making
information available to communities on an ongo-
ing and regular basis and in an accessible way. In
the instance of the SIHIP program the communi-
cation strategy should provide information on
how the decision to fund housing in the priority
communities was made, as well as regular infor-
mation on how the construction of this new hous-
ing is progressing.

Unfortunately, they are being told nothing.
Senator Siewert has already commented
about the 15 communities in the Northern
Territory that will be receiving new homes.
Unfortunately, no-one knows on what basis
these communities were chosen.

Contrary to the boasting and spin of the
Rudd government review of houses being con-
structed, when you go to these communities
where the houses are supposed to have been
built there is nothing—not a single new
house. It is disgraceful. After 18 months,
nothing has been done—except, of course, a
multitude of media opportunities. Both gov-
ernments should be working jointly on the
program, but are clearly failing to do so. The
Minister for Families, Housing, Community
Services and Indigenous Affairs, Ms Mack-
lin, has no idea about where the program is
currently and the resignation last week of the
Northern Territory Minister for Indigenous
Policy, Alison Anderson, who was responsi-
ble for the program, speaks for itself. She
resigned because the housing program had
not been implemented.

It is totally unknown by the government
how much of the allocated $672 million—
$572 million from the Commonwealth and
$100 million from the Northern Territory—
has been spent to date. Most shamefully, they
do not have a single house to show for it.
Statements suggest that approximately two-
thirds of funding will be spent on administra-
tion of the program and a third on bricks and
mortar. Reports have been circulated that up
to 70 per cent of all program funds will be
spent on administration. The Northern Terri-
tory government alone is expected to receive
approximately $100 million of the $672 mil-
lion just to administer the program. With the
entire Northern Territory government contri-
bution to SIHIP being $100 million, this
smacks of the Northern Territory putting
money in for the sake of a media release and
then taking it straight back to run their de-
partment. I can definitely see why Minister
Alison Anderson removed herself from the
government.

This is a good old-fashioned case of Labor
bureaucracy and mismanagement channel-
ing money around departments but doing
nothing. The Australian and Northern Terri-
tory governments have appointed senior pub-
lic servants to review the entire situation, yet
the same people who were there at the com-
mencement of the program are still in place.
No-one seems to know anything. The gov-
ernment has not been able to answer ques-
tions from the coalition and has no idea how
much money has so far been spent and who
is being paid. This is the worst possible
mismanagement of taxpayers’ dollars and the
real people whose suffering is ultimately
being neglected as a result are some of the most vulnerable and disadvantaged people in the Australian community. Ms Lesley Podesta from the Commonwealth Department of Health and Ageing has made this comment:

... reality if there is a capital works project that is funded by the Australian government, the prices go crazy. We try to keep the market honest and reasonable about this. We try not to put billions of dollars into it because it just increases the prices everywhere. We try to be very realistic and pragmatic about building, keeping the costs within a contained environment, so that we just do not do this kind of: let us spend this much money here and have a Taj Mahal and the next one will be a Taj Mahal, and the tradies know that we are funding it so they increase the prices. We do try to be very tough about containing those costs and we get a good deal now.

I hope that Ms Podesta does get a good deal now. But when is all this going to start? It is very disappointing to think that the department is trying but not succeeding. How hard are they trying?

Following the original announcement, the government announced even more money to build more houses. There has been a lot of talk and a lot of money promised, but still not one house has been built. As I said, when I tour around these remote communities and see firsthand the plight faced by residents, it is sickening to think that out of all these funding announcements and hype nothing has yet been delivered to these people, who are in such desperate need. Senator Siewert talked about the town camps in Alice Springs. I suggest to those senators opposite that, if they go to visit Alice Springs, it would be a very good exercise for them to go to places like Hoppy’s Camp and the other town camps under Tangentyere Council, because they are an utter disgrace.

Years ago I was in Vietnam when it was a country at war. There were refugees and very, very hard conditions and I can assure you that the town camp in Alice Springs has exactly the same conditions. It is just a disgrace. Probably not even two kilometres from the main centre of Alice Springs we have these terrible conditions. I would have thought that, with the money that has been offered, they would have got on with doing something, but unfortunately it seems to be a stalemate. The people who are suffering are the very vulnerable and a lot of elderly people who have nowhere else to live. It is just a disgrace.

Indigenous communities are saying the government has promised but failed to deliver. The government is failing. It has failed remote Indigenous communities and it has failed the Australian taxpayer. As with so many other Rudd government policies, it is all talk with nothing being done. The whole debacle is littered with statements of progress by the government which have led the community to believe something is being done. Unfortunately, however, this is not the case. Despite the government saying in April 2008 that work would commence in October that same year, by the end of October no work had started. Instead of new houses being constructed on the ground, a new media release was issued by the minister promising there would be even more houses built in Tennant Creek. That media release of 28 October 2008 said that the government would provide an additional $6.5 million for new Indigenous housing in Tennant Creek to tackle the serious overcrowding in that community. It stated quite clearly there would be new housing for Tennant Creek. Where are those new houses in Tennant Creek?

It was also claimed by the government that these additional funds would help to ease overcrowding in the seven community living areas of Tennant Creek. This was in addition to the $30 million already committed for those community areas as part of the
Strategic Indigenous Housing and Infrastructure Program. The same media release also stated that civil works would begin the following month, that being November 2008. The housing construction and refurbishment work could begin, as planned, in early 2009. This same work, of course, had initially been announced to commence in October 2008. In February 2009, questions were being asked about the progress of the SIHIP. In a Northern Territory News story dated 25 February 2009, it was revealed that construction had still not commenced on a single house. The original April 2008 announcement had stated that 750 new houses were to be built. By June 2009, nothing had eventuated in Tennant Creek from the promise of new houses, and on the Tiwi Islands the promise of 90 new houses and a 62-lot subdivision at Nguiu had turned into a revised 25 houses and no subdivision. The Northern Territory Chief Minister says that this is all wrong and that the promised 750 houses will still be built in the Northern Territory. With so much conflicting information being spread, how can the Chief Minister or his Labor colleagues be believed on anything they say about this project?

After the Prime Minister’s apology statement in the first week of the new parliament, which stated that housing was a key priority of the government, and after nearly two years of the Rudd Labor government, nothing has been done and the process is a complete shambles. All the work from pre-existing housing programs has now ended and no new houses under the replacement SIHIP have commenced. This is nothing but failure and hundreds of millions of dollars are going to waste in bureaucracy. SIHIP has failed and the Closing the Gap program has seen millions of dollars spent with no assessment or measurement of improvements or advancements. While all this mismanagement unfolds, living conditions in Indigenous communities continue to go backwards under Labor. The Rudd Labor government and the minister have failed Indigenous Australians. They have failed taxpayers by spending hundreds of millions of dollars without achieving a single stated or publicised outcome and they have neglected some of the most disadvantaged members of our communities.

Senator FURNER (Queensland) (4.49 pm)—It is always pleasing to follow Senator Adams, particularly on a subject such as this motion of Senator Scullion’s on Indigenous housing. Both Senator Adams and I, and I am sure other members of the Senate Standing Committee on Community Affairs, are quite familiar with the needs of Indigenous communities, having travelled into those areas. From memory, I think it was 1974 when I first visited the Northern Territory and had my first exposure to Indigenous communities. In October last year, as a member of the Senate Community Affairs Committee, I attended an inquiry into petrol sniffing in Indigenous communities in the Red Centre and throughout the south of the Northern Territory. In March of this year I attended, with other members of the committee, hearings at Yulara in the Territory and other Indigenous communities in the follow-up to that inquiry. From memory, in addition to the Community Affairs Committee members in attendance was none other than Senator Scullion. He was representing the committee that he is responsible for and cooperating in sharing its interest in that inquiry. I am sure that, as a Northern Territory senator, Senator Scullion would be well versed in the Territory on this subject.

The national apology delivered by the Prime Minister in February of last year was directed towards building a bridge of respect and acted as a powerful healing symbol. This was a necessary first step in making amends for past wrongs. Housing is just one of the
important measures that this government, in partnership with governments like that of the Northern Territory, is involved in. SIHIP is the Strategic Indigenous Housing and Infrastructure Program and is the largest-scale Indigenous housing program ever undertaken. As the Minister for Families, Housing, Community Services and Indigenous Affairs, Ms Macklin, has stated very clearly in recent weeks, the program will deliver 750 new homes, 230 rebuilds and 2,500 refurbishments of homes in remote Northern Territory communities by the end of 2013.

SIHIP is a new way of delivering housing in remote communities. It is much larger in scale than previous Indigenous housing programs and the alliance approach avoids separate individual procurement processes, with their attendant risks and delays, and encourages innovation and efficiencies in the costs and delivery of remote Indigenous housing. The program will also deliver sustainable employment and training outcomes for Indigenous people in remote parts of the Northern Territory, with a key focus on a target of 20 per cent of the total workforce across the life of the program.

It is worth looking at timelines, because it is important to put where things are heading in perspective. We have heard a lot of talk here in the chamber today about this government dragging the chain, not delivering and acting indecisively. That is far from the truth. I think it was Senator Scullion who indicated that the program announced in April 2008 was due to commence in October 2008. Between April and October last year the Northern Territory government completed a major tender process to select the alliance consortia of companies that will deliver these works. It was essential that this process was done properly. This is a five-year program delivering over half a billion dollars worth of capital works, and government needed to ensure that the best possible companies were engaged for this work.

Governments also worked with communities in areas such as the Tiwi Islands, Groote Eylandt and Tennant Creek to secure land tenure arrangements to underpin this significant investment. Since their appointment in October 2008 the alliance partners have been working with communities to deliver these works. Over the wet season a detailed scope of works was completed for the first three SIHIP packages in Tennant Creek, the Tiwi Islands and Groote Eylandt, including the necessary community consultation. Work on repairing existing houses began in the Tiwi Islands, Groote Eylandt and Tennant Creek at the start of the 2009 dry season. Work on the construction of the first new houses has started at Groote Eylandt, and construction of new houses will start at Nguiu later this month.

On the Tiwi housing numbers, Senator Scullion also said that the promise of 90 new houses at Nguiu had been revised down to 25 houses. I can assure the people of Nguiu that both the Australian and Northern Territory governments are totally committed to providing them with 90 new homes under this program. There are 29 homes being delivered under the first stage of SIHIP and a further 61 homes will be built over the life of the program. These 90 homes are additional to the 25 homes the Australian government has already built at Nguiu as part of its undertakings around the 99-year head lease.

The issue of no new homes being built at Tennant Creek needs to be challenged. It has been stated that there have been no new houses built in the Tennant Creek townships under SIHIP. In fact, Julalikari Council Aboriginal Corporation and town camp residents have been very clear that upgrades of existing houses and proper essential service infrastructure is their first priority, and govern-
ment has listened to them. All of the existing houses in the town camps in Tennant Creek will be refurbished to as-new condition and, as Tennant Creek residents have sought, the town camp areas will be revamped to the same standard as other suburbs of the town. While the investment has been focused on upgrades, as requested, at least two new houses will be provided as part of the initial work in Tennant Creek.

On the overall subject of their being no new houses built in the Territory since the Rudd government was elected, can I say this will be the largest amount of housing works ever delivered across remote communities in the Northern Territory. Both governments and the alliance partners are committed to making that happen. Both the Australian and Northern Territory governments understand that implementing a new program with over twice the amount of funding that has previously been allocated for Indigenous housing in the Northern Territory has to be done properly. That is why we continued to build houses in remote communities in the Northern Territory while the SIHIP program was being developed, the tenders were being let and the scoping of the first packages of work was being done. Despite what Senator Scullion claims, since November 2007 over 90 homes have been constructed in the Northern Territory using funds from the Australian government’s and the Northern Territory government’s Indigenous housing programs. Now that SIHIP is underway, the number of houses that will be built will increase dramatically to achieve its target of 750 new houses by the end of 2013. Senior Australian government officials are working in Darwin to ensure everything possible is being done to achieve this objective.

The Australian and Territory governments have each appointed a senior official to work with the SIHIP team to make sure housing construction, rebuilds and upgrades are delivered as quickly as possible. They are going through the program line by line and will make any improvements that are required. Having this level of flexibility is one of the reasons the government is using an alliance approach with SIHIP. In just a few weeks an update will be provided to the Australian and Northern Territory governments on the performance of the program. This will ensure that the governments’ housing priorities are addressed as a matter of urgency. The costs of administering the Strategic Indigenous Housing and Infrastructure Program are currently tracking at 11.4 per cent, and we are looking to reduce this further.

We cannot keep making the mistakes of the past. Old housing models have not served Indigenous interests. Over the decades, many millions of dollars have been poured into housing and the outcomes have been simply abysmal—run-down, overcrowded houses where no one has clear responsibility for looking after the house, for paying or collecting rent or for doing necessary repairs and upgrades. We are fundamentally shifting the delivery of housing in remote Indigenous communities to achieve broader policy outcomes like rebuilding social norms and creating Indigenous jobs. We are pleased that the housing upgrades that are part of the first three SIHIP packages on the Tiwi Islands, Groote Eylandt and Tennant Creek town camps began in May as scheduled. The upgrades involved the total refit of what are often uninhabitable homes and will efficiently deliver new houses at half the cost. Construction of new housing has recently started on Groote Eylandt and will start soon on the Tiwi Islands.

I will give a bit of background on this package. The total funding for the Strategic Indigenous Housing and Infrastructure Program is $672 million, comprising $572 from the Australian government and $100 million from the Northern Territory government. An
announcement of $793 million of Indigenous housing funding was made in September 2007 by the previous government, following the signing of an MOU with the Northern Territory government. Of these funds, $527 million was for the delivery of capital works, later known as SIHIP. Increases in funding after this announcement brought the Australian government commitment up to $572 million. The Northern Territory government contributed $100 million. This program will see the construction of around 750 new houses, 230 rebuilds of existing houses and 2,500 upgrades by the end of 2013. The Strategic Indigenous Housing and Infrastructure Program will provide capital works in 73 targeted communities and a number of urban living areas.

We have been through the timeline. Between the September 2007 signing of the MOU and April 2008 the Territory government reviewed the strategic alliance contracting methodology, in light of the increase in funding available; the Australian and Northern Territory governments worked together to develop the funding allocations and identified the 16 high-needs communities; lease negotiations progressed for Tennant Creek and Groote Eylandt; and the Northern Territory government established a design library and commenced work on SIHIP design guidelines. Between May and November 2008, a comprehensive procurement process was undertaken to select alliance partners for the delivery of SIHIP. The successful alliance partners were announced in October 2008. They were: New Future Alliance, Territory Alliance and Earth Connect Alliance.

This initiative presents a wonderful opportunity to create real and sustainable jobs in remote Indigenous communities. The program underpins the government’s commitment to closing the gap between Indigenous and non-Indigenous Australians. It is an example of the type of practical, on-the-ground measures which will improve health and safety in Indigenous communities.

