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### SITTING DAYS—2009

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### RADIO BROADCASTS

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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
## Members of the Senate

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(1) Chosen by the Parliament of South Australia to fill a casual vacancy vice Amanda Eloise Vanstone, resigned.
(2) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Ian Campbell, resigned.
(3) 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
Hon. Kevin Rudd, MP

Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion
Hon. Julia Gillard, MP

Treasurer
Hon. Wayne Swan MP

Minister for Immigration and Citizenship and Leader of the Government in the Senate
Senator Hon. Chris Evans

Minister for Defence and Vice President of the Executive Council
Senator Hon. John Faulkner

Minister for Trade
Hon. Simon Crean MP

Minister for Foreign Affairs and Deputy Leader of the House
Hon. Stephen Smith MP

Minister for Health and Ageing
Hon. Nicola Roxon MP

Minister for Families, Housing, Community Services and Indigenous Affairs
Hon. Jenny Macklin MP

Minister for Finance and Deregulation
Hon. Lindsay Tanner MP

Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House
Hon. Anthony Albanese MP

Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate
Senator Hon. Stephen Conroy

Minister for Innovation, Industry, Science and Research
Senator Hon. Kim Carr

Minister for Climate Change and Water
Senator Hon. Penny Wong

Minister for the Environment, Heritage and the Arts
Hon. Peter Garrett AM, MP

Attorney-General
Hon. Robert McClelland MP

Cabinet Secretary, Special Minister of State and Manager of Government Business in the Senate
Senator Hon. Joe Ludwig

Minister for Agriculture, Fisheries and Forestry
Hon. Tony Burke MP

Minister for Resources and Energy and Minister for Tourism
Hon. Martin Ferguson AM, MP

Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services
Hon. Chris Bowen, MP

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

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<td>Leader of the Opposition</td>
<td>The Hon. Malcolm Turnbull MP</td>
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<tr>
<td>Shadow Minister for Foreign Affairs and Deputy Leader of the Opposition</td>
<td>The Hon. Julie Bishop MP</td>
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<tr>
<td>Shadow Minister for Trade, Transport, Regional Development and Local Government and Leader of The Nationals</td>
<td>The Hon. Warren Truss MP</td>
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<td>Shadow Minister for Broadband, Communications and the Digital Economy and Leader of the Opposition in the Senate</td>
<td>Senator the Hon. Nick Minchin</td>
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<td>Shadow Minister for Innovation, Industry, Science and Research and Deputy Leader of the Opposition in the Senate</td>
<td>Senator the Hon. Eric Abetz</td>
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<td>Shadow Treasurer</td>
<td>The Hon. Joe Hockey MP</td>
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<td>The Hon. Christopher Pyne MP</td>
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<td>Shadow Minister for Infrastructure and COAG and Shadow Minister Assisting the Leader on Emissions Trading Design</td>
<td>The Hon. Andrew Robb AO, MP</td>
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<td>Shadow Minister for Finance, Competition Policy and Deregulation</td>
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<td>Shadow Minister for Human Services and Deputy Leader of The Nationals</td>
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<td>Shadow Minister for Families, Housing, Community Services and Indigenous Affairs</td>
<td>The Hon. Tony Abbott MP</td>
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<td>Shadow Special Minister of State and Shadow Cabinet Secretary</td>
<td>Senator the Hon. Michael Ronaldson</td>
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<td>Senator the Hon. George Brandis SC</td>
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<td>Shadow Minister for Employment and Workplace Relations</td>
<td>Mr Michael Keenan MP</td>
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<td>Shadow Minister for Immigration and Citizenship</td>
<td>The Hon. Dr Sharman Stone</td>
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<td>Shadow Minister for Small Business, Independent Contractors, Tourism and the Arts</td>
<td>Mr Steven Ciobo</td>
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[The above constitute the shadow cabinet]
SHADOW MINISTRY—continued

Shadow Minister for Financial Services, Superannuation and Corporate Law  The Hon. Chris Pearce MP
Shadow Assistant Treasurer  The Hon. Tony Smith MP
Shadow Minister for Sustainable Development and Cities  The Hon. Bruce Billson MP
Shadow Minister for Competition Policy and Consumer Affairs and Deputy Manager of Opposition Business in the House  Mr Luke Hartsuyker MP
Shadow Minister for Housing and Local Government  Mr Scott Morrison
Shadow Minister for Ageing  Mrs Margaret May MP
Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence  The Hon. Bob Baldwin MP
Shadow Minister for Veterans’ Affairs  Mrs Louise Markus MP
Shadow Minister for Early Childhood Education, Childcare, Status of Women and Youth  Mrs Sophie Mirabella MP
Shadow Minister for Justice and Customs  The Hon. Sussan Ley MP
Shadow Minister for Employment Participation, Training and Sport  Dr Andrew Southcott MP
Shadow Parliamentary Secretary for Northern Australia  Senator the Hon. Ian Macdonald
Shadow Parliamentary Secretary for Roads and Transport  Mr Don Randall MP
Shadow Parliamentary Secretary for Regional Development  Mr John Forrest MP
Shadow Parliamentary Secretary for International Development Assistance and Shadow Parliamentary Secretary for Indigenous Affairs  Senator Marise Payne
Shadow Parliamentary Secretary for Energy and Resources  Mr Barry Haase MP
Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector  Senator Mitch Fifield
Shadow Parliamentary Secretary for Water Resources and Conservation  Mr Mark Coulton MP
Shadow Parliamentary Secretary for Health Administration  Senator Mathias Cormann
Shadow Parliamentary Secretary for Defence  The Hon. Peter Lindsay MP
Shadow Parliamentary Secretary for Education  Senator the Hon. Brett Mason
Shadow Parliamentary Secretary for Justice and Public Security  Mr Jason Wood MP
Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry  Senator the Hon. Richard Colbeck
Shadow Parliamentary Secretary for Immigration and Citizenship and Shadow Parliamentary Secretary Assisting the Leader in the Senate  Senator Concetta Fierravanti-Wells
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12.30 pm and read prayers.

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

Second Reading

Debate resumed from 13 August, on motion by Senator Stephens:

That this bill be now read a second time.

Senator FIFIELD (Victoria) (12.31 pm)—The passage of the former coalition government’s Higher Education Support Amendment (Abolition of Compulsory Upfront Student Union Fees) Bill 2005 helped to lift a substantial financial burden for students in Australia. For the first time students were empowered to make their own decisions about the services they needed, and it enshrined freedom of association on campus. The results were not surprising: student unions, bereft of the power to force their members to pay their fee, had to radically cut the cost of membership and tailor their services to the demands of students. At my alma mater, the University of Sydney, union membership fees dropped from $590 in 2005 to $99 in 2008. The University of Melbourne dropped its fees from $392 in 2005 to $99 in 2009. RMIT went from $500 to just $80 three years later. Thanks to VSU, students at these campuses have hundreds of dollars back in their pockets that they can choose to spend as they see fit.

Many students were sick and tired of seeing their money wasted on extreme political campaigns. But ultimately the debate was never about whether student unions promote left-wing or right-wing causes. Student unions should be free to engage in whatever political activity they wish, provided their membership and funding base are entirely voluntary. That is freedom of speech.

To many, these changes seemed long overdue—after all, compelling Australians to join an organisation against their will was regarded as objectionable in every other part of society. Workers long ago won the right to freely associate, and today no government would ever think of making union membership compulsory in the workplace. But, for some reason, university administrators and the Labor Party believed that student unions were the exception. For some reason, the services they offered and the value they provided to their members was so high that students had to be forced to join and forced to fund them. Aside from the obvious logical fallacy that if an organisation offers its members value for money it should not require compulsion to have high membership, there are also a myriad double standards.

These students, who are supposedly incapable of choosing whether to purchase union membership, are called upon to vote in elections, electing political leaders who will chart the course of the nation. They are allowed to drive, purchase alcohol, join the Army, own a firearm or take out a loan. They are even expected to be able to choose their course, their subjects and their future career paths. But the same students who possess the faculty to make these important decisions suddenly become incapable of looking out for their own interests when it comes to student union membership.

Labor’s plan is to slug Australia’s university students with a new tax of up to $250 per year, and that will rise annually with automatic indexation. The government will establish a new loans scheme to assist some students to defer their fee payments. This is an admission, if one were needed, that students do not have the capacity to pay. This
policy is also a clear breach of Labor’s pre-election commitment to Australia’s students. In a doorstop interview on 22 May 2007 the then shadow education spokesperson, Mr Stephen Smith, said:

... I’m not considering a compulsory HECS-style arrangement, and the whole basis of the approach is one of a voluntary approach, so I’m not contemplating a compulsory amenities fee.