Northern Territory Chief Minister Paul Henderson said this was the Territory’s largest ever remote housing program. He said:

Overcrowding and disrepair of houses in remote communities is rife, contributing to significant health and education problems. We must improve housing standards if we are to close the gap on Indigenous disadvantage.

This is a new era of delivering housing in the bush.

For the first time, government, industry and communities will work in partnership to ensure that benefits are delivered where they’re needed the most.

Importantly, the jobs and training offered through the program will open the door to future job and economic opportunities for Indigenous Territorians in remote areas.

The Northern Territory government will deliver the program and the Australian government will provide support in the development stages to establish the program. Security of tenure will be a key element in allocating this funding. Communities receiving capital works under this program will need to enter into a lease for a period of time appropriate to the life of the capital works being funded.

In respect of the National Partnership Agreement on Remote Indigenous Housing, COAG has committed $1.94 billion over 10 years, commencing this year, to reform housing and infrastructure arrangements in remote Indigenous communities. This will address significant overcrowding and homelessness, poor housing conditions and severe housing shortages in remote Indigenous communities. Improving housing conditions will provide the foundation for lasting improvements in health, education and employment and make a major contribution towards closing the gap in Indigenous disadvantage.
This will bring a total investment of up to $5.48 billion over 10 years, allowing for the construction of up to 4,200 new houses in remote Indigenous communities; upgrades and repairs to around 4,800 houses in remote communities, with a program of major repairs and improved tenancy management services; increased local training and employment opportunities in construction and housing management, providing up to 2,000 new jobs; and access to affordable accommodation options in regional centres to support employment, education, training opportunities and access to support services in regional areas of high employment. This investment will support up to 9,000 families in accessing safe and healthy housing.

Reflecting back on the apology given in this parliament on 13 February 2008, this government’s approach in part to Indigenous policy is:

Addressing Indigenous disadvantage is a national responsibility that will require the energy and commitment of all Australians. Working with all parts of the Australian community, the Government is determined to drive real improvements, focused on outcomes and guided by evidence. Central to the Government’s strategy is a new partnership with Indigenous Australians, based on mutual respect, mutual resolve and mutual responsibility.

On the important area of housing, COAG’s commitment of $1.94 billion over the next 10 years brings funding allocations to $5.48 billion, which will be fundamental to improving outcomes for Indigenous Australians living in remote communities. Quite clearly the assistance provided through the SIHIP by both the federal Rudd government and the Northern Territory government are addressing Indigenous members of our communities in this country.

I have dug up some contemporary information, because there has been a lot of talk about what has not been happening. If you go to the Northern Territory government’s web page, you can see contemporary information about what is happening out there in these communities now, putting aside all the folly and the comments that have been made that no houses are being built and nothing is happening out in those communities. That is just not true. A media comment dated 31 July this year indicates that the keys for newly refurbished homes on Groote Eyldandt have been handed to families. Also, Earth Connect Alliance General Manager Andrew Schroth said that refurbishment works on 18 houses are underway right now. Mr Schroth said the refurbishment program was currently two weeks ahead of schedule. So they are on track; they are actually two weeks ahead. They are well ahead of schedule in making sure they deliver on their promises, and that is what we are doing as a government along with the Northern Territory government.

He went on to say that this is because of good planning, supervision and skilful work by the mostly local workforce. He said they are focused on employing local Indigenous workers not only to build the homes but also to develop skills that they can use throughout their lives. He said, ‘We want to give local people skills and opportunities to help them plan for long-term working lives within their own community—not just for this program.’ That is real-life information about what is happening on the ground in the Northern Territory.

The Minister for Housing in the Northern Territory, Rob Knight, has indicated:

$672 million has been committed over the 5 year program to construct 750 new houses, 230 rebuilds of existing houses and 2500 upgrades …

This is all readily available contemporary information on what is happening in the Territory. There is no smoke and mirrors; this is live information that people can download.
from the internet. Rob Knight went on to say:

The Australian and Territory Governments are determined to address the appalling living conditions in remote Indigenous communities.

... ... ...

The Territory Government is committed to getting this program right and delivering 750 new homes. We cannot repeat the failings of the past.

It is important that people reflect on what is happening in their communities and what the contemporary situation is on this subject. Around 166,000 of the 700 million households in Australia are Indigenous households, which is a very low proportion of the total number of households, but something that this government is acting upon.

Senator Scullion’s motion is nothing but a cheap political stunt, which follows his comments on ABC news yesterday that not a single house has been built in the Northern Territory in 18 months. That is pure folly from a desperate senator from an out-of-touch opposition. (Time expired)

Senator PAYNE (New South Wales) (5.09 pm)—It is interesting that Senator Furner chose to end on name-calling, if you like, about political stunts. Having determined that to be an art form on the other side of the chamber, most particularly in the last week or so, that is unsurprising. The most disappointing thing about the consideration of this motion from the other side of the chamber is that apparently there is a continuing view that rhetoric and numbers add up to results. It is patently apparent to the residents of the communities that Senator Scullion spoke about in his remarks at the beginning of the debate on this motion, if people are realistic about the situation in the communities of which we speak this afternoon, that rhetoric and numbers are not adding up to results.

It is disappointing to see references invoked to the apology that began this government’s engagement in what they have described as perhaps a new relationship with Indigenous Australians. In some very small and probably, ultimately, not particularly relevant way, I took part, as many of us did, by way of a small contribution in this chamber in relation to that apology. It was very important to me personally at the time. I know that, for every other individual member and senator who chose to engage in that discussion in this chamber and in the other place, it was personally very important to them as well. I do not believe a single individual chose to participate for any other reason.

But what we are talking about this afternoon in this debate about the Strategic Indigenous Housing and Infrastructure Program is something very different. It is actually something as fundamental in this country as bricks and mortar. If bricks and mortar are not the most appropriate building materials, I am happy to be advised by someone far more learned on these matters than myself about what should be used. But that is the colloquialism, isn’t it; that is what we are talking about—bricks and mortar. That is pretty simple really, when all is said and done. But it is not simple to try to get to the bottom of not only where the money is and is going but where the homes are or actually are not.

I do want to put on the record some of the history of this program, because it is something that I have been exploring for some time through the estimates process. It did begin its life, as others have said, under the former government, and at that time I certainly believed it held great promise to dramatically improve living conditions for Indigenous Australians in the Northern Territory. In September 2007 the coalition government signed an MOU with the Northern
Territory government to deliver the SIHIP. But it seems to me that, with the arrival of the Rudd government in November of that year, the program is at best at this point drowning not waving.

On 12 April 2008 the now Minister for Families, Housing, Community Services and Indigenous Affairs, Jenny Macklin, announced that the Rudd government would contribute $547 million over four years to the program, with an additional $100 million coming from the Northern Territory government. It was described as a landmark joint housing program that would deliver vital construction, refurbishment and infrastructure developments as well as jobs in 73 Northern Territory Indigenous communities and some urban areas, to come to that total. Then it was said—and these numbers have been repeated by a number of contributors this afternoon—that the funding would deliver around 750 houses in 16 communities, over 2½ thousand housing upgrades, essential infrastructure to support those new houses, and improvements to living conditions in town camps. One would have thought that equated to bricks and mortar. But since then the value of the program has risen further, to $672 million, which is a very, very significant amount of money in anybody’s language and an amount that has, one would hope, the potential to transform remote Aboriginal housing in the Northern Territory.

Despite those promises, despite the rhetoric, despite the words, under this government SIHIP has been a disappointment from the very start. Let me go through the deadlines—we have examined these in estimates—to assist us with this information. In the first announcement which I referred to earlier, in April 2008, the minister said that work would begin on the 750 new houses by October 2008. That seemed a reasonable proposition.

By the end of October no work had started, but they had built a new time frame—which I do not think you need bricks and mortar for—and the commencement of housing construction and refurbishment work was said to be planned for early 2009. But, in February 2009, construction still had not commenced. So in May there was another announcement, which said that construction work would finally begin in the Tiwi Islands later that month. At the same time, we had reports circulating about the sucking up of program funds in administration—up to 70 per cent—with the Northern Territory government alone expected to take around $100 million simply to administer the program. That matter was raised in question time this afternoon. Ironically, it is very close to the amount they had originally agreed to contribute. In June of this year, one of the construction firms involved in SIHIP was reported as saying that they would have to build fewer houses than originally promised, due in part to increased costs and GST.

So almost every day we see new reports of the failure to actually deliver bricks and mortar. In fact, just yesterday it was reported again, I believe in the *Australian* newspaper, that the Northern Territory statutory body in charge of housing, Territory Housing—which was much vaunted by Senator Furner, if I recall correctly—has allowed new homes on the Tiwi Islands to sit vacant for five months while local community members continue to live in overcrowded, virtually condemned houses because of unnecessary obstruction by the bureaucracy. So the government has allowed SIHIP—a vital infrastructure program in these communities—just to fall over or, to go back to my previous metaphor, to drown in a mass of mindless bureaucracy, it would seem.
When you look at the combined failure of both the Northern Territory and federal Labor governments, it does not simply represent a really unimpressive waste of taxpayers’ money; it is also a real failure for the people they are meant to be serving in these communities. We endure hundreds of minutes of criticism of us on this side and then we endure hours of rhetoric and tons of documents from those opposite touting and lauding their own achievements and their own aims—and for what result? There is not very much to show for it unless you want to start counting the sorts of properties that Senator Scullion referred to earlier: overcrowded, in many places described as squalid, with rubbish contaminating communities and with all of the concomitant challenges.

It is a complete failure on any assessment, and it is a story which is repeated in more than one area, particularly in the Northern Territory. In fact, Senator Scullion referred to one community which has attracted a great deal of public attention—a small community which made the national news for possibly the worst reason you could imagine. The elders were so sick and tired of the appalling state of their community that they were actually considering abandoning it and moving to traditional lands outside the control of government. Their community was unliveable. They had poor housing—including a number of people who were consigned to living in houses made completely of tin in an environment which is clearly unsuited to that—they had malfunctioning septic tanks, they had uncollected rubbish and the list goes on. The ongoing problem also includes the fact that those sorts of communities, due to the media attention that they attract and the engagement that people have with the colour of that sort of story—the absolute frisson that is attached to that sort of powerful story on a newspaper front page in this country—end up being labelled, and labelled in the worst way. It is absolutely unfair. The people who live there are labelled, and children who do not choose where they are born are labelled as well.

It seems to me that one of the most important aspects of this debate today is that the government can no longer ignore the fact that people are noticing this problem. The government cannot just commit over half a billion dollars to make these much-needed improvements in remote Indigenous housing and a year and a half later not have anything to show for it. They cannot expect accolades and praise. We need to be realistic about this. I do want to acknowledge those particular members of communities and of the media who have gone out of their way—in sometimes, I would imagine, extraordinarily challenging circumstances—to point out these problems, to expose these issues and to expose the failure of the government to deliver on its commitments on remote Indigenous housing. They bring national attention through the pages of the newspapers—most particularly, it would seem to me, of the Australian—to what is really a national disgrace.

But you do not have to listen to me or to Senator Adams or to Senator Scullion. It is not like we are the only people in Australia who are saying that this is a very significant failure of government. Happily, in the byplay of the political process in this place, I would not necessarily expect the average listener to say, ‘Well, because the opposition says it’s so, it must be so.’ Let me cite a few other very concerned Australians who have drawn their concerns to the attention of the government and the Australian people. I start with Professor Marcia Langton, who has called on the government to establish a watchdog to ensure that the money of the Australian taxpayers which is going to the Northern Territory is dealt with appropriately. Professor Langton, a very well re-
spected academic in this country, has criti-
cised the rise of what she calls a Territory ‘consultancy class’, which she says is grow-
ing large on the profits of Indigenous hous-
ing programs. She calls it a ‘hopeless gravy train’ in the Northern Territory, where the mates of the Australian Labor Party were appointed on six-figure salaries to manage Indigenous social programs. When asked about reports that the SIHIP funds were being consumed by the Northern Territory govern-
ment bureaucracy, Professor Langton said:

This will end in disaster ... everybody knows thathousing is at the heart of the Aboriginal health situation, and we can’t go any further because of the hopeless gravy train prop of the Northern Territory administration.

Cabinet ministers are resigning from the Northern Territory government over this state of affairs—cabinet ministers from the Labor Party—and so the list goes on.

I do not want to unnecessarily politicise this discussion, because, as Senator Evans said in question time this afternoon, it is im-
portant to have a degree of bipartisanship on this particular area of policy. We have previ-
ously, as a government in fact, explored the opportunities for the emergency response and the intervention. That was a very impor-
tant part of that process. But it seems to me that the government cannot pretend to be blithely unaware of these problems or con-
vieniently ignore them. I am not sure which category we are looking at.

The minister has said that she does not want to buy into the politics of the Northern Territory but is confident that the Northern Territory government is working hard on the implementation of the scheme. I would have thought it more obvious that the Northern Territory government was working on saving itself, but that is neither here nor there. The minister has also said, ‘It’s just not right to say that nothing’s happening.’ Again, the

minister is perhaps one of the few people left who think that that is the case.

SIHIP was defended some time ago, with the minister claiming that 96 houses had been built in the Territory in the last 18 months, but it then became obvious that they were not built under SIHIP but under pre-
existing programs to improve remote Indigenous housing in the Northern Territory. We wait to see what will eventually be delivered under SIHIP itself. It seems to me unlikely that we will get any clear indication from the government at the moment. The only thing that we hear repeated is the government’s good intentions. We know where the road that is paved with good intentions goes; we know where rhetoric and empty numbers take us. They do not seem to be taking us to bricks and mortar. Rhetoric will not build a single house either.

It is in fact quite difficult to obtain infor-
mation on these issues through the processes of the parliament. As I said earlier, I have been asking questions during the estimates process, as have my colleagues, about how this will work, when the houses will be del-
ivered, how much it will all cost, how the program will actually deliver on its promises and what is happening on the ground on training, employment and so on—there are lots of commitments under this program. I am sure departmental officers are trying their very best. I mean absolutely no criticism of departmental officers, but I am disappointed with the answers I continue to receive, and they are, of course, signed off at ministerial level, particularly when they are answers to questions on notice.

At the estimates of October 2008 and Feb-
ruary 2009, in answers to questions about the cost of the program, departmental officials were unable to provide specific information and said they would not be able to until the package development reports—which is ap-
apparently an official name for a plan to deliver housing—were finalised. In October 2008 they said they would be finalised in February or March 2009. In February 2009 they said they would be ready by April 2009. When we asked again in February this year about whether construction or even upgrade work had commenced under the program, the officials effectively said no, but that ‘detailed planning, and community consultations’ had commenced in October 2008. That is an enormous relief! That is around six months after the program was announced. Why it took six months between the announcement of the project and the commencement of detailed planning is a mystery to me and a question for the government—one on which I will not hold my breath waiting for an answer.