That is pretty clear. Fast-forward to less than two years later and Labor introduces a compulsory amenities and services fee, with a HECS style loans scheme. When considering their vote at the last election, no doubt some university students were swayed by Labor’s assurances that they would not seek to return to the days of compulsory union fees.

Senator Cash—Just like the economic conservative argument.

Senator FIFIELD—Indeed, Senator Cash. Labor have now betrayed the trust those students placed in them, with this sneaky return to compulsory student unionism. In her second reading speech to the House, Minister Ellis said that this bill, the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 was ‘not a return to compulsory student unionism’. This is nothing more than a con and a sham. It is true to say that the fee is levied by the university rather than by the union. Students can choose not to be union members under this package. They just have to pay the same fee as if they were a member of the union. If students refuse to pay the fee the university can decline to offer them academic services and prevent them from graduating. It is just like the old union fee. That would be like telling a construction worker that he does not need to join the CFMEU but he had better pay his union dues if he wants to work on the building site. It is, again, a no fee, no start policy, and it is wrong.

A portion of the money will still end up with student unions or with the university providing services previously provided by the student unions. It is a technical work-around of the colation’s legislation. Minister Ellis boasts that students have had a say in the bill through the consultation process she undertook prior to its introduction. Unsurprisingly, student unions and universities, who have a direct financial interest in seeing a return to a compulsory fee, slammed VSU. One of the most extreme and ridiculous arguments I have heard from anti-VSU crusaders was made by Glenn Withers from Universities Australia. Withers, in an interview with ABC radio’s program PM, hinted that VSU was perhaps responsible for recent violent attacks on students. He said:

... things like advice on employment services, advice on health and counselling. Advice from student organisations themselves on safety and feedback to universities, to other education providers, to police, on problem areas in safety, have all been compromised by the absence of a good campus way of representing students in providing services.

What utter bunkum! In reality, there is no connection between a university amenities fees and late night violence at train stations and in Melbourne’s outer suburbs. This was just shameful opportunism. Ordinary students do not want to see a return to the policies of compulsion—pre VSU. In an Australian Democrats youth poll in 2008, 59 per cent stated that they did not support the abolition of VSU. It is to be expected that unrepresentative student unions, more worried about their own idea of what students should have rather than the interests of ordinary students, would demand a return to a guaranteed income stream. It does not require them to worry about pesky and annoying things like delivering value for membership or supplying the services that students want and need. National Union of Students President
David Barrow highlighted this anti-student attitude perfectly when he said:

Universities get the fee, students get the services and student unions get screwed.

In reality, Barrow was doing what any good unionist would: he was making an ambit claim. Student unions are secretly delighted at being able to again levy a compulsory fee, using the university as their proxy. But ordinary students cannot afford this. The inclusion of a loan system in the package is a tacit admission that students cannot afford a compulsory upfront fee. Each semester, many students struggle to cover the costs of their books, rent and food, let alone their tuition. Most choose to put their academic fees through the FEE-HELP system and pay them back when they earn a full-time wage. Yet Kevin Rudd has called student debt in Australia a ‘national disgrace’.

For a student starting a four-year undergraduate degree in 2010, the government’s package will add up to $1,000 of debt, plus inflation. And it could not come at a worse time for students, with Australia’s graduates facing a post-study employment market weaker than any in recent years. Many of the large firms that hire graduates will take on a significantly reduced number or even zero new employees in 2010. Inevitably, some students will struggle to find work. Yet the Rudd government is happy to slug students with more debt. This is not the best way to help struggling students. They do not need to be hit with a new tax to fund services they may not want or need. The best way to help students is to allow them to keep more of their own money and let them decide what academic services they need.

The new fee also fails to take into account capacity to use the services provided or the ability to pay for them. Part-time students, who work several days a week to support themselves financially, will in many cases be charged the same as wealthy students living in college on campus with family support. Mature age students with young children, who may only ever attend campus for classes, will in many cases pay the same fee. Students who study off campus, online or at a small regional branch at the university, are likely to be slugged the same amount as students who can easily access the services on the main campus. In fact, it is the students who need support the most who will be hurt by this fee. Those students who struggle financially typically do not have the time to enjoy the benefits of union funding such as clubs and societies, or attending the free lunchtime beer, barbeque and band sessions. Those who have the time and financial security to do so hardly need other students to subsidise their experience.

The government also appear to equate compulsory union membership with an active campus culture. What rubbish! Students at TAFE or in high schools do not need compulsory unionism to have fun, nor do adults in the workforce. So why on earth should thousands of eager, young, curious and enthusiastic 18- to 25-year-olds on university campuses need an amenities fee to have a good time? The government have assured students and the public that, under their proposed model, students’ money will not be wasted on political activities. They specifically prohibit the support of a political party or the election of any person to the local, state and federal branches of government, but this policy has been in place in Victoria for years. It did not stop the Monash Student Association from donating to the Southern Oil Workers Union in Iraq, a known anti-coalition forces group. It did not stop the Monash Student Association donating to the legal defence fund of an accused G20 rioter and it did not stop Melbourne University Student Union donating to the defence fund of an accused Palm Island rioter. It certainly
did not stop student unions donating hundreds of thousands of dollars to the National Union of Students, who ran a ‘Make Howard History’ campaign prior to the 2007 federal election.

Also, money is fungible. A dollar of compulsorily acquired money spent on a legitimate student service frees up a dollar for political activity. Unfortunately, students can have no confidence that their money will be spent on strictly non-political activities. Many critics of the former coalition government’s VSU policy noted that student unions provided welfare services to needy students. They pointed to reduced counselling or dental services on campus as evidence of the failures of VSU. But there are two important points to keep in mind. Firstly, the vast majority of universities still provide access to medical and counselling services on campus. Typically, these are university run and free or privately managed but with bulk-billing. Secondly, in the rare event that a campus does not have these services, it is important to remember that universities are not islands. Governments at a state and federal level provide medical services across the country. Student unions are not some fourth tier of government. Student unions, with election turnouts typically less than five per cent at even the most politically active campuses like Melbourne and Sydney universities, lack the popular mandate of any tier of government. Ultimately, it is up to federal, state and local governments to provide a social safety net for the whole community, students included.

The viability of university sport is often cited as a concern by opponents of VSU, but the claims do not withstand scrutiny. Thousands of voluntary community sporting clubs exist all over the country. They are mostly funded by participants and run by volunteers. Community sporting clubs survive and prosper because they offer something people want at a price they are willing to pay. Elite sport already receives generous taxpayer support throughout Australia, particularly at an Olympic level. These athletes often go on to earn handsome financial rewards for their sporting success, so to claim that they need compulsory funds acquired from their non-sporting classmates is simply unreasonable.

But do student unions really need these funds? Judging by the financial position of one of Australia’s unions at the University of Sydney, the answer is no. The union in Sydney have an art collection—good luck to them—valued at more than $2 million, which would rival many top-listed company art collections in Australia. They also have a set of silverware worth more than $100,000.

Let us look at what some student unions do when they actually have the money to fund the services they say are crucially needed on campus. At the University of Melbourne, the union receives close to $1 million per annum in transition funding from the university. Unions often claim that funding is needed to support a vibrant campus life and that clubs, societies and campus activities cannot exist without these essential funds. At Melbourne university, the student union wanted to increase its donation to the extreme National Union of Students, and it was not going to let campus activities get in the way. The union moved to slash the budget of the clubs and societies by nearly 25 per cent, increasing the budgeted funding to the National Union of Students from $50,000 to $65,000. The previous financial year, the union slashed the activities budget to increase funding for the arts department. Among other events, the arts department ran an exhibition entitled ‘From Beards to Badges’—a history of student unionism on campus. If unions really cared about student services and not about their extreme political agenda, they would have funded services properly when they had the capacity to do so.
What about the unions that actually have improved and prospered under VSU? The University of Western Australia Student Guild has long had voluntary membership, thanks to the policies of the former Court government. It boasts high rates of union membership, a low yearly fee of $120 per year and offers services that most students want. The University of Western Australia Student Guild actually says that VSU has led to improved services on campus because it has forced the union to supply the services students actually want rather than the services student unions think students should want. In its submission to the Senate inquiry into this legislation, held last year, the union noted:

Since its enactment in 2006, the Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2005 has had a profoundly positive effect not only on the operations and service capacities of the University of Queensland Student Union but most importantly the entire UQ student body. VSU has been a very practical way of easing the financial burden on UQ students who had previously struggled to meet the upfront cost of union fees in addition to other daily living expenses such as rental accommodation, food, utilities and textbooks.