I asked again in June 2009 about employment outcomes under the SIHIP packages. I was unable to obtain any information on two of them. In other words, I could not find out whether SIHIP in Tennant Creek and on Groote Eylandt had actually resulted in any Indigenous employment at that stage. Given the importance that was placed on the employment of local people under the program, I had hoped for better.

When discussing the views of people around Australia on this particular program, it is interesting that we have in the chamber this afternoon Senator Stephens, who I think has a very acute understanding, if I might put it like that, of the particular difficulties associated with this program. Last month there were reports of a leaked memo, which the senator produced in April 2008, soon after the funding for SIHIP was announced. The senator had the opportunity to attend a SIHIP industry event in Darwin, attended by apparently over 500 people. I think that memo, sent to Minister Macklin, is best described as a damning indictment on this over $650 million program—so much so, it was apparently kept secret for over a year, until a media outlet managed to obtain it one way or another. One never knows with these things.

In that memo were some warnings to the minister which may have been appropriate for her to note. For example, it said that no houses would be built under SIHIP until 2011—three years after the start date—and that it is unlikely to meet its 20 per cent target for Indigenous employment. It is said that lawyers at the gathering said that the tendering process was anticompetitive and possibly in breach of the Trade Practices Act and that not even the construction industry, which stood to gain from the project, thought it was a good idea. Representatives of the industry were said to be ‘flabbergasted’ by the approach and likened it to a ‘shoddy defence procurement model’.

What is extraordinary is not that Senator Stephens, a person of great integrity and character, was so frank and honest; what is extraordinary is that no one appeared to take any notice.

When the memo finally became public, the minister responsible—and I use the word advisedly—for the program did not give us an explanation about why it had been kept a secret for so long and just denied that there was anything wrong with SIHIP at all. In the face of calls for greater transparency from its own members, the government is apparently unmoved. I used the word ‘arrogant’ in a debate earlier in the week in relation to another issue—the proposed emissions trading scheme that Minister Wong was advancing—but ignoring that sort of advice, by someone who made the effort and took the time to be on the ground, is arrogance of the worst kind. None of this is good enough. The men, women and children of the Indigenous communities of the Northern Territory deserve to know when, if ever, they will receive their long-promised homes.
Senator STERLE (Western Australia) (5.29 pm)—I wish to make a contribution to this debate and talk about the Strategic Indigenous Housing and Infrastructure Program. This is a very emotive issue and I have been in the chamber to listen to the contributions of all senators, except that of Senator Scullion, who led the debate and whose speech I listened to in my office. Some of the contributions were very informative; some were heartfelt; some were absolutely shocking. Senator Scullion was on a rant and in typical Senator Scullion style he thinks he has to yell at people. Apparently, the more emotive he becomes the more that Australians might think he knows what he is talking about on this issue.

I would like to touch on a few of the contributions from other speakers because I have a very vested interest in this topic. It is not that I am a senator from the Territory—I am not—I am a senator from Western Australia who has spent a lot of time in Indigenous communities, both in my role as a truck driver delivering teachers, police, furniture to a new school or whatever it might have been and in my role as a duty senator running throughout the Kimberley, Pilbara, Gascoyne and Western Desert lands. There is nothing sadder than to see the plight of Indigenous Australians in the squalor that they do live in. It is absolutely heartbreaking. It is disgraceful, it is embarrassing and it is nothing short of disgusting.

In her contribution, Senator Payne mentioned the apology to the stolen generations. I do not think for one minute that she was anything short of sincere in her appreciation of that apology. I have had the good fortune to be a part of some overseas delegations since the apology. It does not matter if we are in Europe or in Asia, the first thing that is usually put to us as visiting Australian politicians is how proud those other nations are that Prime Minister Rudd made that apology. Through you, Madam Acting Deputy President, I see a smirk on Senator Bernardi’s face—a smirk that looks like a split watermelon.

Senator Bernardi—It’s not a smirk; it’s a grimace.

Senator STERLE—I would suggest, through you Madam Acting Deputy President, that you are not doing yourself any favours, Senator Bernardi. In fact, you should stick to your day job of undermining some of those colleagues of yours in South Austra-
lia—because they need undermining. Our overseas friends proudly say how fantastic our Prime Minister and our government were for making the apology to the stolen generation.

I will return to the substance of the debate and talk about my ventures through Indigenous communities. I agree 100 per cent with Senator Evans, the Minister for Immigration and Citizenship. During question time today he made a big call, and his humble statement was to the point and so truthful: none of us—for those listening on the other side of this chamber—have got it right so far. They are very strong words and they are so true. That is why it is very frustrating when we are actually trying to improve the lot of our Indigenous brothers and sisters that we have to listen to some of the tripe that has come out in this debate today from senators opposite.

When you go into an Indigenous community there is nothing worse than seeing some of these—let’s call them buildings for want of a better word. No windows, no doors—

Senator Williams—What’s he said so far?

Senator Bernardi—Just more dribble.

Senator STERLE—Dribble? Through you, Madam Acting Deputy President, it is dribble, is it? When was the last time you were in an Indigenous community, Senator Bernardi? Through you, Madam Acting Deputy President, when was the last time Senator Williams, that intelligentsia of all things political in the National Party, was in an Indigenous community? When have you ever stood and said in this chamber how disgraceful the way our Indigenous brothers and sisters live on their traditional lands is? It is shameful, but our leader, the Leader of the Government in the Senate, Senator Evans, was man enough to say that no-one has got it right. I support Senator Evans’s statement because it is just so true.

To bring us back to where we are now, you hear comments in the hallways in this great building that Senator Scullion is just being devious in moving this motion, that Senator Scullion is being evil, that Senator Scullion—the former Howard government Minister for Community Services—is playing politics or that he is just being a complete and utter dropkick. I would not say that. Not for one minute would I suggest that Senator Scullion is being evil or devious. I would not even suggest for one minute that he is playing politics or that he is a complete and utter dropkick—I would not suggest that. I honestly think that Senator Scullion does have the interests of Indigenous people and their communities at heart. Being a Northern Territory senator, he should have. The sad thing is that I think Senator Scullion has been grossly misled. He is grossly misinformed. He can turn on the passion, as most on that side can when it suits them, but, quite frankly, Senator Scullion is way off the mark because Senator Scullion, as I said, was actually the community services minister in the Howard government.

For 11 long years—let us not forget, 11 long years—what did you lot over on that side do? Through you, Madam Acting Deputy President, this is the travesty: in opposition they can all start wrenching on the heartstrings about how concerned they are about Indigenous housing and Indigenous communities, and how dare we mention closing the gap in Indigenous health and education and housing. How dare we? So at every opportunity, all of a sudden, that mob on the other side of the chamber is the custodian of all things wonderful about Indigenous Australia.

When you go into the communities and you see the children—as Senator Payne said, children cannot help where they are born—one would think that that side of the chamber would do everything they could to work with us. One would think that we would hold
hands as Australians, regardless of the colour of our skin, and say that we are going to do what is best for Australia, what is best for the next generations coming through, regardless of their skin colour, rather than just using it as a political football when it suits that side.

And as has been said, we inherited this SIHIP. We did inherit it, but we are going to make it work because one of the great things about spending over $1 billion of taxpayers’ money is that the Rudd Labor government is going to do one thing that that side of politics could not do in its 11 years, and nor could others before that—that is, we are going to do it right. I know that may give those on the other side grief—Senator Bernardi, Senator Williams, you know you can put your hands on your heads—but we are going to do it right. What has happened over the years, and it has happened in most of the communities I have visited, is that you might find the odd new home. Take the Dampier Peninsula. It is not the Northern Territory, but their living conditions are still squalid. You will occasionally see a wonderful new home. And I have said it on many occasions: ‘What a wonderful new home. How long did it take to build that?’ They say ‘six months’ or whatever. The way it was done under the Howard government it was mix and match; it was hit and miss. There was always a little bit of political pressure, ‘Let’s chuck a new home into this Indigenous community.’

And for some strange reason, if you wanted to build a home in an Indigenous community, they always had to add another zero on the end of it. I do not know how that happens, but I can understand it. When building companies tender for these one-off homes, it is costly for them. They have to get labour, they have to provide accommodation, they have to provide the wages and the travel costs, and then the trucks have to get the freight up there, and we know how that all happens. And we also know that in the middle of the wet season, forget it; it is not going to happen in the wet. So there is a window of opportunity, usually it is about eight months—I will stand corrected if the Northern Territory is seven months or nine months, or whatever—but it all has to come together very quickly.

But what actually happens if you have only one new home built in a community? Within a month or two there are 25 people living in that one house. But previous governments, who thought they had done their little bit because they had put one home in this community, one home in that community, would just say, ‘Oh, aren’t we fantastic?’ Well they haven’t been damned fantastic! They have been absolutely remiss in their service to Indigenous Australia.

The important part of the Strategic Indigenous Housing and Infrastructure Program is the way that it will be done properly. What has been said here, and I will not go into it too much because it has been heard, but I must reiterate for those opposite in case it did not sink in, and I do not think it did sink in on a number of occasions—

Senator Polley—We haven’t got long enough for it to sink in, Glenn.

Senator STERLE—We have not got a big enough stick to whack it in! I believe three companies have formed an alliance. There has been a proper tender process. And rather than have one-offs here and there, these three companies in an alliance were asked to tender on building some 20, 30, 50 or whatever new houses and structures as well as doing up existing buildings in communities. But just as Australian taxpayers can get the best bang for their buck—it is a word that I hate, but unfortunately nothing else has come to mind at this stage—so can the Indigenous communities get the best outcome that they deserve. That it is why the tender process has gone in like that. That is
why there has been not just one building here and one there. That is why there have been a number of tenders for buildings. I am led to believe of the 750 homes—Senator Bernardi sits there still shaking his head. Go back to your daytime job; undermine your South Australian colleagues, Senator Bernardi. You are good at that. You are not good at much else in this chamber when it comes to Indigenous affairs, but you are good at that.

Of the 750 homes these three big companies—I am led to believe one of them is Leightons, and I believe one is a very renowned and respected building and construction business in the Territory, Sitzler Bros, I think, but I will stand corrected; they are not fly-by-nighters. But the beauty of it is that not only are they tendering on large amounts, not only are they building and improving existing structures and building new structures, but, as part of the government’s package, we are also building communities. We are not just propping up one or two homes here and there; we are building new communities. And to make matters even harder for that lot over there to comprehend, we are consulting with traditional owners. We are consulting with the people who matter, the people who will be living in these homes. I know that is a revelation, but that is what we are doing.

Another very positive part of SIHIP is that the tender calls for training of Indigenous workers. Training of those who not only will be living in the new homes or living in those improved structures, but will be in those communities with construction skills for ongoing maintenance. We are talking about a window of construction, from 2009 through to 2013, and those young Indigenous boys and girls and men and women will be trained. They will have those skills to continue the maintenance. This is a wonderful thing. On my travels through Indigenous communities, I have met so many Indigenous people who are trained to the hilt because it has been fashionable or groovy to throw a few bob out here and get TAFE to do some training. No disrespect to TAFE, but they have not been trained with the skills that they need. They have to train them with skills that they actually need. And what a wonderful opportunity for these young Indigenous men and women to gain construction skills, to have the ability not only to put into their community for the next four years while this program is going, but to do ongoing maintenance jobs to keep them on their traditional lands. What a wonderful opportunity.

In saying that, I remember watching I think it might have been Lateline prior to the last election. I heard one of the now opposition members, but a government minister at the time, and I think it might have been the Leader of the Opposition at the moment—if he is still the leader. When I last read the Australian, he was still the leader. But they have been quiet, so he probably has not been knifed yet. I remember him making this wild and ridiculous statement that we—being Australians, I gather—have to get Indigenous people to where the work is. That is probably one of the most condescending remarks that I have ever heard come out of a politician’s mouth. They had absolutely no idea why our Indigenous brothers and sisters live on the lands they do, of their connection to their lands because that is where their forefathers walked their sacred sites. That is where they want to be. This will actually deliver in 16 communities the opportunity for young Indigenous Australians to gain fantastic construction skills and have an ongoing job—a proper job. Not sit-down money, a proper job.

If we are to be condemned for doing it properly, I do not mind being condemned, because these are big-ticket items. As I said, there is over half a billion dollars of taxpayers’ money and it is going to be done prop-
erly. In saying that, there were a number of other issues that we have had to work through with the traditional owners. There have been all sorts of issues, like sacred sites. If we are going to walk into a community and we are going to build 20 or 30 homes, you cannot just plonk yourself on a plot of land and say, ‘Pour the concrete, boys, and let’s start building.’ You have got to do it in consultation.

There is a very important thing that I also want to raise before I run out of time. It is another issue that confronted us and it has taken a lot of the time because it is being done properly. It is security of tenure. It is a key element of SIHIP. On top of governments needing titled assets, secure land tenure will encourage the development of markets in land, private investment and home ownership in the longer term. For this reason, SIHIP is closely linked to the broader reform of the NT remote housing system, where mainstream and consistent housing management practices will be put in place.

We expect that leasing negotiations will continue to be productive. At the current rate, we believe leases will be in place ahead of time and we anticipate that SIHIP may now be completed ahead of schedule in 2013. In formulating SIHIP, both the NT and Commonwealth governments agreed to quarantining 15 per cent of the overall $672 million budget for program management and the Northern Territory government’s operating costs. I just want to reiterate that 15 per cent is the original figure. The government did so knowing that this percentage would be reduced over the life of the program as we implemented new efficiencies. Operational costs are presently running at 11.4 per cent—well below the 15 per cent threshold—and operations will run at 10 per cent by the end of this month. We will cut that even further to eight per cent by October 2009. That eight per cent will cover program management and staffing costs, planning and mapping, design coordination, quantity surveying, auditing for finances, probity covering insurance and legal matters, and other general operational costs that are directly related to the program.

SIHIP is the biggest, most ambitious integrated housing program in Australia’s history. It is says it all there. It is an entirely new approach, with governments actually working together with communities. Once again, I know that is strange for that lot over there but we are actually working together. Governments are also changing their behaviour and the way they interact with people in the bush. The opportunities at hand can capture the imagination. That is important because the vision is critical to ongoing success.

In reflecting on all this, though, it boils down to an effort to change the lives of people—the citizens of the Northern Territory, like the previous examples that were given. The reality is that any significant improvement to the health, welfare and productivity of remote communities and individual residents will come through generational change. SIHIP is not a panacea but it is the start we need for that. All of us on this side of the chamber are more than certain about that.