Ultimately, however, VSU is about a straightforward concept—an individual's right to choose. It empowers students to make their own choices about what sort of university experience they want, rather than forcing them to subsidise the choices of others. There is an important principle at stake that must be defended: no-one should be forced to support or join any organisation against their will. If this legislation is passed, that right, that choice, will effectively be taken away. It is my hope that this legislation is defeated.

Senator CROSSIN (Northern Territory) (12.51 pm)—I rise today to speak to the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 before this chamber. This legislation marks the fulfilment of a key election promise to university students, who are the future leaders of this nation, to undo the damage caused to universities and student services by the rampantly ideologically driven Liberal government. I notice that in his contribution Senator Fifield did not take up my interjection in reminding this chamber that of course the current Leader of the Opposition, Malcolm Turnbull, was once the president of the student union association at the University of Sydney. It is interesting that the contributions from the other side make no mention of the fact that some of their current leaders came out of that movement. According to the now former Liberal government, the reason for the current legislation stemmed from their empty rhetoric about the freedom of association. However it was all too transparent to Labor and to students that what really motivated the Howard government was using their Senate majority to finally cut the legs out from underneath student unions that so effectively stood up for students and their rights and who demanded an end to the Howard government’s demolition of the tertiary education sector. That was the motivation behind their legislation when in government.

Governments should look behind the rhetoric and examine the real impact that their legislation has had on the ground. Prior to the last federal election, the Labor Party made a very accurate prediction about what would happen to student services and the holistic education experience of university students if this legislation was passed. All of the predictions that we made when we stood here in this place and defended the interests of university students have in fact come true. As we predicted, money was ripped out of the education system by the current legislation. In fact, we now see that, in total, a decrease of about $170 million of funds for
student unions and student services was the direct result.

We predicted the loss of jobs as a consequence and, as we predicted, the VSU legislation created a reduction in employment of 30 per cent, with 1,000 jobs lost as a direct consequence. We predicted that this would actually increase expenses for students, and regrettably we saw exactly the detriments we feared come into effect as direct user-pay charges to students increased, in most cases way above the consumer price index. Australian students had to literally pay the price for the Liberal government’s blind ideology and complete ineptitude. They paid the price in terms of not only increases in basic food, goods and services on campus but also absorbing the damage to teaching and research budgets as universities desperately tried to tighten their belts to cope with the damage to student services caused by the then coalition government.

It is important to also note that our predictions about important services and organisations for university students and staff being adversely affected by the introduction of VSU came true. As a direct consequence of the legislation, we saw health services, counselling services, childcare services, welfare support, student advocacy, sport and recreation and clubs and societies all incur serious financial penalty. They were massively constrained or, in many instances, were forced to fold and vanished from campuses entirely. By proposing and voting for voluntary student unionism, the Liberal government showed unequivocally that it was completely uninterested in the health and wellbeing of students.

Of course, this was a particularly embarrassing chapter for the Howard government, because it was clear that not even all of their own government senators bought their empty rhetoric. Senator Barnaby Joyce crossed the floor to vote with us against that legislation. It was Senator Joyce who highlighted in his speech that the VSU legislation would impact over 5,000 families.

So I rise in this chamber to fulfil our promise to university students. We promised a balanced, practical solution to rebuild important student support services and amenities, and this legislation provides for exactly that. What we are proposing to establish is a comprehensive new scheme, whereby higher education providers can charge students an annual capped compulsory student services and amenities fee. This fee need not come straight from the pockets of impoverished university students. Like the payment of HECS-HELP fees, the fee can be deferred through a student amenities HELP scheme, an SA-HELP scheme, and equity can be created between VET and universities by broadening the application of the HELP category to include VET FEE-HELP.

The policy formulation process undertaken by Minister Ellis was extensive and consultative, and I would like to take this opportunity to applaud the minister and her department on their work in developing this response. This bill delivers on the government’s election commitment to rebuild important university student services and to also ensure that students have representation on campus. It outlines a robust and balanced solution that will not only help ensure the delivery of quality student services but also help once and for all secure their future. The government have consistently committed to ensuring that students have access to vital campus services and we make no apology for honouring this commitment here today.

Universities Australia, the peak body representing the university sector, painted the picture clearly last year. It stated:

Universities have struggled for years to prop up essential student services through cross-sub-
sisation from other parts of already stretched university budgets, to redress the damage that resulted from the Coalition Government's disastrous Voluntary Student Unionism legislation.

This was reinforced by the Chair of Universities Australia, Professor Richard Larkins, when he said that the VSU:

... directly impaired [the] ability [of universities] to deliver quality education and research ... We had to use money for research and teaching and use it to support the student experience on campus.

Moreover, though, because of this consultative response by the minister, the Rudd government has now been able to achieve broad endorsement of the legislation by key relevant stakeholders. During the Senate Standing Committee on Education, Employment and Workplace Relations inquiry into the impact of the new legislation we heard ringing support for this legislation from a range of individuals and organisations. Mr David Barrow from the NUS said:

... the fee will improve student life for students.

The National Liaison Committee for International Students said:

The NLC fully supports this legislation to rebuild important student support services and democratic student representation.

Australian University Sport said:

I cannot emphasise how badly we feel at Australian University Sport that this fee is essential.

The Australasian Campus Union Managers Association said:

The capping of the fees, the deferability characteristic of the fees and, within the guidelines, the defined uses for the fees we think are quite sensible amendments to the current circumstances for our sector.

The Council of Australian Postgraduate Associations said:

... this bill becomes an effective measure to restore and sustain quality student services for postgraduate students that are sustainable into the longer term.

These are clear endorsements not only of this government's move to undo the damage of the previous, Liberal government but also of the sensible and appropriate measures which address the harms identified.

I want to talk a little bit about the impact of this legislation on regional universities. The legislation will have a particularly direct consequence for smaller, regional campuses such as Charles Darwin University. Submissions received during the Senate committee's inquiry showed that the Howard government's VSU legislation had a great impact on regional universities like CDU, for two key reasons: firstly, regional universities like CDU generally enjoy a lower level of discretionary funds than other larger, metro universities such as the Group of Eight; and, secondly, the cost of the provision of student services per enrolled student is often much greater for smaller universities.

So what did the combination of these factors mean on the ground for students at CDU? It meant that, as the university started to lose a significant slice of its revenue, it was forced to tighten its belt and, in some instances, shed important student services. Many staff lost their jobs as a consequence of the introduction of that legislation, and the student union at Charles Darwin University became financially unviable and, as a direct consequence of that legislation, was forced to dissolve. This means that many students now at CDU have never experienced student representation and a student voice on campus; a student-organised orientation week; student-organised social events, student funded clubs and societies on campus; a student magazine to inform students of the happenings on their campus; and much more. Life as a university or TAFE student should be more than just home, bus, lecture, bus and back home. It should be a holistic educa-
tional experience both in and out of the classroom.

I think it is a real shame that students in Darwin who wanted to stay in the Northern Territory should have missed out on this experience, while students who travel down south to go to university got to enjoy much more of a holistic experience. I believe that students should get equal treatment, with equality of access to student services of a comparable level, irrespective of their geographical location or which university they attend. This equality of access was a principle that was eroded under the Howard government, and it is a principle that the Rudd Labor government will reinstate with the passing of this legislation before the Senate.

It is important to note as well that there has been a huge response by students at CDU to the promise of this legislation. During orientation day at CDU, the National Union of Students travelled to the Casuarina campus in an attempt to gauge the interest of students in re-forming their old student union if this legislation passes. Carla McGrath, the NUS Indigenous Officer, set up a stall, talked with students who had never even heard of student unions about the role that they play and engaged with students who remembered what an important role the student union had previously played on campus. She attracted much attention. From students, she collected pages and pages of signatures demanding a return of their student union. From the media, the Northern Territory News covered the story. And the National Tertiary Education Union came along and supported the NUS because they recognise the importance of a student union on campus to complement the learning experience that is provided at university. So there is clearly a demand from students to reintroduce student services, including the student union at CDU. This legislation gives students an opportunity to reengage.

It was not only the student union, though, that became a casualty of the Howard government’s war against students; students who used and accessed university sport and recreation services and equipment were also casualties. CDU incurred cuts to sports funding, which has had an adverse effect on student participation, particularly among female students. University sport helps to improve the health and fitness of students and assists students from interstate, rural and remote areas in building social networks and becoming part of their university community. Sport and recreation facilities are important not only to campuses all around the country but also to the Australian economy, building a productive and well-rounded workforce into the future.

The reforms in this bill will help to sustain university sporting teams and facilities, allowing them to foster the next generation of Australian sporting champions. About half of the Australian Beijing Olympic team, in 2008, had university links, showing that it is vital that university sport is strengthened in the future. This arrangement will allow for the funding that was previously stripped away from the system to be reinjected into universities that were chronically under-funded and chronically neglected by the former, Howard government.

So I am proud to support this bill. I am sure that it will once again provide for students to gain access to the education and to the student services that they need. It will enable them to complete their university education in a holistic manner, without universities having to reach into their teaching and research budgets to ensure that the complete range of services offered by student unions and student union organisations are there for students so that they can enjoy a holistic, post-compulsory secondary education experience—enjoy university life the way it ought to be enjoyed.
Senator RYAN (Victoria) (1.06 pm)—I am proud to rise today to speak against the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009. Indeed, it is an issue I raised in my first speech in this place and in rising to speak I join my colleague Senator Fifield, who spoke earlier on this bill. However, it does not give me any pleasure to speak against this bill because, contrary to what Senator Crossin has just said, this particular bill represents an explicit breach of a commitment given by the Labor Party before the last election. I will read out the words of the then shadow minister for education and training on 22 May 2007:

I’m not considering a compulsory HECS style arrangement and the whole basis of the approach is one of a voluntary approach. So I am not contemplating a compulsory amenities fee.

So there we have it. We actually have the then shadow minister, representing the Labor Party, saying months before the election that there would be no compulsory amenities and services fee and specifically ruling out the HECS type approach that we see in this legislation.

Having been privileged to serve on the Senate committee that considered this bill earlier this year, I wish to cover two ranges of issues today. The first are practical ones that relate to the specific provisions of this bill and the second are the philosophical objections which the coalition has to this bill. First, I would like to address a couple of issues raised by Senator Crossin. Senator Crossin referred to nearly $180 million that had been ripped out of student services. I would prefer to describe that in another way. That is $180 million that stays in students’ pockets. That is $180 million that has not been compulsorily acquired from them for services that they may choose not to use or they may be unable to use or they may simply not have the time to use. Senator Crossin talked about how a number of students at one of the universities in the Northern Territory were quite keen to establish a student union. There is nothing in Australian law today that prevents a group of students getting together to do just that. This bill has nothing to do with students seeking to form an association. It has nothing to do with students seeking to represent their own interests. It has nothing to do with student sport. It is about some students forcing other students to pay for their hobbies, be they political, sporting, recreational or otherwise. It is a fallacy to argue and it is misleading to the Australian people and to students to argue that this bill is about helping students represent their own interests. This bill represents a compulsory tax and it is a return to compulsory student unionism. It is the equivalent in the workplace of a bargaining fee: ‘We’re going to charge you the money and we’re going to hand it over to a student union’—or an association or a guild or whatever it describes itself as—‘and you’re going to have no say in it. If you don’t pay it you can’t come to this university.’ I will go into some of the those issues later but I will first turn to the flaws in this bill.

Firstly, for people who campaigned against student contributions to their own education to say, ‘Well, we’ll oppose actually increasing HECS to fund university education but we’ll add on nearly $1,000’—when you consider the indexing—‘onto most students’ HECS bills’—or HELP bills, as they are called now—to pay for services that aren’t directly related to their education,’ is utterly hypocritical. It will add $1,000 or close enough to it onto the costs of someone doing a three-year degree. To those doing a five-year degree it will add over $1,500 to their costs because of the additional indexation to add to the HECS bill or the HELP bill. I do not understand why on earth those people who opposed access to education
based on financial grounds suddenly think the only fee that should be compulsory at a university—and I speak to the crossbenchers here as well—is the student union fee.

It always struck me when I was at university in the nineties—I sat on the National Union of Students executive for a year and I know what the money was spent on—that hundreds of thousands of dollars was spent on flying people around the country and on election campaigns. I know what the student unions spent their money on. At the University of Melbourne alone, with 30,000 people on a campus less than a kilometre square, they managed to lose a quarter of a million dollars on catering, with the food being more expensive than that from the independent coffee shop on the other side of the building. These were not student unions that provided cheap services. They were featherbedded and they provided funding for people’s pet political causes. I do not understand why we trust our students to choose what degree they wish to enrol in, to undertake a vocational course and to choose their career but we do not trust them enough to allow them to decide whether or not they want to join a debating society or a footy club. We have to tax them and we have to put that power to decide who gets what in the hands of someone else.

One of the other problems with services under arrangements like these is that they are set up in such a way that not all students can access them. I will turn to one of my favourite particular institutions at the university that I attended, the University of Melbourne. I refer to the Mount Buller ski lodge. It did get a subsidy through the student amenities fee in the days before 2005, through the sports union. It was used by graduates and it was used by students. Why should the thousands of part-time students and the thousands of mature-age students who do not like skiing be forced to subsidise the Mount Buller ski lodge? I declare my interest in this. I did play sport, particularly badly, at Melbourne university. In the first year of any sports club at Melbourne university in the nineties—and this is interesting—you did not receive any support from the sports union. You had to prove you could do it yourself for a year before you got access to any funding for any form of insurance or access to footy ovals. Yet our club managed to prosper, albeit not on the sporting field. As Senator Fifield pointed out, there is no need whatsoever to replicate the structures that voluntary organisations can provide for themselves. Why is it that the Essendon District Football League, where my office is, manages to survive, obviously with support from local governments, but we do not trust our students to be able to the same? That shows what the real agenda of this legislation is: to ensure that there is a pot of money for a small, noisy minority.

This bill does nothing to prevent moneys being used for political purposes. Yes, section 5 of the bill prevents them being used to support a candidate in an election campaign, and I challenge anyone in this place to define ‘political activity’ so narrowly. As Melbourne university did several years ago, you can still use the money from compulsory student fees to fund the legal costs of someone who was arrested by the police and charged with a particular offence at a protest that turned violent. Under similar legislation in Victoria many years ago, a student union paid for an axe that was used to take out the vice-chancellor’s office door. There is nothing in this bill that prevents that happening again. That is because of the narrow definition of ‘political activity’. It prevents money being spent on a sticker that says, ‘Vote for Kevin Rudd’. It does not prevent money being spent on a sticker that says, ‘Vote against Kevin Rudd’—or any other person in this or the other place.
As Senator Fifield said, money is fungible. If money is coming in the door to be used to subsidise a student service—let us say, for example, for a revenue-raising service such as catering—then there is nothing to stop the money gained from selling that service being used for political activities. Why on earth would we set up a system whereby we charge students for a service whose providers do not need the money so that we can take money out at the other end to spend on political purposes? Why is the government not honest about what this bill is intended to achieve? When student unions say they have had a tough time over the last three years, I do not particularly feel for them. Some student unions have prospered, particularly in Western Australia, where they have proven that they are responsive to students. But those student unions that have failed have been the ones that have sought to continue to pay six-figure sums to the National Union of Students, which does not provide a service to students on campus. There are no welfare or sports services or any such services coming out of the NUS. But what it does do is ensure that all students are going to pay more for their education.

Unions, guilds or associations already have a privileged position on university campuses. There are no competing student unions at any Australian universities that I know of, yet with that privileged position on campus including, at many universities in Victoria, rent-free arrangements on university land or in university buildings, they still cannot get people to join their associations. In any other part of our country, we would say there was something wrong with an association that cannot sell its product, something wrong with an organisation with a captive market that cannot convince people it is worthwhile to join. The problem is not with the students that are not choosing to join, but this government has said just that the problem lies with the students. It wants to compel students to fund that organisation, which in many cases in the last three years they have chosen not to join.

Senator Crossin talked about university being more than home, bus, lecture, bus, home. This is one of the main reasons this bill is so inequitable. For many students today, university is more than that; it involves a part-time job or two, it involves paying your own way, having a bit of economic independence at university. Yet, to those students who work, to those students who study part-time or those students who prioritise other aspects of their life, we are going to say: ‘You’re funding the debating society. You’re funding the footy club. You’re funding the Mount Buller ski lodge. It doesn’t matter whether you want to; we’re going to make you pay anyway.’ To apply a tax to the people that do not actually have the time, inclination or means to spend all day at university is blatantly unfair. Students will have no say in how this money is spent because a small university election—not all of which have passed the same probity tests as we have expected from the Australian Electoral Commission over the last 20 or 30 years—does not mean students have control. Why are we replacing the ultimate level of student control—their own wallet, what they choose to spend their time and money on—with a collective approach that ensures a noisy minority will once again be able to capture students’ interests and students’ moneys?