In concluding, it is very mischievous to sit and listen to some of the arguments that were put up in this chamber by previous speakers. As I did say, some were very good, some from the other side were very good too, but some were appalling. For those out there listening, this is ambitious, this huge and this is part of nation building but it is, more importantly, about doing the right thing—doing the right thing properly, doing it in consultation with the traditional owners of the land and those first Australians who desperately and deservedly need our help. (Time expired)
Senator BERNARDI (South Australia) (5.49 pm)—In rising to contribute to this debate I feel compelled to respond to some of the allegations, comments and contributions that Senator Sterle has made. One of the incredible claims is that Senator Sterle said he will happily stand condemned for doing it properly. Senator Sterle has never, ever been condemned for doing it properly. No one has ever accused him of doing it properly. The government that he is a part of certainly are condemned for their lack of action in fulfilling their promises and providing the houses that they promised to Indigenous communities.

In reflecting on what Senator Sterle said, I will acknowledge that Senator Sterle is a true journeyman. His rambling, incoherent and, quite frankly, disingenuous attacks on members of the opposition, because we dared to disagree with some of the things that he said, did him no credit at all. Senator Sterle used a number of emotive words in describing the opposition’s contribution, questioning whether we had been to visit Indigenous communities, as he detailed his extensive travels around the world and into many other communities. This is not a chamber in which to boast of one’s travel logs or to boast about how many people you visited to promote the shameful emperor who has no clothes who now leads the Labor Party. It was a clamour to ingratiate himself with the emperor of the Labor Party—Red Rudd—because Senator Sterle, as I said, is a journeyman and he is interested in promotion. So he tries to ingratiate himself by abusing and attacking the opposition, rather than accept the very necessary facts.

The disappointment is manifest because the Labor Party clearly refuse to confront reality. I will tell you about the reality of this case. They made a number of grandiloquent promises, promises that they have simply failed to deliver upon. That is beyond deniability.

Senator Cormann—It is beyond question.

Senator BERNARDI—Yes, it is beyond question, Senator Cormann. We have a Labor administration in the Northern Territory in tatters, with their own former ministers resigning from Labor, saying they do not want any part of all this because it has been so poorly and shamefully administered. There are estimates of hundreds of millions of dollars being wasted on administration and bureaucracy and on feathering the nest of Labor mates. I am hearing these reports all the time. And what is the aim of these $673 million worth of funds? The aim is to build houses. The simple question is: how many houses do we have more than 12 months after they were promised? We have nary a one. As Senator Sterle and his comrades have been travelling around the world and have been visiting Indigenous communities in the Northern Territory claiming righteousness and saying they feel indignation over the opposition, he has never said, ‘Gee, why hasn’t a house been delivered there where it’s meant to be?’ Senator Sterle claims that one house is not enough and says that you have got to build a whole community. By goodness, I tell you what: you should start with one house. If you could get one house built in 12 months by the time you are out of government you will have three houses built—but clearly you cannot even do that. I see Senator Sterle smirking over there because he has done his bit. He has got this smirk going because he has got up there and he has tried to rough up the opposition. What Senator Sterle has done is simply muddy and grubby and it is to dumb down this debate.

That is a very unfortunate thing and it is something that I really want to resist getting into because this debate needs more attention.
than that. We have got to deal with some realities here. The realities are that hundreds of millions of dollars were promised to build homes and no homes have been delivered—none. We have a government in the Northern Territory in disarray. Quite frankly, we have a government down here in disarray because they do not know what to do. They are justifying it all through their spin and media releases. They are justifying giving $100 million to their mates to administer a program that is not actually operating or delivering anything that it is meant to. And they want us to feel guilty about raising this in the Senate! If anyone is to stand condemned it is not for doing the right thing; it is for doing the wrong thing. It is for misleading Indigenous communities. It is for misleading the people of Australia. Quite rightly, I will stand and condemn those whose lack of action and whose wilful disregard for producing actual results are disappointing so many Indigenous communities and letting down the hopes and dreams of these communities and of so many people who want to contribute to make a difference.

Make no mistake: there are many people in this chamber and in this parliament and all around Australia who actually do want to make a difference. There are some as well who reside on the other side of the chamber but they have been cowered into silence, it would appear, because under the Big Brother mantra of the emperor you are not actually allowed to question and you are not allowed to stand up and say, ‘Hang on, maybe we’ve got this wrong.’ Otherwise, we would have heard from Senator Sterle, the noted climate sceptic during the debate on the CPRS. But we did not. He was cowered into silence. I only hope the camera is on him now when shame and humiliation are so apparent on his face.

But let us go back to the substantive matter here, which is the history of this lack of administration. Seven hundred and fifty new houses were promised including a new subdivision. How many have been delivered? None. Two hundred and thirty new houses were promised to replace houses that were to be demolished. How many have been delivered? None. Over 2,500 housing upgrades were promised. How many have been delivered? None. It is a shameful record that has failed to improve the living conditions of people in some very difficult circumstances. People in the Northern Territory and other parts of the country feel so strongly about this that they have actually resigned and quit from a Labor administration or a Labor cabinet in disgust over Labor’s lack of action.

What do we have when this is raised in the national parliament? We have the hubris, the ego and the arrogance of a government that believes it can spin its way out of anything. It believes that by putting out a few press releases and working 24/7, not in the interests of the Australian community but on managing the media cycle, it can actually achieve some sort of outcome. The only outcome this arrogant government wants is its re-election. It does not care who it has to hurt in the process. It does not care about the lack of results. It only wants to get itself re-elected despite more underperformance.

_Senator Pratt interjecting—_

_Senator BERNARDI—There are a number of interjections from the other side. I cannot quite understand them, just more incoherent babble I guess._

_Senator Pratt—Try listening to your own speech!_

_Senator BERNARDI—What I find quite fascinating is that the true journeymen of the Senate and those that are actually committed to making a difference were not asked to speak in this debate. We only get the abuse._

_Senator Pratt—you haven’t talked about any of the real issues._
Senator BERNARDI—The interjection I can hear now and understand is that we are not talking about any of the real issues. The real issue—through you, Mr Acting Deputy President, to Senator Pratt, who is being quite a prat—is the fact that no houses have been delivered. Which part of zero don’t you understand, Senator Pratt? You do not seem to ‘get’ zero. You have spent $100 million on zero, on propping up your Labor mates. That is what has happened and you seem to be proud of it.

Senator Pratt interjecting—

Senator BERNARDI—Hang your head in shame because you do not belong in this place if you are proud of that. It is just abhorrent that you can be supporting such a waste of taxpayers’ money and the nondelivery of your promises. But if that is how you feel, you should go out and celebrate that and put out a press release saying, ‘We have wasted $100 million of taxpayers’ money and have not delivered a single house to where we said we would.’ It is incredible. It is quite extraordinary.

Before I was rudely interjected upon—which is something we all frown upon in this place!—I was speaking to this critical issue. Many of us are committed to doing everything we possibly can to help disadvantage in Indigenous communities, and I am one of those people. Contrary to what Senator Sterle alleges, I have visited Indigenous communities both in my state and in other states. I want to make a difference like so many of us here want to do, but in order to make a difference we have got to see some action. When we see some action, you might find there is a bit bipartisan support for this. The Labor Party has nothing to be proud of. The coalition will continue to fight.

Debate interrupted.

DOCUMENTS

The ACTING DEPUTY PRESIDENT (Senator Troad)—Order! It being 6 pm, the Senate will proceed to the consideration of government documents.

Australian Institute of Health and Welfare

Debate resumed from 25 June 2009, on motion by Senator Williams:

That the Senate take note of the document.

Senator RYAN (Victoria) (6.00 pm)—I rise to take note of the Australian Institute of Health and Welfare’s report for 2007-08. The report contains some fairly horrific statistics—statistics that betray Labor’s claims to be able to run an effective health system; and statistics that Labor state governments all around the country have gone to great lengths over many years in office to prevent coming to public attention. What this report tells us is that over 10 years up to 2006 there was a substantial and massive decline in the number of beds in public hospitals—public hospitals that are run by state governments, significantly funded by this place but managed day to day by state governments, and for much of this period Labor state governments. In the 10 years to 2006 the number of beds that have been slashed from public sector hospitals is around 5,000. When you take into account the increase in Australia’s population to over 21 million over this period, we see that the number of beds per head of population has declined alarmingly. It has declined from 4.5 beds per thousand people in Australia to 4.0. Indeed, my own home state of Victoria has the lowest number in the country of 3.7.

I do not argue that the number of beds is the sole test of an efficient health system, but this does tell us a story—particularly when we look at the explosion in staff in these same public sector hospitals. Over this 10-year period the number of nursing and personal care assistants grew by 55 per cent,
despite the fact that there are 5,000 fewer beds now than there were 10 years ago. More alarmingly, the number of medical administrators grew by 70 per cent over this period. I assume these are the administrators in my home state of Victoria who were caught fudging the numbers in our own hospital statistics over the last two years. What these two trends—declining numbers of beds, increasing numbers of staff—tell us is that Labor, as it always has been, is in hock to the unions. In this case it is the public sector unions—the public sector unions that have demanded wage rises, more people being employed, but at the same time seen a decline in the number of beds.

We know it is Labor’s fault, particularly in my home state, because for the overwhelming part of this period there was a Labor state government in Victoria. We have had an explosion in costs, we have had a reduction in services and a dramatic fall in the number of beds. We have had an explosion in the number of people waiting for semi-urgent and elective care. We have had an explosion in people waiting on trolleys for beds. I will not even go into what has been happening in the state of New South Wales, where the stories are nothing short of horrific and where there was a Labor government in place for all of this period. Labor does not want to take on the vested interests of the public sector unions. There has been report after report issued around this country that shows that while the number of employees has gone up, the number of employees per bed had skyrocketed as Labor has stripped resources out of the health system. Labor always wants to talk about how much they spend, but they never actually want to talk about what we get for the dollars we spend on our health system. The previous federal government doubled the spending on health care in this country. Yet at the same time that that money was being poured in Labor was ripping beds out of the public sector system. What they want to do on top of that today is to start to rip resources out of the private health system—the same private health system that has grown over this period and has managed to take up some of the slack left by Labor’s incompetence and their negligence. They care about their union mates, they look after their public sector support base but it comes at the expense of patients and Australians.

Question agreed to.

Consideration

The following orders of the day were considered:


General business orders of the day Nos 2 to 5 relating to government documents were called on but no motion was moved.

COMMITTEES

Consideration

The following orders of the day relating to committee reports and government responses were considered:

Education, Employment and Workplace Relations References Committee—Report—DEEWR tender process to award employment services contracts. Motion of the chair of the committee (Senator Humphries) to take note of report agreed to.

Community Affairs References Committee—Report—Lost innocents and forgotten Australians revisited: Report on the progress with the implementation of the recommendations of the lost innocents and forgotten Australians reports. Motion of the
The following orders of the day relating to reports of the Auditor-General were considered.


Senator IAN MACDONALD (Queensland) (6.07 pm)—I move:

That the Senate take note of the document.

Senator IAN MACDONALD—I seek leave to continue my remarks later.

Debate adjourned till the next day of sitting, Senator Macdonald in continuation.

Orders of the day nos 1, 3 and 4 relating to reports of the Auditor-General were called on but no motion was moved.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Trood)—Order! There being no further consideration of committee reports, government responses and Auditor-General’s reports, I propose the question:

That the Senate do now adjourn.

Riding for the Disabled Association South Australia

Senator BERNARDI (South Australia) (6.07 pm)—I ask those listening tonight to imagine that you are dropping your eight-year-old child off to horse-riding practice one afternoon. As you park the car, your child sees their pony in the yard and yells out its name, and that is the first time you have ever heard your child’s voice. This is what happened for one mother as she took her son to a Riding for the Disabled centre in South Australia. That is what happened and that is what is possible with the RDA. I rise tonight to speak about this wonderful organisation. Tonight, I will speak primarily about the RDA’s activities in my home state of South Australia, but I would like to point out that RDA is present in every state and territory. What is RDA? RDA is a voluntary, not-for-profit organisation that provides horse riding instruction, carriage driving and other horse-related activities for people with disabilities. The first Australian RDA centre
was established in 1964 and the South Australian branch began in 1972. Currently in South Australia the RDA uses 92 horses to deliver programs to 340 registered riders at 13 centres across the state in metropolitan and country locations. The RDA provides children and adults with disabilities with opportunities to ride horses for recreational and therapeutic benefit. Its activities include structured riding classes, recreational riding, therapeutic riding, vaulting, dressage, carriage riding and equestrian camps.

The organisation offers people with a disability a chance to be involved in physical activity that otherwise they might not be able to do. For many, it is their only opportunity to take part in a recreational sport in a safe environment. Riding or just being around horses can bring beneficial results for people with disabilities. The movement of a horse strengthens the rider’s muscles, often leading to increased mobility for the rider. Horses are also used as therapeutic tools to help the rider improve their balance, coordination, posture control and spatial orientation. Interaction with the horse and volunteers also helps them develop communication skills, builds self-esteem and confidence and allows a person with a disability to be independent.

Riders are also encouraged to take part in riding and dressage competitions, where their skills are developed further. It gives people with a disability a chance to enjoy doing something that so many without disabilities enjoy and provides a great sense of achievement. It helps break down the barrier between what they can and what they cannot do. One volunteer in South Australia put it this way: ‘We don’t see the riders’ disabilities; we see their abilities.’

RDA would not be able to offer such an extraordinary service and outcomes without its volunteers. There are 460 of them registered in South Australia, including coaches, side-walkers and horse leaders, as well as those who maintain the properties and take care of the horses the year round. They undergo training to achieve a National Coaching Accreditation Scheme qualification, which is approved by Ausport. ‘Side-walkers’ is an unusual description but an apt one. They stay beside the horse as a person is riding. That helps keep the rider safe and offers support and encouragement. Horse leaders are responsible for the horse during a riding lesson, and look after the horses when they are not being used in lessons. The effort and dedication of these volunteers, like that of so many volunteers in so many organisations, is amazing and it is something that we should all try to emulate in making a contribution in our communities.

The many success stories of RDA are what I find most inspiring. I would like to share a few with you. The story I mentioned at the start of my speech is just one of many stories about RDA helping to improve the lives of people with disabilities. A young South Australian rider joined RDA at the age of four. He has cerebral palsy and Down syndrome and was unable to sit up straight. With ongoing therapy over four years, he is now able to sit up unaided at the age of eight. His mum said that RDA was the best thing she ever did for her son.

A young woman with just one per cent vision in the bottom of one eye joined RDA at Jennibrook Farm a few years ago, because she wanted to get involved in some form of physical activity. She initially joined RDA as a non-rider. But for the last two years she has competed in the state dressage championships and now has dreams of competing nationally. In writing about her RDA experience, she said: ‘Horse riding has been so valuable to me. It has helped me gain confidence. It keeps me fit and, quite honestly, gives me something to live for.’ That is quite amazing: it gives her something to live for.
Another young female RDA rider from South Australia, who became a paraplegic after falling from a pony at the age of 12, represented Australia six years later in the equestrian dressage at the 2008 Paralympic Games. She hopes to compete in London in 2012. That is the impact that RDA can have on individuals. For many RDA riders, competing at the Paralympics is not their goal and is not why they go there. But each of them has a dream or a goal, however small, and RDA can help them to achieve that. The three stories that I mentioned are just three examples of what RDA has been able to do for people with disabilities. They are just three stories from an enormous pool of outstanding successes.