I would now like to turn to the philosophical objections to this bill. As I said earlier, it is a farce to say that this bill does not reintroduce compulsory student unionism. It simply uses a new legislative form to achieve the same ends as the situation which was in place prior to 2005. If a student is being forced to pay money that will be handed over to a student union, association or guild, the mere passage of it through the hands of the
university does not make it clean. It is still compulsory unionism. If I was at work and my boss took money out of my pay to pass to the Shop, Distributive and Allied Employees Association or any other union, that would be treated as unionism. I do not see why it is different for university students. In fact, there was no suggestion whatsoever in the bill or the committee hearing that this money would not be handed to student unions—there is every expectation that it will be. But, at the same time, there are no safeguards against it being used to support facilities or activities that are used for political activities, whether they be audiovisual facilities, legal services or any other.

There is no arrangement in place to ensure that value for money is provided by these; we are only trusting the universities and the student unions. There are no tendering arrangements, or similar style arrangements, to make sure that the cost is as low as possible; we are just handing over money and hoping the universities keep student unions efficient. In the last 30 years, the debate in this country has shown that student unions are not, in the main, the most efficient providers of services, and the lack of competition on university campuses is a reason for this. In fact, in the committee inquiry that was conducted, our attention was brought to a youth poll conducted by the Australian Democrats in 2008 that showed 59 per cent of students opposed the reintroduction of compulsory amenities and services fees. This bill represents compulsory membership through financial support, nothing less. I mentioned earlier the irony of how we hear, from those particularly on the crossbench, that education needs to be cheaper, but that this is the one fee that they support and has been for many years at university level. Our society no longer tolerates compulsory membership of any other association and no argument has been put as to why it should do so for students, other than to try and cloak it in the guise of services. This is nothing more than a Trojan Horse argument.

I would also like to put to the Senate that universities should have grievance procedures, they should have counselling services. But why should students be compelled to pay extra for these? Students contribute a significant financial amount to their education these days, and that is a good thing. Yet we seem to see that universities, benefiting from extra revenues, do not see the provision of these services as part of their core responsibility. In my view, students already pay for them; they are legitimate expectations of attending a tertiary or post-secondary institution. But this bill allows universities to avoid that responsibility. They can avoid it by simply charging an extra amount of money and handing it over to a third party. In the main, these third parties have not been very effective providers of such services in the past, and there is nothing in this bill to suggest that they will be in the future.

Senator Fifield raised issues like dental services and health services—child care is another service that falls into this category. These are services and safety nets that are legitimately provided by Commonwealth, state and local governments around the country. In Senator Fifield’s words, universities are not an island. Nor should they be treated as such, but I fail to see why we should be charging some students—not based on means, not based on their ability to pay—for services that benefit other students. Not all these services are in any way welfare services. I hark back again to the Mount Buller ski lodge. I fail to see why a part-time student working a few jobs—as a number of friends of mine did, and I had part-time jobs while at uni—should be forced to subsidise the hobbies of others. There is simply no justification for it.
Many of the services listed in the student services and amenities fees guidelines that have been tabled by the Minister for Education are irrelevant to the direct educational purposes for which students attend university. They are often not open to distance education students—a growing part of universities—or the growing numbers of part-time students, and particularly mature age students, that may have other responsibilities such as work and family. Most are replicating services that, where they are necessary, should be provided by Commonwealth, state and local governments. There is no justification to charge students for this range of services which are not necessary to an education. Those services that are necessary should be provided by governments and by universities themselves.

This bill should be rejected for what it is, a Trojan Horse for compulsory student unionism. In a classic Labor way, the government has simply given an age-old objective a new name. It contains no benefit for students, it increases the costs of their education, it once again forces them to fund minority activities. I say again, there is nothing in Australian law at the moment that prevents the formation of any student union, student association or sports club. The opportunity to do so already exists. This bill is about some being able to force the many to pay their way.

Senator KROGER (Victoria) (1.22 pm)—I welcome the opportunity to speak on the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009. This attempt by the Rudd government to restore compulsory student union fees should not be allowed. It is a restriction on the freedom of Australia’s one million university students and, may I say, typical of many bills introduced into this parliament by this government. It is not in the interests of students and does not truly consider the needs of universities. The debate, as we have heard, is not a new one. For decades there has been debate on and around university campuses concerning student union fees. We in the Liberal Party strongly believe in freedom. In fact, freedom of association is a fundamental belief of our party. Freedom of association is integral to forming the next generation. It is the role of government to guide this formation, not to dictate orders from an ivory tower far away from the realities of university life. Sadly, the latter is exactly what the government hopes to do.

On Thursday, 21 August 2008, part-time Minister for Education Julia Gillard said that the government was considering how it should tackle the problem of declining student services but that compulsory union fees were not on the agenda. She said:

The Rudd Government is committed to ensuring that university students have access to vital campus services, including child care, health care, counselling and sporting facilities ...

But she said:

We are not considering a return to compulsory student union fees.

Only three months later, on 3 November, Minister for Youth Kate Ellis announced that the Rudd government would introduce a bill to charge university students a compulsory fee, to a maximum of $250. The bill was then introduced in the other place on 11 February this year. I have news for the part-time education minister: if it looks like compulsory student unionism, and if it smells like it, chances are it is compulsory student unionism. Time and time again the government has denied that this is a return to compulsory student unionism. If that is the case, then just what is it?

This new tax which is being imposed on students is entirely in breach of the ALP’s promises before the election. The tax would raise about $200 million across 38 Australian
universities. The way in which the Rudd government has approached this bill calls to mind the way in which Draco codified the laws of Athens in 621. The ALP even went to the election saying that they had no intention of introducing this tax, and now they want to force legislation through which is not supported by the vast majority of students—solely, I would suggest, for ideological reasons. Since the Prime Minister’s first Monthly essay, it has been interesting to observe which political ideology he will sign up to next. Mr Rudd went from being a Christian democrat to a fiscal conservative seemingly overnight. What could possibly be next? The students of Australian universities are quickly recognising Mr Rudd as a modern-day socialist. Through this policy, the Labor government pontificates on the policy of shared responsibility, so students could be excused for thinking along these lines.

The government, in typical ‘all spin and no substance’ form, tried to sugar-coat this policy. The compulsory fee could be paid using a HECS style arrangement. Its spending would be managed by universities, in consultation with students, and the funds would be used to support so-called ‘vital campus services, including child care, health care, counselling and sporting facilities’. Let us not mince words here. What the government is proposing is a compulsory tax on students. The amount is $250 and the consequences are beyond the obvious. This proposal is a blatant return to the bad old days of compulsory student unionism. This is a new tax on Australia’s one million university students, who would be hit whether or not they wanted the services to be funded, as Senator Ryan has so clearly articulated. What about those students who are studying off campus or who study online at significant distances from campuses? What about those students who will not use services such as child care or counselling? Why should they have to subsidise these services for other people while not seeing a dime of value for themselves? This is a new tax on students and it is forcing people to subsidise services that they just do not want or need. The principal point in this debate must be the concerns and interests of students.

There is nothing in the legislation to stop the compulsorily acquired money from being channeled into the Labor student club or used to fund the legal defence of violent student protesters, like those charged in Melbourne during the G20 talks in 2006. In fact, there is no system for monitoring whether the money is spent in accordance with any guidelines. It is naive to believe that the fee would not be used for political purposes, contrary to government advice. The only activities expressly prohibited are direct donations to political parties and funding for election to a Commonwealth, state or territory body. This still leaves a large range of political activities, including funding campaigns against legislation and policies or for direct elections to the student union. Sadly, it is a possibility that ordinary students could subsidise the political careers of elite student activists. How do we know that this is the case? Because it has happened before. Minister Ellis and Minister Gillard have both held significant positions in the leftist NUS. I suggest that their own political careers were possibly helped by the compulsory acquisition of student union fees from unsuspecting students.