RDA also offers the families of the riders a chance to watch their loved ones enjoying physical activity, receiving therapy and having a lot of fun at the same time. Riders, like all young people, are happy to show their parents and families their potential, their achievements and what they are capable of. As a volunteer from Port Lincoln in South Australia stated: ‘I remember well a competition that was held for disabled riders at the Port Lincoln show. Some parents were watching their children in action for the first time. When they realised their children’s capabilities, their looks of amazement and their tears of joy were enough to make me tearful too and know that our efforts are worth while.’

Despite its outstanding success and the impact that RDA has on so many people’s lives, it needs support. RDA does receive some government funding. It also relies on fundraising from the local community. But there are a number of extensive challenges that I would like to help the RDA with because any organisation that shows people with disabilities what they can do and provides them with an opportunity to experience things they never dreamt of experiencing should receive as much support as possible.

One of the areas where the RDA would like to improve its services in South Australia is to be able to offer indoor areas, or under-shelter areas, so they can operate all year round. The first challenge is to equip a couple of centres, or maybe even one, with even a partly sheltered riding area. This does not have to be fully enclosed but just needs to be something that would enable riders to participate in this activity in inclement weather.

It is a relatively small amount of money. A few hundred thousand dollars for an organisation like RDA, which touches so many lives and offers so many benefits, can actually make such a scheme a reality. It is a shame, in a time of abundance when a lot of public money is flowing and there are all sorts of claims and counterclaims about what is worthy and what is not, that organisations like RDA—organisations that contribute to the lives of those who are struggling, organisations that offer something to live for, as one young rider suggested—do not receive a great deal more benefit.

I understand that governments have to make priorities but, in making an assessment of where public funds should go, I think there needs to be a more considered approach to supporting organisations like RDA. It is my sincere hope, not just as a South Australian, that RDA in South Australia will eventually be able to put up shelters in one or more of these centres so that they can continue their good work come rain, hail or shine.

In conclusion, Riding for the Disabled does not just provide horse-riding lessons for people with a disability. It gives them an experience brimming with fun, therapeutic value, independence and achievement. Whether their riding takes them to the Paralympics or no further than their local horse
enclosure, through RDA people with disabilities get to show the world what they can do and that is what it is all about.

**Senate adjourned at 6.17 pm**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

- Defence Act—Determination under section 58B—Defence Determinations—
  - 2009/47—Miscellaneous amendments.
  - 2009/50—Salary non-reduction and cadet forces allowance – amendment.

- Sydney Airport Demand Management Act—Minister’s Direction to the Slot Manager 2009 (No. 1).

**Departmental and Agency Contracts**

The following document was tabled pursuant to the order of the Senate of 20 June 2001 as amended:

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Prime Minister and Cabinet: Legislative Instruments
(Question No. 1690)

Senator Minchin asked the Minister representing the Prime Minister and other ministers, upon notice, on 10 June 2009:

(1) How many and which:
(a) Acts; and
(b) legislative instruments, including select legislative instruments, statutory rules and regulations, are administered within the Minister’s portfolio.

(2) With reference to the ‘clean-up’ of redundant and potentially-redundant regulations being coordinated by the Department of Finance and Deregulation, which Acts or legislative instruments have been identified as redundant or potentially-redundant and why.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

(1) (a) Twenty-three (23) Acts or parts of Acts are administered within the Prime Minister’s portfolio, as set out below:
   Administrative Arrangements Act 1987
   Archives Act 1983
   Auditor-General Act 1997
   Defence Act 1903, Part IIIAAA insofar as it relates to the powers or functions of the Prime Minister as an authorising minister
   Family Law Act 1975, Part XIVA
   Flags Act 1953
   Freedom of Information Act 1982, except to the extent administered by the Attorney-General
   Governor-General Act 1974
   House of Representatives (Quorum) Act 1989
   Inspector-General of Intelligence and Security Act 1986
   Law Enforcement (AFP) Professional Standards and Related Matters Act 2006
   Office of National Assessments Act 1977
   Ombudsman Act 1976
   Parliamentary Commission of Inquiry (Repeal) Act 1986
   Parliamentary Presiding Officers Act 1965
   Privacy Act 1988, except to the extent administered by the Attorney-General
   Public Service Act 1999
   Resource Assessment Commission Act 1989
   Royal Commissions Act 1902
   Royal Powers Act 1953
Royal Style and Titles Act 1973
Senate (Quorum) Act 1991

(b) I am advised that the Minister representing the Attorney-General will provide in her answer a complete list of legislative instruments and Acts broken down by portfolio.

(2) Nil.

Education, Employment and Workplace Relations, Social Inclusion, Early Childhood Education, Childcare and Youth, and Employment Participation: Legislative Instruments

(Question Nos 1691, 1692, 1693, 1722 and 1725)

Senator Minchin asked the Minister representing the Minister for Education, the Minister for Employment and Workplace Relations, the Minister for Social Inclusion, the Minister for Early Childhood Education, Childcare and Youth and the Minister for Employment Participation, upon notice, on 10 June 2009:

(1) How many and which: (a) Acts; and (b) legislative instruments, including select legislative instruments, statutory rules and regulations, are administered within the Minister’s portfolio.

(2) With reference to the ‘clean up’ of redundant and potentially redundant regulations being coordinated by the Department of Finance and Deregulation, which Acts or legislative instruments have been identified as redundant or potentially redundant and why.

Senator Arbib—The answer to the honourable senator’s question is as follows:

(1) I am advised that the Minister representing The Attorney-General will provide in her answer a complete list of legislative instruments and Acts broken down by portfolio.

(2) Two legislative instruments within the Education, Employment and Workplace Relations portfolio have been identified as redundant in the ‘clean up’ of redundant and potentially redundant regulations being coordinated by the Department of Finance and Deregulation. These two legislative instruments and the reasons why they are considered redundant are as follows:

(a) Disability Services (Disability Employment and Rehabilitation Program) Standards 2002
These standards were revoked by the Disability Services Standards (FaCSIA) 2007 and Disability Services Standards (DEWR) 2007.

(b) Disability Services (Rehabilitation Services) Guidelines 2006
These guidelines were revoked by the Disability Services (Rehabilitation Services) Guidelines 2007.

In relation to redundant regulations and potentially redundant regulations which have not yet been removed, advice relating to these groups cannot be provided at this point in time as the instruments are still subject to policy, legal and other considerations.

Treasury: Legislative Instruments

(Question Nos 1694, 1712, 1718 and 1720)

Senator Minchin asked the Minister representing the Treasurer, upon notice, on 10 June 2009:

(1) How many and which: (a) Acts; and (b) legislative instruments, including select legislative instruments, statutory rules and regulations, are administered within the Minister’s portfolio.

(2) With reference to the ‘clean-up’ of redundant and potentially-redundant regulations being coordinated by the Department of Finance and Deregulation, which Acts or legislative instruments have been identified as redundant or potentially-redundant and why.
Senator Sherry—The Treasurer has provided the following answer to the honourable senator’s question:

(1) I am advised that the Minister representing the Attorney-General will provide in her answer a complete list of legislative instruments and Acts broken down by portfolio.

(2) In relation to redundant regulations and potentially redundant regulations which have not yet been removed, advice relating to these groups cannot be provided at this point in time as the instruments are still subject to policy, legal and other considerations.

**Immigration and Citizenship: Legislative Instruments**

*(Question No. 1695)*

Senator Minchin asked the Minister for Immigration and Citizenship, upon notice, on 10 June 2009:

(1) How many and which: (a) Acts; and (b) legislative instruments, including select legislative instruments, statutory rules and regulations, are administered within the Minister’s portfolio.

(2) With reference to the ‘clean-up’ of redundant and potentially-redundant regulations being coordinated by the Department of Finance and Deregulation, which Acts or legislative instruments have been identified as redundant or potentially-redundant and why.

Senator Chris Evans—The answer to the honourable senator’s question is as follows:

(1) I am advised that the Minister representing the Attorney-General will provide in her answer a complete list of legislative instruments and Acts broken down by portfolio.

(2) In relation to redundant regulations and potentially redundant regulations which have not yet been removed, advice relating to these groups cannot be provided at this point in time as the instruments are still subject to policy, legal and other considerations.

**Defence: Legislative Instruments**

*(Question Nos 1696 and 1724)*

Senator Minchin asked the Minister for Defence, upon notice, on 10 June 2009:

(1) How many and which: (a) Acts; and (b) legislative instruments, including select legislative instruments, statutory rules and regulations, are administered within the Minister’s portfolio.

(2) With reference to the ‘clean-up’ of redundant and potentially-redundant regulations being coordinated by the Department of Finance and Deregulation, which Acts or legislative instruments have been identified as redundant or potentially-redundant and why.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

(1) I am advised that the Minister representing the Attorney-General will provide in her answer a complete list of legislative instruments and Acts broken down by portfolio.

(2) In relation to redundant regulations and potentially redundant regulations which have not yet been removed, advice relating to these groups cannot be provided at this point in time as the instruments are still subject to policy, legal and other considerations.

**Foreign Affairs and Trade: Legislative Instruments**

*(Question Nos 1697 and 1698)*

Senator Minchin asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 10 June 2009:

(1) How many and which: (a) Acts; and (b) legislative instruments, including select legislative instruments, statutory rules and regulations, are administered within the Minister’s portfolio.
(2) With reference to the ‘clean-up’ of redundant and potentially-redundant regulations being coordinated by the Department of Finance and Deregulation, which Acts or legislative instruments have been identified as redundant or potentially-redundant and why.

**Senator Faulkner**—The Minister for Foreign Affairs and the Minister for Trade have provided the following answer to the honourable senator’s question:

(1) I am advised that the Minister representing the Attorney-General will provide in her answer a complete list of legislative instruments and Acts broken down by portfolio.

(2) In relation to redundant regulations and potentially redundant regulations which have not yet been removed, advice relating to these groups cannot be provided at this point in time as the instruments are still subject to policy, legal and other considerations.

**Finance and Deregulation: Legislative Instruments**

**(Question No. 1701)**

**Senator Minchin** asked the Minister representing the Minister for Finance and Deregulation, upon notice, on 10 June 2009:

(1) How many and which: (a) Acts; and (b) legislative instruments, including select legislative instruments, statutory rules and regulations, are administered within the Minister’s portfolio.

(2) With reference to the ‘clean-up’ of redundant and potentially-redundant regulations being coordinated by the Department of Finance and Deregulation, which Acts or legislative instruments have been identified as redundant or potentially-redundant and why.

**Senator Conroy**—The Minister for Finance and Deregulation has supplied the following answer to the honourable senator’s question:

(1) I am advised that the Minister representing the Attorney-General will provide in her answer a complete list of legislative instruments and Acts broken down by portfolio.

(2) The Department of Finance and Deregulation has recently coordinated the introduction of a Bill, the Statute Stocktake (Regulatory and Other Laws) Bill 2009, to amend or repeal almost 30 Acts where the provisions no longer have any function or purpose.

In relation to redundant regulations and potentially redundant regulations which have not yet been removed, advice relating to these groups cannot be provided at this point in time as the instruments are still subject to policy, legal and other considerations.

**Innovation, Industry, Science and Research: Legislative Instruments**

**(Question No. 1703)**

**Senator Minchin** asked the Minister for Innovation, Industry, Science and Research, upon notice, on 10 June 2009:

(1) How many and which:

(a) Acts; and

(b) Legislative instruments, including select legislative instruments, statutory rules and regulations, are administered within the Minister’s portfolio.

(2) With reference to the ‘clean-up’ of redundant and potentially-redundant regulations being coordinated by the Department of Finance and Deregulation, which Acts or legislative instruments have been identified as redundant or potentially-redundant and why.

**Senator Carr**—The answer to the honourable senator’s question is as follows:

(1) I am advised that the Minister representing the Attorney-General will provide in her answer a complete list of legislative instruments and Acts broken down by portfolio.
(2) In relation to redundant regulations and potentially redundant regulations which have not yet been removed, advice relating to these groups cannot be provided at this point in time as the instruments are still subject to policy, legal and other considerations.

Special Minister of State: Legislative Instruments
(QUESTION NO. 1707)

Senator Minchin asked the Special Minister of State, upon notice, on 10 June 2009:

(1) How many and which: (a) Acts; and (b) legislative instruments, including select legislative instruments, statutory rules and regulations, are administered within the Minister’s portfolio.

(2) With reference to the ‘clean-up’ of redundant and potentially-redundant regulations being coordinated by the Department of Finance and Deregulation, which Acts or legislative instruments have been identified as redundant or potentially-redundant and why.

Senator Ludwig—The answer to the honourable senator’s question is as follows:
Please refer to the responses to QoN 1701, asked of the Minister representing the Minister for Finance and Deregulation.

Veterans’ Affairs: Legislative Instruments
(QUESTION NO. 1713)

Senator Minchin asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 10 June 2009:

(1) How many and which: (a) Acts; and (b) legislative instruments, including select legislative instruments, statutory rules and regulations, are administered within the Minister’s portfolio.

(2) With reference to the ‘clean-up’ of redundant and potentially-redundant regulations being coordinated by the Department of Finance and Deregulation, which Acts or legislative instruments have been identified as redundant or potentially-redundant and why.

Senator Faulkner—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

(1) I am advised that the Minister representing the Attorney-General will provide in her answer a complete list of legislative instruments and Acts broken down by portfolio.

(2) None of the Acts, legislative instruments or instruments identified by the Department of Finance and Deregulation and which were removed were administered in the Veterans’ Affairs portfolio.

In relation to redundant Acts, legislative instruments or instruments and potentially redundant Acts, legislative instruments or instruments which have not yet been removed, advice relating to these groups cannot be provided at this point in time as the Acts, legislative instruments or instruments, as the case may be, are still subject to policy, legal and other considerations.

Special Minister of State: Private Plated Vehicles
(QUESTION NO. 1726)

Senator Ronaldson asked the Special Minister of State, upon notice, on 10 June 2009:

(1) Can a table be provided listing, for all ministers and parliamentary secretaries, the make, model and year of each vehicle they have chosen as their current private-plated vehicle for their home base.

(2) Can a table be provided listing, for all ministers and parliamentary secretaries, the make, model and year of each vehicle they have chosen in lieu of COMCAR for Canberra.

(3) Can a list be provided of all ministers and parliamentary secretaries that have elected to take a section 5.11 payout in lieu of a private-plated vehicle.
Senator Ludwig—The answer to the honourable senator’s questions is as follows:

(1) A table listing current home based private-plated vehicles including make, model and compliance date for all Ministers and Parliamentary Secretaries is attached (Attachment A).