The NUS Education Officer, Stefie Hinchy, made comments which I consider worth noting. She said:

We have no problem with that if it just means student organisations can’t give money to political parties or external political organisations.
Well, of course there is no problem, even if this is the case. This does not mean that political activities could not be funded throughout university campuses. Further, Ms Hinchy went on to say that ‘advocacy on campus was a political issue’. It is obvious to see where the priorities of this organisation lie—and it is certainly not with the welfare of mainstream students. Byron Hodkinson, President of the Australian Liberal Students Federation, has correctly said:

Make no mistake, this is compulsory student unionism, no matter how Kate Ellis tries to dress it up. The fee is compulsory and will be passed on to student unions.

He said any suggestion the funds could not be spent on political activity was untrue, and he went on to say:

Under the legislation, my own organisation, or the ACTU or even socialist groups on campus could receive millions of dollars in student money. I seriously question if student unions actually represent the views of the majority of students. I know this is not the case. They did not represent me when I was at university, or my friends, nor do they represent the interests of my son today.

The University of Melbourne Student Union recently stripped its clubs and societies budget of $18,000—24 per cent of the budget—in order to fund a $15,000 increase in its donation to the NUS. The RMIT Student Union asserts on its website that voluntary student unionism has led to its advocacy services being scaled back, yet it still finds money to produce an expensive radio program on 3CR every Saturday morning called Blazing Textbooks, a show that is promoted—I repeat, promoted—as advocating an ‘anti-capitalist perspective on current issues in education from around Australia and the world’.

One case which may be of interest to senators and, in particular, to members in the other place is that of Mathew Hilakari, a ministerial staffer for Alan Griffin, the member for Bruce and Minister for Veterans’ Affairs. Mr Hilakari is perhaps better known for his questionable conduct as President of the Monash Student Association just one year ago. Recently, a former colleague brought action against him in the anti-discrimination list of the VCAT. Mr Hilakari, without going through the actual complaint, perhaps wisely, agreed to a settlement, before a full hearing took place, for an amount rumoured to exceed $40,000. How is this of any relevance, you may ask, Madam Acting Deputy President? How can you judge all student unions based on one person’s questionable behaviour? Other than the fact that his boss, a government minister, has not taken any action, why should any of this matter? The answer of course lies in the fact that, as joint respondent, the Monash Student Association partly bore the cost of this expensive settlement. More importantly, it is believed that Mr Hilakari’s legal fees of around $20,000 were paid by none other than the Monash Students Association, MSA. In other words, it was students at Monash University who had to foot this bill. It is disgraceful that money of ordinary students can be used to protect people like Mr Hilakari. Even worse is the fact that the government now wants to give universities the right—I repeat, the right—to collect this money by force, as a condition of enrolment, from every student in the country.

Medical and counselling services are available in some form at nearly every university. Nearly all medical services offer bulk-billing, whilst counselling is typically free at universities.

Under this government, the future for our young people is grim. In addition to the costs associated with being a student, nothing is guaranteed except one thing: more taxes. I am not wanting to trivialise this issue, but
this unjust proposal reminds me of the 1990s
Australian comedy *The Castle*. In that movie
the debate concerned the compulsory acquisi-
tion of land. Our debate today concerns the
compulsory acquisition of students’ money. I
am not suggesting that the coalition case is
based on a vibe but, rather, on an innate
sense of justice which guides all coalition
policy. Cynical people may ask: why fight
this debate? What is the political advantage
of fighting for students? To those cynics I
say that the Liberal Party is a party of princi-
ple. We have no hesitation in advocating
causes which are fundamentally good. A vol-
untary student union fee is a good thing. It
offers the freedom for students to choose if
they want to belong or not.

The coalition is opposed to this legislation
because it understands the change in needs of
modern students. The reality of these chal-
lenging economic times means that a uni
student does not simply study. More often
than not, they have part-time work. Many
students are in a position where they finan-
cially support their family’s increasingly
tight budget. Modern students do not have
the time nor the interest in engaging with
numerous clubs or associations on university
campuses. For them to have to pay a com-
 pulsory tax for activities that they would not
benefit from is simply daylight robbery. It is
not surprising that this legislation is perpe-
trated by the Labor government.

In conclusion, this bill will seriously dis-
advantage the vast majority of students. Stu-
dents who do not use services should not be
forced to subsidise those of other students.
Students cannot afford this additional ex-
pense. It is just another unjust government
tax. Napoleon Bonaparte summed up this
worthy cause when he said:

Nothing is more difficult, and therefore more
precious, than to be able to decide.

The Liberal Party is a proud advocate of
freedom and student rights. We will vote
against this bill because it is unjust.

**Senator CORMANN (Western Australia)
(1.37 pm)**—What does the Rudd government
have against young people? We have this
broken promise on student taxes, we have
the unfair changes to the Youth Allowance,
we had the tax hike last week, prosecuted
over the last year, on alcopops and, of
course, we have the mountains of debt which
the young people of Australia will have to
repay for decades. The young people of Aus-
 tralia are the losers under this government. I
say to the young people across Australia, if
they do not want to pay this unfair student
tax, if they do not want to be subject to the
unfair tax measures that are prosecuted by
this government: vote Liberal at the next
election.

The Higher Education Legislation
Amendment (Student Services and Ameni-
ties, and Other Measures) Bill 2009 is yet
another broken promise. I, along with my
colleagues, will quote some of the comments
that were made in the lead-up to the last elec-
tion by the then shadow minister for educa-
tion, Stephen Smith. On 22 May 2007 a
journalist asked him during a doorstop if he
was considering a compulsory amenities fee
on students. Mr Smith answered:

No, well, firstly I am not considering a HECS
style arrangement, I’m not considering a compul-
sory HECS style arrangement and the whole basis
of the approach is one of a voluntary approach.
So I am not contemplating a compulsory ameni-
ties fee.

Of course, we know that Peter Garrett put a
footnote into the contract that the then Rudd
opposition entered into with the Australian
people. The footnote said, ‘Once we get in
we just change it all.’ This is yet another ex-
ample of the ‘once we get in we just change
it all’ footnote and young people across Aus-
 tralia, the students across Australia, are being
asked to pay a student tax which the government, before the election, said they would never consider.

Students should not be forced to pay for services and amenities which they never use. Of course they should not. I would like to reflect on the experience that we have had in my home state of Western Australia, where the former Court government introduced voluntary student unionism in 1993. We had full voluntary student unionism in Western Australia between 1993 and 2001, and all of the student unions and guilds continued to exist and operate during that period. They did not disappear. They did not collapse or dissolve. On the contrary, they refined their operations and became more effective at giving students value for money. They were forced to respond to real student needs. And when VSU was reintroduced by the Howard government in 2005, the student guilds in Western Australia were the best placed in the country to deal with it. It led to the University of Western Australia Student Guild having the highest sign-up rate in the country because they were providing a valued service. By comparison, other student unions did not do as well because they were relying on the compulsory fee, they had lost touch with what services the students needed and they were not making a sufficiently valued contribution to university life. If you need a compulsory fee in order to fund your services, if you cannot attract enough students to access your services and pay a fee towards that service, then maybe you need to reconsider whether your service is sufficiently valued and actually needed.

We all know how compulsory fees have been abused in the past to fund the political activities of the Left. I was listening to Senator Crossin very carefully before. I was in my office and I rushed in here straight away. She said that the Howard government’s VSU legislation cut the legs out from student unions that so effectively stood up for students’ rights against the Howard government. Why should any student be forced to pay for that? If a student wants to join a campaign or join a union to run a campaign against the Howard government or against any other government, or against a policy measure of the previous, this or any future government, of course they should be free to do so. They should pay their fee, join the union, help fundraise, organise campaigns and be active participants in the democratic debate. But they should not be forced by their government to join a union that stands for something they do not agree with.

The criticism from Senator Crossin earlier in the second reading debate was exactly that: it somehow suggested that the Howard government’s motivation in introducing voluntary student unionism was to silence the critics. The reality is this: the voluntary student union legislation did not abolish student unions and it did not stop students from freely associating. That point was made by some of my colleagues before. One of the arguments put forward is that the fees envisaged in this piece of legislation will ensure that students have access to vital student services. Who determines whether a particular service is vital or not? Who makes that decision? It should be the student who accesses the service. The VSU legislation did not ban the collection of fees by student union associations; what it did do was give students choice. Students deserve that choice.

Why should students be forced to fund the political activities of organisations they do not agree with? I do not think that anybody has provided a proper and satisfactory response to that. The point is made that students lose access to important sporting and other social services without an amenities fee. Students have a right to choose what is important to them. It should not be assumed that a minority view of what is needed by
students reflects the preference of all students. This is all about an ideological agenda of the Labor Party. The Rudd Labor government wants to force all students across Australia to fund the activities of its mates in a particular section of student politics. We should not stand for this. We should not support this. The Senate should stand up to stop this student tax. We should defeat this legislation.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (1.45 pm)—This issue was one of the first issues that was brought to me when I entered politics. I totally agree that there should not be politics involved in student bodies. I was never a member of any political party at university. What is a university about? A university is more than just the lecture theatre and the library; a university is more than just a nine-to-five job. A university is about the development of the person as a whole. I will be honest: when I went to university, I was a private school boy from Sydney and I expected everybody there to be private school boys from Sydney. That was my view of the world. Over a period of time, I had the opportunity to mix with a wider group of people and I realised that I was just part of a very small segment of my nation. What was the mechanism that brought about that mixing? The mechanism that brought about that mixing was the sport that I played. There was the incredible ability to talk to people—or to be forced to mix with people—who you otherwise probably would not have talked to or mixed with. That is what a university is supposed to do: bring you out of your shell. It is not just about developing you academically but about developing you socially as well.

The biggest overhead for universities at this point in time is sport and the coverage of sport. I see sport as being a fundamental section of any educational institution. When I went to Woolbrook Public School, the sporting facilities were there. The government paid for them and we all utilised them. When I went to Riverview, the sporting facilities were there. You did not have the option of not paying for them. Or you had an option: if you did not want to pay for the sporting facilities, you went to another high school—that was your option.

I am always a bit perturbed when we come up with pieces of legislation that say, ‘You can charge for this and you cannot charge for that,’ within a business. A university is a business. You cannot prescribe to a business that they are allowed to charge for this but not allowed to charge for that. You must believe in the marketplace, and the marketplace means that they can charge for whatever they like. If people do not like it, they have the option to go to another university. That is the option that is before us. In regional areas, it is very prevalent.

At the University of New England, for instance, which is where I went, we were not very political; in fact, we were completely apolitical. What we recognised, though, was that we had a small student body and about $14.5 million—at that point in time—of sporting facilities. If there was not the capacity to pay for those sporting facilities, those sporting facilities would fall into disrepair and, as they fell into disrepair, the university would lose its attraction, the university would lose its status and the regional people would lose a tertiary institution. Once more, you would have got that disenfranchising of regional people from the expectations that people in metropolitan areas have.

Sport costs money. It costs a lot of money to build a gym; it costs a lot of money to have a netball court; it costs a lot of money to run the cricket pitch; it costs a lot of money to have the rugby grounds. But the chess club does not cost a lot of money. All
you need are two chairs, a table and chess pieces. If you want a debating club, you get yourself seven chairs, two tables and a bell. Sport is the big drain on funds.

If you go to other universities around the world—if you go to Cambridge, Oxford, Yale or Harvard—you will find they have a compulsory amenities fee to cover those things. It is the expectation. When this legislation came forward, there was only one other nation on earth that had legislation like this, and that was the communist People’s Republic of China, which I thought was peculiar.

I have never sat on the edge of a netball court—netball being what my wife played—and been able to determine the political allegiances of the players. They were just playing netball. When I played water polo, the people were just other water polo players. When I played rugby, they were just other rugby players. When I ran the four by 400, they were just other runners. It was just a mechanism that got us to communicate. I spoke to people from other nationalities, from other religions and from other socio-economic groups, and I hope that in some small way I developed as a person.

People say, ‘What about the cost?’ When I was at university, I also had to go to work. I worked as a farm labourer. I did a bit of fencing and I did a little bit of crutching—not as well as Senator Williams, but a bit of it. Later on, I worked in a pub. That was the ticket that I bought. I decided to go to university and there were things that I was expected to pay for.

I always noted that Cambridge had the greatest number of Nobel laureates of any tertiary institution in the world. They have done studies as to why Cambridge has the greatest number of Nobel laureates. It has the greatest number of Nobel laureates—so the Nobel laureates say—not so much because of the facilities that are there, though of course they are prominent, but rather because of the collegiate atmosphere among the student body and the ability to bounce ideas back and forth to develop them.

What we have developed in Australia is an idea that as long as I get a piece of paper with the word ‘university’ on it then it came from a university. No. In some instances, it might have just been an academic institution. I have no problems at all with someone offering a course online. When you finish it, you can get a piece of paper. But do not call it a university degree. It might get you into what you want to get into. It might make you an accountant like me, a journalist, a doctor or a solicitor. But acknowledge that you have not been to university; you have just acquired academic knowledge in a certain specific field. You have not developed much beyond that.

Maybe we have too many universities; maybe that is the issue. Once upon a time, only about five per cent of Australians went to university. Maybe we now have too many people going to university. What I have a problem with is this juxtaposition where we want everybody to go to university but we do not acknowledge what a university is about and the historical premise that a university is built on.

Senator Williams, Senator Nash and I will move an amendment that allows sporting facilities to be covered by an amenities fee—but sporting facilities alone; that’s it. Why? Sporting facilities are part of any university and, if the university cannot cover the costs of those facilities, then who should? Where will that money come from? Obviously the cost of this biggest drain on universities—we have seen it working its way into research projects and other academic areas—has to be covered. The universities are not going to sit idly by and let the facilities run down, but
they are being drained of their capacity to fund other areas. If we take sport out of the equation then people can make their minds up about the rest. This is, I think, a reasonable position. The argument that sport should not be part of university life has to be sustained against any argument that sport should therefore not be part of high school or primary school or that we should not have a playground at the kindergarten.

You have to have a mechanism that encourages people, in a non-discriminatory way, to be participants in wider social development. It is not about being champion or representing Australia; it is just about dragging people out from the corner of the library, where we all know a lot of them sit, and saying, ‘You have to engage in a broader context than just sitting there.’ When you become a doctor we expect you not only to be proficient academically but also to be proficient socially or to have the capacity to mix in a broader social context. We have to hope that the development of that person’s desire to mix in a broader social environment becomes the benefaction that they give back to the nation at a later stage of their careers. Whether they become a member of their Rotary club or Apex club or St Vincent de Paul or they join the Army Reserve—whatever they do—we hope that we can encourage that person when they come out of university to be more fully engaged in society. We do not want universities to just be home to a form of parasitic self-indulgence—that it is all just about me, what I can get out of this and how much money I can make later on.

No, it is about the great benefaction the nation gives to you, because a huge amount of the cost of universities is, of course, borne by the taxpayer. As a student you benefit from the labours of people outside the university. People who will probably never get the chance to go to university are sponsoring you to become a doctor, an architect or an engineer. There is an expectation that, whilst you are at that university, you will develop a wider engagement which will take you to a place—

Honourable senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Troeth)—Order! Senator Joyce has the floor!

Senator JOYCE—where, hopefully, when you return to society you reinvest back into the community and the nation of Australia that which has been invested in you at university.

So my colleagues and I have come up with a very reasonable amendment. Everybody will say that we should have included this, that or something else, but everybody acknowledges that the largest cost factor for a university at this point is sporting facilities. Everybody acknowledges that sporting facilities are intrinsically part of an academic institution. And I hope that most people acknowledge that what we hope to achieve at university is the greater development of the individual beyond the academic.

We have proposed a mechanism which, if accepted by the parliament, would give some recognition to university as a business, being able to cover what it ultimately has to pay out of its own pocket. It seems strange that at the moment we are in a position where, because the university cannot pay for the sporting facilities, the taxpayer must. We have the taxpayer, who is already sponsoring the university’s courses and overall structure, having to reach into their pocket again to pay for its sporting facilities. Surely, in a user pays system where people have made the choice, they have not been forced, to attend that institution they must acknowledge that they should cover—in a very small way, mind you—the costs associated with the running of that institution.
I am concerned for regional universities such as Charles Sturt University, Central Queensland University, the University of New England, the University of Southern Queensland and James Cook University if we do not manage to create some mechanism to cover the cost of their sporting facilities. You have to remember that the University of New England is one of the older universities in Australia, but the costs faced by that university for such things as trying to support the gymnasium and having to replace the roof just cannot be covered out of its ordinary budget. There are only about 4½ thousand students there. Our amendment clearly provides that, if you live in a remote region and are studying at university by correspondence, it is not expected that you pay. But if you attend university as a full-time student there is an expectation that you pay.