(2) Canberra cars for Ministers and Parliamentary Secretaries are provided by their home departments. The Department of Finance and Deregulation only holds the information relating to its Ministers and Parliamentary Secretaries. Questions relating to other Ministers and Parliamentary Secretaries Canberra cars would need to be directed to the home departments of the relevant Ministers.

<table>
<thead>
<tr>
<th>Name</th>
<th>Make</th>
<th>Model</th>
<th>Type description</th>
<th>Compliance Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator the Hon Joe Ludwig</td>
<td>TOYOTA</td>
<td>Prius II Hybrid</td>
<td>Hatch</td>
<td>1/11/2007</td>
</tr>
<tr>
<td>The Hon Lindsay Tanner MP</td>
<td>HOLDEN</td>
<td>VE Berlina</td>
<td>3.6 V6 Sedan</td>
<td>1/07/2007</td>
</tr>
<tr>
<td>The Hon Dr Craig Emerson MP</td>
<td>TOYOTA</td>
<td>Aurion Presara</td>
<td>V6 Sedan</td>
<td>1/09/2008</td>
</tr>
</tbody>
</table>

(3) One Minister, the Hon Kate Ellis MP, has elected to take a section 5.11 payout in lieu of a private-plated vehicle. No Parliamentary Secretary has elected this option.

Attachment A

<table>
<thead>
<tr>
<th>Name</th>
<th>Make</th>
<th>Model</th>
<th>Type description</th>
<th>Compliance Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Hon Anthony Albanese MP</td>
<td>FORD</td>
<td>FG Falcon XR6</td>
<td>Sedan 4.0P 6spd</td>
<td>01/10/2008</td>
</tr>
<tr>
<td>Senator the Hon Mark Arbib</td>
<td>FORD</td>
<td>SY Territory TS</td>
<td>Wagon AWD</td>
<td>01/07/2008</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4.0P</td>
<td></td>
</tr>
<tr>
<td>The Hon Chris Bowen MP</td>
<td>FORD</td>
<td>SY Territory</td>
<td>TX RWD Wagon</td>
<td>01/02/2007</td>
</tr>
<tr>
<td>The Hon Tony Burke MP</td>
<td>FORD</td>
<td>SY Territory</td>
<td>TX RWD Wagon</td>
<td>01/05/2007</td>
</tr>
<tr>
<td>Senator the Hon Kim Carr</td>
<td>FORD</td>
<td>BF F‘mont Ghia</td>
<td>6Spd Sedan II</td>
<td>01/02/2008</td>
</tr>
<tr>
<td>The Hon Greg Combet AM MP</td>
<td>HOLDEN</td>
<td>VE Calais</td>
<td>Wagon 3.6P V6</td>
<td>01/07/2008</td>
</tr>
<tr>
<td>Senator the Hon Stephen Conroy</td>
<td>FORD</td>
<td>SY Territory TS</td>
<td>Wagon AWD</td>
<td>01/10/2008</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4.0P</td>
<td></td>
</tr>
<tr>
<td>The Hon Simon Crean MP</td>
<td>HOLDEN</td>
<td>VE Calais-V</td>
<td>Sedan 3.6P V6</td>
<td>01/05/2008</td>
</tr>
<tr>
<td>The Hon Justine Elliot MP</td>
<td>HOLDEN</td>
<td>VE Calais-V</td>
<td>Wagon 3.6P V6</td>
<td>01/01/2009</td>
</tr>
<tr>
<td>Senator the Hon Christopher Evans</td>
<td>FORD</td>
<td>SY Territory TS</td>
<td>Wagon AWD</td>
<td>01/04/2008</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4.0P</td>
<td></td>
</tr>
<tr>
<td>Senator the Hon John Faulkner</td>
<td>FORD</td>
<td>BF Falcon Mk3</td>
<td>Wagon 4.0P 4spd</td>
<td>01/06/2008</td>
</tr>
<tr>
<td>The Hon Martin Ferguson AM MP</td>
<td>TOYOTA</td>
<td>Aurion Presara</td>
<td>V6 Sedan</td>
<td>01/02/2006</td>
</tr>
<tr>
<td>The Hon Peter Garrett AM MP</td>
<td>HOLDEN</td>
<td>VE Berlina</td>
<td>V6 D/Fuel Sed</td>
<td>01/08/2007</td>
</tr>
<tr>
<td>The Hon Julia Gillard MP</td>
<td>TOYOTA</td>
<td>Aurion Sportivo</td>
<td>V6 ZR6 Sedan</td>
<td>01/01/2009</td>
</tr>
<tr>
<td>The Hon Alan Griffin MP</td>
<td>TOYOTA</td>
<td>Aurion Sportivo</td>
<td>V6 SX6 Sedan</td>
<td>01/01/2009</td>
</tr>
<tr>
<td>Senator the Hon Joe Ludwig</td>
<td>FORD</td>
<td>SY Territory TX</td>
<td>Wagon AWD</td>
<td>01/06/2008</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4.0P</td>
<td></td>
</tr>
<tr>
<td>The Hon Jenny Macklin MP</td>
<td>HOLDEN</td>
<td>VE Calais-V</td>
<td>Wagon 3.6P V6</td>
<td>01/09/2008</td>
</tr>
<tr>
<td>The Hon Robert McClelland MP</td>
<td>FORD</td>
<td>SY Territory</td>
<td>TX AWD Wagon</td>
<td>01/07/2007</td>
</tr>
<tr>
<td>The Hon Brendan O’Connor MP</td>
<td>TOYOTA</td>
<td>Aurion Presara</td>
<td>V6 Sedan</td>
<td>01/09/2008</td>
</tr>
<tr>
<td>The Hon Tanya Plibersek MP</td>
<td>TOYOTA</td>
<td>Aurion Presara</td>
<td>V6 Sedan</td>
<td>01/04/2009</td>
</tr>
<tr>
<td>The Hon Nicola Roxon MP</td>
<td>TOYOTA</td>
<td>Camry Ateva</td>
<td>2.4L Sedan</td>
<td>01/10/2008</td>
</tr>
<tr>
<td>The Hon Kevin Rudd MP</td>
<td>TOYOTA</td>
<td>Prius II Hybrid</td>
<td>I/Tech Hatch</td>
<td>01/03/2007</td>
</tr>
<tr>
<td>Senator the Hon Nick Sherry</td>
<td>FORD</td>
<td>SY Territory</td>
<td>TX AWD Wagon</td>
<td>01/08/2007</td>
</tr>
<tr>
<td>The Hon Stephen Smith MP</td>
<td>HOLDEN</td>
<td>VE Calais-V</td>
<td>Wagon 3.6P V6</td>
<td>01/01/2009</td>
</tr>
<tr>
<td>The Hon Warren Snowdon MP</td>
<td>TOYOTA</td>
<td>VDJ200 L’Cruisr</td>
<td>GXL 4.5TD</td>
<td>01/10/2008</td>
</tr>
<tr>
<td>Make/Senator</td>
<td>Model/Type</td>
<td>Description/Plate Date</td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>----------------------------------------------------</td>
<td>------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Wayne Swan MP</td>
<td>FORD SY'T'ory Ghia</td>
<td>Wagon 2WD 4.0P 01/08/2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Lindsay Tanner MP</td>
<td>FORD SY Territory TS</td>
<td>Wagon 2WD 4.0P 01/02/2009</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senator the Hon Penny Wong</td>
<td>TOYOTA Prius II Hybrid</td>
<td>Hatch 01/03/2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Mark Butler MP</td>
<td>HOLDEN VE Omega</td>
<td>Sedan 3.6P V6 01/06/2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Anthony Byrne MP</td>
<td>FORD FG Falcon G6ET</td>
<td>Sedan 4.0T 6spdx 01/03/2009</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Jason Clare MP</td>
<td>HOLDEN VE Calais</td>
<td>Sedan 3.6P V6 01/04/2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Dr Craig Emerson MP</td>
<td>TOYOTA Aurion Presara</td>
<td>V6 Sedan 01/11/2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Laurie Ferguson MP</td>
<td>FORD BF'mont Ghia</td>
<td>6spdx Sedan II 01/07/2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Gary Gray AO MP</td>
<td>FORD SY Territory</td>
<td>TX RWD Wagon 01/05/2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Dr Mike Kelly AM MP</td>
<td>FORD SY Territory</td>
<td>TS AWD Wagon 01/02/2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Duncan Kerr SC MP</td>
<td>TOYOTA Prius II Hybrid</td>
<td>Hatch 01/08/2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Richard Marles MP</td>
<td>FORD SY Territory</td>
<td>TS RWD Wagon 01/12/2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Maxine McKew MP</td>
<td>TOYOTA Prius II Hybrid</td>
<td>Hatch 01/03/2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Bob McMullan MP</td>
<td>HOLDEN VE Calais-V</td>
<td>Sedan 3.6P V6 01/06/2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Hon Bill Shorten MP</td>
<td>TOYOTA Aurion Presara</td>
<td>V6 Sedan 01/02/2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senator the Hon Ursula Stephens</td>
<td>HOLDEN VE Calais-V</td>
<td>Sedan 3.6P V6 01/08/2008</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Parliamentary Secretary PPVs as at 10 June 2009

- The Hon Mark Butler MP
- The Hon Anthony Byrne MP
- The Hon Jason Clare MP
- The Hon Dr Craig Emerson MP
- The Hon Laurie Ferguson MP
- The Hon Gary Gray AO MP
- The Hon Dr Mike Kelly AM MP
- The Hon Duncan Kerr SC MP
- The Hon Richard Marles MP
- The Hon Maxine McKew MP
- The Hon Bob McMullan MP
- The Hon Bill Shorten MP
- Senator the Hon Ursula Stephens

### Boston Consulting Group and Allen Consulting Group

**(Question No. 1727)**

**Senator Ronaldson** asked the Minister representing the Prime Minister in the Senate and other ministers, upon notice, on 10 June 2009:

Can a list be provided of contracts awarded to:

(a) the Boston Consulting Group; and

(b) the Allen Consulting Group, by the department and/or any of its agencies, of any value, between 1 January 2008 and 31 May 2009, including the value and primary deliverable of the contract.

**Senator Chris Evans**—The Prime Minister has provided the following answer to the honourable senator’s question:

(a) Nil.

(b) Between 1 January 2008 and 31 May 2009, the Department of the Prime Minister and Cabinet engaged Allen Consulting Group to assist the COAG Reform Council in developing a high-level framework to identify contextual differences for the comparative analysis of State and Territory performance under COAG’s National Agreements. The value of this contract was $76,500.

### Boston Consulting Group and Allen Consulting Group

**(Question No. 1732)**

**Senator Ronaldson** asked the Minister for Immigration and Citizenship, upon notice, on 10 June 2009:

Can a list be provided of contracts awarded to: (a) the Boston Consulting Group; and (b) the Allen Consulting Group, by the department and/or any of its agencies, of any value, between 1 January 2008 and 31 May 2009, including the value and primary deliverable of the contract.
Senator Chris Evans—The answer to the honourable senator’s question is as follows:
(a) Three contracts were awarded to the Boston Consulting Group between 1 January 2008 and 31 May 2009:
   (i) The total contract value of the first contract was $1,036,459. The primary deliverable of this contract was the Provision of Independent Review Services for the Systems for People Program.
   (ii) The total contract value of the second contract was $480,000. The primary deliverable of this contract was the Periodic Assurance Reviews of the Progress of Systems for People Program.
   (iii) The total contract value of the third contract was $350,000. The primary deliverable of this contract was the Independent Review Visa Services Transformation Program.
(b) No contracts were awarded to the Allen Consulting Group between 1 January 2008 and 31 May 2009.

Boston Consulting Group and Allen Consulting Group
(Question Nos 1733 and 1762)

Senator Ronaldson asked the Minister for Defence, upon notice, on 10 June 2009:
Can a list be provided of contracts awarded to: (a) the Boston Consulting Group; and (b) the Allen Consulting Group, by the department and/or any of its agencies, of any value, between 1 January 2008 and 31 May 2009, including the value and primary deliverable of the contract.

Senator Faulkner—The answer to the honourable senator’s question is as follows:
(1) Boston Consulting Group and Allen Consulting Group were each awarded two contracts between the period 1 January 2008 and 31 May 2009. These contracts were:
   (a) Boston Consulting Group
      (i) $1,059,964 (GST Excl) to develop a strategy for sourcing Information Communication Technology services and for delivering a successful outcome from the preferred option.
      (ii) $50,137.26 (GST Excl) to align the Information Communication Technology Sourcing Strategy to the Joint Project 2047 (JP2047), being the Defence-Wide Area Communications Network project Phase 3, that was brought forward from 2016 to 2011.
   (b) Allen Consulting Group
      (i) $129,345.45 (GST Excl) to conduct a feasibility study on the concept of the Australian Military Mobility Centre. This was to honour a commitment made during the last election campaign. The report found that the initiative was not viable.
      (ii) $1,000 (GST Excl) for a presentation on Politics of Public Policy Formation at the Strategic Studies Centre.

Boston Consulting Group and Allen Consulting Group
(Question Nos 1734 and 1735)

Senator Ronaldson asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 10 June 2009:
Can a list be provided of contracts awarded to: (a) the Boston Consulting Group; and (b) the Allen Consulting Group, by the department and/or any of its agencies, of any value, between 1 January 2008 and 31 May 2009, including the value and primary deliverable of the contract.

Senator Faulkner—The Minister for Foreign Affairs and the Minister for Trade have provided the following answer to the honourable senator’s question:
No contracts have been awarded to the Boston Consulting Group or the Allen Consulting Group by the Department of Foreign Affairs and Trade or any of its portfolio agencies between 1 January 2008 and 31 May 2009.

**Boston Consulting Group and Allen Consulting Group**

*(Question No. 1738)*

Senator Ronaldson asked the Minister representing the Minister for Finance and Deregulation, upon notice, on 10 June 2009:

Can a list be provided of contracts awarded to: (a) the Boston Consulting Group; and (b) the Allen Consulting Group, by the department and/or any of its agencies, of any value, between 1 January 2008 and 31 May 2009, including the value and primary deliverable of the contract.

Senator Conroy—The Minister for Finance and Deregulation has supplied the following answer to the honourable senator’s question:

The Department of Finance and Deregulation issued a select tender on 26 September 2008 to six companies on Finance’s ICT Multi-Use List. Following this tender process, the Department of Finance and Deregulation engaged the Boston Consulting Group to deliver Sir Peter Gershon’s recommendation to create ICT Review Teams to assist agencies that spend more than $20m per annum on ICT to reduce their ICT business as usual (BAU) budgets by 15% from 2007-08 actuals over 2009-10 and 2010-11. The budget reductions were to be phased with Phase One targeting one-third of the proposed level of ICT BAU budget reductions in the 2009-10 Budget with the remaining two-thirds to be achieved in Phase Two in the 2010-11 Budget. The contract period is from 26 October 2008 to 26 October 2009 at a cost of $11,196,180.

The work being undertaken by the Boston Consulting Group relates to:

- Development of the methodology that the ICT Review Teams and agencies are using to find savings in their ICT business as usual expenditure.
- The Boston Consulting Group personnel have worked with the ICT Review Teams and agencies to find the Phase One ICT BAU savings that were included as part of the 2009-10 Budget process. Phase Two of the work will focus on finding additional savings in the 2010-11 Budget to achieve the target levels of ICT BAU budget reductions.

The Department of Finance and Deregulation has not awarded any contracts to Allen Consulting Group during the period in question.

The Department of Finance and Deregulation’s portfolio agencies have not awarded any contracts to the Boston Consulting Group or the Allen Consulting Group during the period in question.

**Boston Consulting Group and Allen Consulting Group**

*(Question No. 1739)*

Senator Ronaldson asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 10 June 2009:

Can a list be provided of contracts awarded to: (a) the Boston Consulting Group; and (b) the Allen Consulting Group, by the department and/or any of its agencies, of any value, between 1 January 2008 and 31 May 2009, including the value and primary deliverable of the contract.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the answer to the honourable senator’s question:

(a) Neither the Department of Infrastructure, Transport, Regional Development and Local Government or any of its agencies entered into any agreements with Boston Consulting Group during this period.

---

QUESTIONS ON NOTICE
(b) The Department of Infrastructure, Transport, Regional Development and Local Government entered into one contract with the Allen Consulting Group during the period from 1 January 2008 to 31 May 2009. Further information is available on the AusTender website. The primary deliverable was to provide advice on the development of an integrated national road system.

**Boston Consulting Group and Allen Consulting Group**

*(Question No. 1741)*

Senator Ronaldson asked the Minister for Innovation, Industry, Science and Research, upon notice, on 10 June 2009:

Can a list be provided of contracts awarded to: (a) the Boston Consulting Group; and (b) the Allen Consulting Group, by the department and/or any of its agencies, of any value, between 1 January 2008 and 31 May 2009, including the value and primary deliverable of the contract.

Senator Carr—The answer to the honourable senator’s question is as follows:

All contracts with the Allen Consulting Group entered into during the period 1 January 2008 – 31 May 2009 are indicated in the table below. The Department and its Portfolio Agencies have not identified any contracts entered into for the period outlined with the Boston Consulting Group.

<table>
<thead>
<tr>
<th>Supplier</th>
<th>Start Date</th>
<th>End Date</th>
<th>Total Contract Value (GST Inclusive)</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen Consulting Group (Canberra)</td>
<td>02-May-08</td>
<td>04-Jun-08</td>
<td>$72,000.00</td>
<td>Provision of a business case for the development of a National Construction Code (NCC) under the Business Regulation and Competition Working Group’s (BRCWG) initiative.</td>
</tr>
<tr>
<td>Allen Consulting Group (Canberra)</td>
<td>01-Jul-08</td>
<td>12-Sep-08</td>
<td>$79,980.00</td>
<td>Analysis of issues associated with the full costs of university research.</td>
</tr>
<tr>
<td>Allen Consulting Group (Canberra)</td>
<td>20-Feb-09</td>
<td>31-Jul-09</td>
<td>$253,013.00</td>
<td>Analytical review of university research</td>
</tr>
<tr>
<td>Allen Consulting Group Pty Ltd</td>
<td>19-Sep-08</td>
<td>14-Aug-09</td>
<td>$363,000.00</td>
<td>Review of the Intergovernmental Agreement for the Australian Building Codes Board</td>
</tr>
<tr>
<td>Allen Consulting Group</td>
<td>21-Oct-08</td>
<td>30-Apr-09</td>
<td>$23,000.00</td>
<td>Review and provide a written report on the interaction and effectiveness of Corporate Public Affairs operations at the Australian Nuclear Science and Technology Organisation (ANSTO) including, an analysis and review of ANSTO’s public affairs strategy and the development of recommendations to strengthen the strategy.</td>
</tr>
</tbody>
</table>
Boston Consulting Group and Allen Consulting Group
(Question No. 1745)

Senator Ronaldson asked the Special Minister of State, upon notice, on 10 June 2009:
Can a list be provided of contracts awarded to: (a) the Boston Consulting Group; and (b) the Allen Consulting Group, by the department and/or any of its agencies, of any value, between 1 January 2008 and 31 May 2009, including the value and primary deliverable of the contract.

Senator Ludwig—The answer to the honourable senator’s question is as follows:
Please refer to the Minister representing the Minister for Finance and Deregulation response Question No. 1738.

Boston Consulting Group and Allen Consulting Group
(Question No. 1746)

Senator Ronaldson asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 10 June 2009:
Can a list be provided of contracts awarded to: (a) the Boston Consulting Group; and (b) the Allen Consulting Group, by the department and/or any of its agencies, of any value, between 1 January 2008 and 31 May 2009, including the value and primary deliverable of the contract.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:
I am advised that the Department of Agriculture Fisheries and Forestry (the department) has not entered into any contracts with the Boston Consulting Group between 1 January 2008 and 31 May 2009. The
department engaged the Allen Consulting Group on two occasions between 1 January 2008 and 31 May 2009, details of which follow:

1. Undertake a broad ranging review of Australia’s current biosecurity and quarantine arrangements
   Period of contract: 20 February to 30 September 2008
   Value: $448 500.

2. Evaluate the current administration and effectiveness of the Australian Centre of Excellence for Risk Analysis
   Period of contract: 20 February to 18 April 2008
   Value: $44 000.

**Boston Consulting Group and Allen Consulting Group**

(Question Nos 1747 and 1748)

Senator Ronaldson asked the Minister representing Minister for Resources and Energy and the Minister for Tourism, upon notice, on 10 June 2009:

Can a list be provided of contracts awarded to: (a) the Boston Consulting Group; and (b) the Allen Consulting Group, by the department and/or any of its agencies, of any value, between 1 January 2008 and 31 May 2009, including the value and primary deliverable of the contract.

Senator Carr—The Minister for Resources and Energy and Minister for Tourism has provided the following response to the honourable senator’s question:

(a) The Department and/or its agencies issued a contract to the Boston Consulting Group for the amount of $1,894,750 to develop a business model to establish governance and implementation of the global carbon capture and storage initiative.

(b) The Department and/or its agencies issued a contract to the Allen Consulting Group for the amount of $24,750 for the provision of advice relating to the mechanism of cost recovery for the Australian Energy Market Operator.

**Boston Consulting Group and Allen Consulting Group**

(Question No. 1751)

Senator Ronaldson asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 10 June 2009:

Can a list be provided of contracts awarded to: (a) the Boston Consulting Group; and (b) the Allen Consulting Group, by the department and/or any of its agencies, of any value, between 1 January 2008 and 31 May 2009, including the value and primary deliverable of the contract.

Senator Faulkner—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

In the period 1 January 2008 to 31 May 2009, neither the Department of Veterans’ Affairs nor the Australian War Memorial had any contract with these named suppliers.

**Boston Consulting Group and Allen Consulting Group**

(Question No. 1757)

Senator Ronaldson asked the Minister for Small Business, Independent Contractors and the Service Economy, upon notice, on 10 June 2009:

Can a list be provided of contracts awarded to: (a) the Boston Consulting Group; and (b) the Allen Consulting Group, by the department and/or any of its agencies, of any value, between 1 January 2008 and 31 May 2009, including the value and primary deliverable of the contract.
Senator Carr—The answer to the honourable senator’s question is as follows:
Please refer to the answer provided to Parliamentary Question 1741.

Governor-General
(Question No. 1764)

Senator Bob Brown asked the Minister representing the Prime Minister in the Senate, upon notice, on 11 June 2009:

1. For what reason did the Governor-General declare in 2007 that reference of the new Australian Security Intelligence Organisation headquarters to the Public Works Committee was contrary to the public interest.

2. Where is the Governor-General’s order declared.

3. Which ministers gave advice to the Governor-General about this matter.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

1. On 4 October 2007, the Governor-General granted the ASIO Headquarters building project (‘the project’) an exemption from the Parliamentary Standing Committee on Public Works (‘the Committee’) scrutiny, declaring that the work is for defence purposes and that the reference of the work to the Committee would be contrary to the public interest, as allowed for under paragraph 18(8)(c) of the Public Works Committee Act 1969. In the interest of parliamentary accountability, the then Attorney-General, the Hon Philip Ruddock MP, offered that the agencies involved in the project provide the Committee with a private briefing on the project’s progress. The Committee accepted this offer and the briefing was held on 4 December 2008.

2. The Order was declared in the Executive Council Meeting Minutes No. 23 and filed in the Records of the Council on 4 October 2007.

3. Senator the Hon Richard Colbeck, then Parliamentary Secretary to the Minister for Finance and Administration, was responsible for managing the Public Works Committee Act 1969 on behalf of the Minister for Finance and Administration. In this capacity he sought the exemption from the Governor-General, on the basis of a recommendation by the then Attorney-General, the Hon Philip Ruddock MP.

Commonwealth Public Interest and Test Cases Scheme
(Question No. 1765)

Senator Ludlam asked the Minister representing the Attorney-General, upon notice, on 11 June 2009:

With reference to the Commonwealth Public Interest and Test Cases Scheme which has been administered by the department for the past 10 years: (a) how many cases has it funded; (b) what were the details of each of these cases; (c) how many applications for funding have been refused; and (d) can details be provided on each application that was rejected.

Senator Wong—The Attorney-General has provided the following answer to the honourable senator’s question:

(a) The Commonwealth Public Interest and Test Cases Scheme (CPITC) is administered by the Legal Assistance Branch within the Attorney-General’s Department. Since August 2004, the Department has used a customised database, known as the Data and Workflow of Grants System (DAWGS), to process all applications for financial assistance. Records on applications received under the CPITC prior to August 2004 were migrated to DAWGS. The following information in relation to applica-
tions received under the CPITC includes all applications for which information is available on DAWGS.

According to DAWGS, from a total of 194 finalised applications, the Department has approved funding in relation to 75 matters under the CPITC (as at 16 June 2009).

(b) It is not appropriate for me to comment on the details of individual CPITC matters funded by the Department. There has been a longstanding practice, endorsed by successive Attorneys-General, to treat applications for Commonwealth financial assistance as confidential. This practice has extended to neither confirming nor denying that particular applications have been received or granted. The practice is consistent with obligations imposed by the Privacy Act 1988. It also protects information provided by applicants which would otherwise be subject to solicitor–client confidentiality. However, it is possible to provide general information in relation to approved applications.

The 75 matters funded under the CPITC related to the following areas of Commonwealth law: family law (n=24), discrimination/human rights (n=9), administrative law (n=8), workplace/industrial relations (n=6), constitutional law (n=5), employment/OH&S/workers compensation (n=4), land rights (n=3), migration (n=3), Commonwealth criminal law (n=2), consumer/fair trading/Trade Practices Act (n=2), social security (n=2), extradition (n=1), intellectual property (n=1), proceeds of crime (n=1) and unknown (n=4). These categories have been broadly characterised, and each matter may have raised subsidiary legal issues relating to another area of law. According to DAWGS, since the Scheme’s inception, a total of $2,186,400 has been paid to grant recipients. This equates to an average of about $29,152 per grant, however, the lowest total paid under a single grant was $536, and the highest was $252,598.

(c) According to DAWGS, the Department has refused funding for 119 applications under the CPITC (as at 11 June 2009).

(d) All applications for assistance are assessed against the eligibility criteria in the Guidelines for the provision of assistance by the Commonwealth for legal and related expenses under the Commonwealth Public Interest and Test Cases Scheme (Attachment A – available from the Senate Table Office). It is not appropriate for me to comment on the details of individual CPITC matters where funding was refused by the Department. There has been a longstanding practice, endorsed by successive Attorneys-General, to treat applications for Commonwealth financial assistance as confidential. This practice has extended to neither confirming nor denying that particular applications have been received or granted. The practice is consistent with obligations imposed by the Privacy Act 1988. It also protects information provided by applicants which would otherwise be subject to solicitor–client confidentiality. Generally, applications for assistance may be refused for a range of reasons including, for example, if the application relates to a non-Commonwealth area of law or the applicant is considered to have sufficient financial means to meet the cost of the proceedings. Applications may also be refused where the applicant fails to submit a completed application or withdraws their application.

**Education, Employment and Workplace Relations: Overseas Travel**

(Question Nos 1770 to 1771)

Senator Cash asked the Minister representing the Minister for Education and Minister for Employment and Workplace Relations, upon notice, on 11 June 2009:

Can details be provided of any overseas visits or meetings Mr Graham Carters, Deputy Secretary of the department, has undertaken or attended at government expense since his appointment in the position, including:

(a) the purpose of each visit/meeting;

(b) the countries visited;
(c) the location of each meeting;
(d) the class of travel undertaken by Mr Carters for each overseas visit and the costs of each airfare and other ancillary and incidental transport;
(e) the name, location and cost of the accommodation and any incidental costs utilised during these overseas visits; and
(f) who accompanied Mr Carters on each of these overseas visits.

Senator Arbib—The Minister for Education and Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

Since becoming Deputy Secretary, Employment and Strategic Policy Cluster in the Department of Education, Employment and Workplace Relations, Graham Carters has travelled six times. Travel entitlements for Mr Carters are governed by the DEEWR Travel Policy:

1. From 10 to 14 August 2008, Mr Carters travelled to Singapore to attend an APEC symposium at a total cost of $7,617. Mr Carters was accompanied by Ms Marie Grealy, Director, International Group.
2. From 17 to 20 August 2008, Mr Carters travelled to Wellington, New Zealand to attend an APEC Symposium. The cost of the trip was $4,271. Mr Carters was accompanied by Mr Finn Pratt (then) Associate Secretary, Ms Malissa Golightly, Deputy Secretary and Mr John Kovacic, Deputy Secretary.
3. From 4 to 14 September 2008, Mr Carters travelled to Tonga, Fiji, Kiribati and Vanuatu to attend the Regional Consultations regarding the Pacific Seasonal Worker Pilot Scheme. The cost of the trip was $10,058. Mr Carters was accompanied by Mr Peter Frankis, Director, Employment Reform Taskforce Group.
4. From 26 to 28 March 2009, Mr Carters travelled to Port Moresby to discuss the Pacific Seasonal Worker Pilot Scheme. The cost of the trip was $5,163. Mr Carters was accompanied by Ms Louise McSorley, Branch Manager, Employment Reform Taskforce Group.
5. From 24 April to 3 May 2009, Mr Carters accompanied the Secretary to the Combined Six Countries and Belmont Conference in England at a cost of $11,573.
6. From 23 May to 1 June 2009, Mr Carters travelled to Croatia to attend the World Association of Public Employment Services Congress (WAPES). The cost of the trip was $13,342. Mr Carters was accompanied by Mr Tony Waslin, Group Manager, Specialist Employment Services Group.

Education, Employment and Workplace Relations: Overseas Travel
(Question Nos 1772 and 1773)

Senator Cash asked the Minister representing the Minister for Education and Minister for Employment and Workplace Relations, upon notice, on 11 June 2009:
Can details be provided of any interstate visits or meetings Mr Graham Carters, Deputy Secretary of the department, has undertaken or attended at government expense since his appointment in the position, including:
(a) the purpose of each visit/meeting;
(b) the states visited;
(c) the location of each meeting;
(d) the class of travel undertaken by Mr Carters for each interstate visit and the costs of each airfare and other ancillary or incidental transport; and
(e) the name, location, and cost of the accommodation and any incidental costs utilised during these interstate visits; and

QUESTIONS ON NOTICE
(f) who accompanied Mr Carters on each of these interstate visits.

Senator Arbib—The Minister for Education and Minister for Workplace Relations has provided the following answer to the honourable senator’s question:

Since becoming Deputy Secretary of the Department of Education, Employment and Workplace Relations, Graham Carters has been required to travel interstate periodically in order to meet with stakeholders and staff across capital cities and rural and regional areas of relevance to the portfolio. Other staff accompany Mr Carters as required. Stakeholder and staff engagement is also conducted via video and telephone conferencing, to the extent practicable.

Deputy Secretaries’ travel entitlements are governed by the DEEWR Travel Policy and providing details of each trip would be an unreasonable diversion of resources.

**Education, Employment and Workplace Relations: Overseas Travel**

(Question Nos 1774 and 1775)

Senator Cash asked the Minister representing the Minister for Education and Minister for Employment and Workplace Relations, upon notice, on 11 June 2009:

Can details be provided of any overseas visits or meetings Ms Natalie James, the Department’s Chief Counsel/Group Manager for Workplace Relations Legal, has undertaken or attended at government expense since her appointment in the position, including:

(a) the purpose of each visit/meeting;
(b) the countries visited;
(c) the location of each meeting;
(d) the class of travel undertaken by Ms James for each overseas visit and the costs of each airfare and other ancillary or incidental transport;
(e) the name, location, and cost of the accommodation and any incidental costs utilised during the overseas visits; and
(f) who accompanied Ms James on each of these overseas visits.

Senator Arbib—The Minister for Education and Minister for Employment and Workplace Relations has provided the answer to the honourable senator’s question:

Since taking up the position of Chief Legal Counsel of the Workplace Relations Legal Group, Ms James has travelled once. Ms James’ travel entitlements are governed by the DEEWR Travel Policy and details are as follows:

1. Ms James travelled to London from 4 to 14 June 2009 to participate in the second module of the ‘Leadership Across Borders’ program run by the Australian Public Service Commission. The cost of the trip was $12,727.

**Education, Employment and Workplace Relations: Overseas Travel**

(Question Nos 1776 and 1777)

Senator Cash asked the Minister representing the Minister for Education and Minister for Employment and Workplace Relations, upon notice, on 11 June 2009:

Can details be provided of any interstate visits or meetings Ms Natalie James, the Department’s Chief Counsel/Group Manager for Workplace Relations Legal, has undertaken or attended at government expense since her appointment in the position, including:

(a) the purpose of each visit/meeting;
(b) the states visited;
(c) the location of each meeting;
(d) the class of travel undertaken by Ms James for each interstate visit and the cost of each airfare and
other ancillary or incidental transport;
(e) the name, location and cost of the accommodation and any incidental costs utilised during these
interstate visits; and
(f) who accompanied Ms James on each of these interstate visits.

Senator Arbib—The Minister for Education and Minister for Employment and Workplace
Relations has provided the following answer to the honourable senator’s question:

Since becoming Chief Counsel, Workplace Relations Legal Group in the Department of Education,
Employment and Workplace Relations, Natalie James has been required to travel interstate periodically
in order to meet with stakeholders and legal service providers. Other staff accompany Ms James as re-
quired. Stakeholder and staff engagement is also conducted via video and telephone conferencing, to
the extent practicable.

Ms James’ travel entitlements are governed by the DEEWR Travel Policy and providing details of each
trip would be an unreasonable diversion of resources.

Economic Stimulus Plan
(Question Nos 1779 to 1783)

Senator Abetz asked the Minister representing the Prime Minister and other ministers,
upon notice, on 16 June 2009:

With reference to the Economic Stimulus Plan logo:
(a) who developed the logo.
(b) if the logo was developed externally, by what method was the contractor selected, and
(c) what was the total cost of developing the logo.

Senator Arbib—The answer to the honourable senator’s question is as follows:

(a) The Economic Stimulus Plan logo was developed by the in-house Department of Education, Em-
ployment and Workplace Relations Design Team.
(b) Not applicable.
(c) Not applicable.

Treasury: Hospitality
(Question No. 1788)

Senator Abetz asked the Minister representing the Treasurer, upon notice, on 16 June
2009:

(1) (a) Can an itemised list be provided on how much the department has spent on hospitality since 24
November 2007; and (b) of this, how much was spent on alcohol.

(2) For each Minister and any associated parliamentary secretary: (a) can an itemised list be provided
of how much each office has spent on hospitality since 24 November 2007; and (b) of this, how
much was spent on alcohol.

Senator Sherry—The Treasurer has provided the following answer to the honourable
senator’s question:

(1) The GST exclusive cost, for the department of Treasury (excluding minister’s offices hospitality
costs), is:
Food: 61,706.30
Thursday, 13 August 2009

QUESTIONS ON NOTICE

Alcoholic Beverages: 28,307.01
Non-Alcoholic Beverages: 2,045.14
Food & Beverage Packages: 13,551.55
Other Associated Costs: 23,899.29
Total Hospitality Costs: $129,509.29

(2) The GST exclusive cost, for the Treasurer’s office, is:

Food: 4,969.38
Alcoholic Beverages: 1,836.81
Non-Alcoholic Beverages: 327.28
Food & Beverage Packages: 9,224.55
Other Associated Costs: 1,959.76
Total Hospitality Costs: $18,317.78

Defence: Program Funding
(Question No. 1822)

Senator Ludlam asked the Minister for Defence, upon notice, on 16 June 2009:

With reference to the department’s publication Looking Over the Horizon: Australians Consider Defence, dated December 2008, in which the Defence White Paper Community Consultation Panel on page 28 refers to research commissioned in June 2008 and polling data collected in July 2008:

(a) is the research the June 2008 report Urbis Community Attitudes to Defence: Final Report which is based on research compiled from January to March 2008; if not: (i) can the research finding that revealed that support for increased defence expenditure has fallen from 75 per cent in 2000 to 30 per cent in June 2008 be provided, or (ii) can the name, date and source of this research be provided; and

(b) can the polling data be provided; if not, can the date of the polling and the company undertaking the polling be provided.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

(a) Yes

(b) The data from polling conducted by Urbis from January to March 2008 is available in Appendix A of Community Attitudes to Defence: Final Report (Urbis, June 2008). This was tabled by Mr Michael Pezzullo at the Foreign Affairs, Defence and Trade Legislation Committee Estimates on 4 June 2009.

Employment and Workplace Relations: Specialist Advisers
(Question No. 1823)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 17 June 2009:

During consideration of the Fair Work Bill 2009, did the Government make any representations about the appointment of specialist advisors for small and medium enterprises; if so, can details be provided of (a) what those representations were; and (b) the implementation of these representations, including: (i) the starting dates, (ii) the number advisors, and (iii) where they will be situated, including the state and city.

Senator Arbib—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

QUESTIONS ON NOTICE
As announced by the Deputy Prime Minister on 20 March 2009 the Government has agreed to establish a specialist information and assistance unit for small and medium size enterprises within the Office of the Fair Work Ombudsman.

The Small Business Education Unit will employ five highly skilled education officers and will be operational within 3 months of the commencement of the Office of the Fair Work Ombudsman.

ITS Global
(Question No. 1826)

Senator Milne asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 24 June 2009:
Has the Minister or the department had any meetings with Mr Alan Oxley or staff from ITS Global Asia Pacific (ITS Global) in 2009; if so:
(a) when were the meetings held;
(b) what matters were discussed at the meetings;
(c) who from the department or the Minister’s office attended the meetings; and
(d) what materials were provided to the Government during the meetings.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:
During the week beginning 27 April 2009, John Talbot and Dan Firth from the Forestry Branch, Climate Change Division of the department held one brief and informal meeting with Mr Oxley on the margins of the United Nations Forum on Forests (UNFF) in New York. General forestry matters and the progress of UNFF were discussed. Mr Oxley provided a copy of a World Growth report titled: ‘Forestry and Development: Building the Foundations for Sustainability’.

Kurumba Airstrip
(Question No. 1827)

Senator Ian Macdonald asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 24 June 2009:
With reference to the 2009-10 Budget estimates hearing of the Rural and Regional Affairs and Transport Legislation Committee on 28 May 2009 in which the department stated that it expected to finalise the assessment of the 2009-10 funding applications (including applications for the Karumba airstrip) in the middle of June 2009 for recommendation to the Minister:
(1) Given that it is now close to the end of June, has the Minister received the recommendation from the department.
(2) (a) When does the Minister expect to make a decision and an announcement on the funding applications; and (b) in making the decision, will the Minister take into account the desperate needs of people living in rural and remote Australia for basic transport and infrastructure like the airstrip at Karumba which provides the only means of access to that community for the 2 to 3 months of the flood season each year.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:
(1) Yes.
(2) I have considered advice on applications and will make an announcement on successful applicants shortly.

QUESTIONS ON NOTICE
Agriculture, Fisheries and Forestry: Wheat Industry
(Question No. 1828)

Senator Boswell asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 24 June 2009:

With reference to the deregulation of the wheat industry in Australia:

(1) Can the Minister outline any studies, reports, modelling, papers, research projects, analysis and reviews commissioned by the department on the effects of deregulation of the wheat industry on:
   (a) wheat growers;
   (b) quality control for export markets;
   (c) the industry’s reputation as a reliable supplier; and
   (d) infrastructure requirements for the industry in the future.

(2) Will the Minister commission a study on the effects of deregulation of the wheat industry, especially in relation to:
   (a) the cost of deregulation to wheat growers;
   (b) the quality control measures for export markets, together with a review on where the new system has failed;
   (c) the level of transport costs;
   (d) the reputation of the Australian wheat brand internationally;
   (e) the impact of infrastructure failures on Australia’s export markets; and
   (f) infrastructure requirements for the industry in the future.

Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) In March 2008, ABARE produced a report titled ‘Potential implications of the proposed changes to marketing of export wheat’ that looked at the potential impact of the proposed reforms.
   As with all major regulatory changes, a regulatory impact assessment was included with the Parliamentary documentation.

(2) Under section 89 of the Wheat Export Marketing Act 2008 (the Act), the Productivity Commission must conduct a review of the Act and the wheat export accreditation scheme. It must begin its review by 1 January 2010 and report to me by 1 July 2010.

National Indigenous Television Service
(Question No. 1829)

Senator Ludlam asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 26 June 2009:

With reference to the motion on community television (TV) agreed to in the Senate on 24 June 2009, what are the Government’s plans to ensure that the Australia-wide National Indigenous TV service becomes available to homes in the five metropolitan TV markets in digital terrestrial mode at the same time as community TV starts to transmit in digital form in those markets.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

The Government funds the National Indigenous Television Service (NITV) to acquire, commission and produce Indigenous television content. It is up to NITV to negotiate access arrangements for this content in a commercial environment.

QUESTIONS ON NOTICE
Funding of $48.5 million was provided to NITV over four years to 30 June 2010. The NITV pilot is to be reviewed during 2009. The extent to which NITV provided access to metropolitan viewers will be examined as part of that review, as will any decisions relating to the future operation, delivery format and distribution of the NITV service.

**National Indigenous Television Service**

(Question No. 1830)

**Senator Ludlam** asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 26 June 2009:

With reference to paragraph 65 of the current Australian Labor Party National Platform regarding community and Indigenous broadcasting, what steps is the Government taking to ensure that the National Indigenous television service, which is currently available on channel 40 in digital terrestrial form to 800,000 homes with digital terrestrial reception facilities in Sydney, will remain available even if the current trial run by Broadcast Australia (under which the service is made available) ceases?

**Senator Wong**—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

The Government funds the National Indigenous Television Service (NITV) to acquire, commission and produce Indigenous television content. It is up to NITV to negotiate access arrangements for this content in a commercial environment.

Funding of $48.5m was provided to NITV over four years to 30 June 2010. The NITV pilot is to be reviewed during 2009. The extent to which NITV provided access to metropolitan viewers will be examined as part of that review, as will any decisions relating to the future operation and distribution of the NITV service.

**Gunns Pulp Mill**

(Question No. 1834)

**Senator Bob Brown** asked the Minister representing the Minister for Trade, upon notice, on 1 July 2009:

With reference to the advice provided by Senator Carr to the Senate on 25 June 2009 (Senate Hansard, p. 60) concerning inquiries to Austrade from potential investors in the Gunns Limited Bell Bay pulp mill:

(1) Which two companies have made inquiries to Austrade.

(2) In which countries are these companies based.

**Senator Carr**—The Minister for Trade has provided the following answer to the honourable senator’s question:

All Austrade work with potential foreign investors is done on a Commercial in Confidence basis. Disclosure of Commercial in Confidence material would unreasonably affect and undermine Austrade’s work in promoting Australia as a destination to do business and attract new productive foreign investment. In addition, section 94 of the Australian Trade Commission Act 1985 imposes criminal penalties for the disclosure to third parties of information acquired in the course of Austrade’s trade facilitation work.

As a consequence, I am not able to elaborate further upon the answers provided to Senator Brown on 25 June 2009. I can however advise that of the two companies that made enquiries to Austrade, to the best of its knowledge, one company did not proceed to discussions with Gunns due to the pulp mill not fitting in with their overall international expansion strategy, and the second company did not return emails after the initial informal enquiry was received.
Infrastructure, Transport, Regional Development and Local Government: Projects
(Question No. 1835)

Senator Bob Brown asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 1 July 2009:

(1) How many projects currently have Major Project Facilitation (MPF) status.
(2) What was the cost to the department for each of these projects in the 2008-09 financial year.
(3) When a company applies for status, how long does it typically take before an approval or rejection is given.
(4) Has the department received an inquiry or application from Gunns Limited for MPF status for its proposed Bell Bay pulp mill; if so, what was the outcome of the application.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the answer to the honourable senator’s question:

(1) A total of 14 projects currently have MPF Status.
(2) As no funding is attached to the MPF program there was no cost to the Department for these projects.
(3) A decision on whether to grant a project MPF status is usually made within 30 days of receipt of an application from project proponents.
(4) Gunns was awarded MPF status for this project by the previous Government in 2005 until December 2008. No application for renewal of MPF status has been received by the Department of Infrastructure, Transport, Regional Development and Local Government which has administered the program since December 2007.