It is going to be interesting to see how the vote goes. I am a realist—I think this will fall over—but we have offered an opportunity. I acknowledge that there are differing views, but we have offered the opportunity for some method of progression. If that method is not accepted, it is no fault of ours. We tried as hard as we possibly could. We think that our amendment recognises what university is about. It recognises the principle that a business should be allowed to cover its own costs. It recognises that a university is more than just an academic institution; it promotes social interaction, which is absolutely critical to the development of a student who will later invest in our nation. I hope it is supported by the chamber.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Emissions Trading Scheme

Senator HUMPHRIES (2.00 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. How much will grocery prices rise under Labor’s flawed and rushed emissions trading scheme?

Senator WONG—As I have previously indicated in this place, the government has released quite substantial modelling—from recollection in October last year—on the likely impacts of the introduction of a carbon price on a whole range of matters. My recollection is that I have previously indicated in this place that over the first two years of the CPRS we would anticipate a CPI impact of about 1.2 per cent, of which 0.1 per cent would reflect increases in food prices. I would make the point that it is the case that there will be price impacts as a result of putting a cost on something where there has not been one previously—that is, carbon. The government has never shied away from that. In fact, the government has been up front about this, including in providing the largest proportion of assistance under the scheme to households. Senators may recall that last year, when the Prime Minister announced the white paper, the majority—I think some 50 per cent—of the income received by government from the auction of permits under the emissions trading scheme would be provided to Australian households targeting particularly low-income households and middle-income households.

Mr Randall—What is the answer to the question?

Senator WONG—The answer to the question is that we have been up front about the CPI impact—1.2 per cent over the first two years, as I have said before in this place. Increases in food prices are estimated to contribute about 0.1 percentage points of the 1.2 per cent increase. This has been outlined previously. I would also make the point that Prime Minister Howard was up front on this issue. (Time expired)

Senator HUMPHRIES—Mr President, I ask a supplementary question. It is reassuring
to hear that prices might rise by only 0.1 per cent, but I also note that the Australian Food and Grocery Council has estimated that price rises will be in the order of up to five per cent. In fact, some major retailers are estimating price rises up to seven per cent. Did the government consult with the Food and Grocery Council in making their assessment of what the price rises under their flawed ETS would be?

Senator Wong—I say again to the Senate that we conducted the largest modelling exercise in the nation’s history. That was released transparently in October last year and it formed the basis of the government’s decisions, including compensation for low- and middle-income earners. I remind those opposite that that is not a commitment which has yet been matched by you. My recollection of the Frontier Economics Report, which you released—which is sort of your policy, but not quite—is that it does not talk about any assistance to low- and middle-income workers. It is correct to say that there is an impact on prices because we are putting a price on something which previously was free, but you cannot tackle climate change unless you start to reflect the cost of carbon.

Senator Humphries—Mr President, I rise on a point of order. I must have mumbled my question, which was: did the government consult with the Food and Grocery Council in determining the estimates that the minister has given to the Senate?

Senator Wong—Again I say that the Treasury document released last year represents a comprehensive report by the Treasury of modelling of the price increases. (Time expired)

Senator Humphries—Mr President, I ask a further supplementary question. Can the minister tell the Senate in dollar terms how much extra money Australian families will have to find to pay their grocery bills as a result of Labor’s flawed and rushed emissions trading scheme?

Senator Wong—As I have said on a number of occasions, we have put in place a compensation package—focused on low- and middle-income workers, not yet supported by those opposite—which reflects the likely increases in costs for Australian households. I would like the senator to be aware that Woolworths has today put out a press release saying that Woolworths supports the CPRS. The statement released says, ‘Woolworths wishes to clarify that it is fully supportive of the government’s CPRS, that it has not commissioned any economic modelling on the effect of the current scheme on food prices.’ It goes on to say that the CPRS is necessary to effectively address climate change. It also talks about the fact that there is a slight price rise.

The reality is that we have a number of months left in this debate, depending on when the opposition come up with their amendments. We are likely to see a continued campaign from those in the coalition who do not want action on this issue. We are being up front with the Australian people. (Time expired)

DISTINGUISHED VISITORS

The President—Order! I draw the attention of honourable senators to the presence in the chamber of the Honourable Steven Fletcher, Minister of State for Democratic Reform, from Canada. 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

Renewable Energy

Senator Moore (2.06 pm)—My question is also to the Minister for Climate Change and Water, Senator Wong. Can the minister inform the Senate of progress on the
government’s social welfare plans to increase the uptake of renewable energy in Australia? How is the Rudd government going to ensure certainty for renewable energy providers?

Senator WONG—I thank Senator Moore for her question and for her continued support for renewable energy in this country, support which is also reflected in the government’s election commitment of increasing the renewable energy target to 20 per cent by 2020, something which was never done whilst those opposite were in government and was never matched by them in the election campaign. Senators may be aware that this year the government sought COAG agreement to provide assistance under the renewable energy target to those industries comprised of activities which are emissions intensive and trade exposed, as defined under the CPRS legislation. We made that decision because we had been in close dialogue and consultation with industries, a number of whom put to us that we needed to consider the cumulative cost of both the renewable energy target and the carbon price which will be delivered through the CPRS.

This government remains committed to assisting emissions-intensive trade exposed firms to help manage the cumulative costs of the CPRS and the renewable energy target once both pieces of legislation are passed. It is the case that, as a result of the division on the other side of the chamber and the inability of the coalition to support action on climate change, the government has had to look to plan B—a less beneficial alternative, but an alternative which we think is necessary—in order to ensure that solar providers, wind companies, wave companies and the other providers of renewable energy in this country are provided with the certainty that is required until such time as the coalition sort out their internal squabble on the CPRS. The government will not let the future of renewable energy in this country be held hostage to the divisions in the coalition on the issue of climate change. So, I have announced our decision to set aside the link between the renewable energy target and— (Time expired)

Senator MOORE—Mr President, I ask a supplementary question. I thank the minister for her answer and I continue. Isn’t it the case that even if we increase Australia’s renewable energy by four times, our own carbon pollution will keep increasing so that it will be about 20 per cent higher in 2020 than it was in 2000? Given this is a fact, how does the Rudd government plan to turn around this continuing growth in Australia’s carbon pollution?

Senator WONG—Senator Moore raises a very important point. Those who want to try and gain some environmental credentials by supporting someone else’s election commitment in this place will need to deal with this hard fact: even with the renewable energy target in place Australia’s contribution to climate change will continue to worsen. Australia’s carbon pollution will continue to rise, as Senator Moore alluded to, to 120 per cent of 2000 levels by 2020. That is, we will have 120 per cent of our 2000 emissions by 2020, so we will continue to contribute increasingly to climate change.

What we would like the Senate to consider is this: unless we face the hard truth and legislate a cap on carbon pollution the fact is that Australia’s carbon pollution will continue to rise, Australia’s emissions will continue to rise and Australia’s contribution to climate change will— (Time expired)

Senator MOORE—Mr President, I ask a further supplementary question. Can the minister inform the Senate of the challenges Australia faces in trying to reduce our carbon pollution? With the community continuing to call for action on climate change, what assurance can the minister provide about our
government’s intentions to reduce carbon pollution?

Senator Wong—Well, as we have previously indicated in this place, we are committed to action on climate change. Australians have been calling for action for many years. Australians expect this government to deliver on its election commitment just as, I suggest, they expect those opposite to overcome their internal divisions and deal with this issue. It is unfortunate that the climate change sceptics opposite continue to prevail over Mr Turnbull. It seems that too many in the coalition continue to deny the need for action on climate change. Even Mr Hockey seems now to be suggesting—

Honourable senators interjecting—

Senator Moore—I rise on a point of order. I am sorry, but I cannot hear the answer to my question.

The President—Order! Order on both sides! Senator Wong, you are entitled to be heard in silence.

Senator Wong—Mr Hockey seemed to be quoting from a memo that has gone around—perhaps Senator Bernardi put it around—when he said, ‘Whether climate change is made by human beings or not, that is open to dispute.’ After so many years of science you would have—(Time expired)

Emissions Trading Scheme

Senator Back (2.11 pm)—Mr President, my question is to the Minister for Climate Change and Water, Senator Wong. Given that it will result in massive increases in the price of food, will the minister advise the Senate why the government refuses to completely rule out the inclusion of agriculture in its flawed and rushed emissions trading scheme?

Honourable senators interjecting—

The President—Just one minute, Senator Back. On both sides, I need order so I can hear Senator Back’s questions.

Senator Back—The question I was asking was: why does the government refuse to completely rule out the inclusion of agriculture in its flawed and rushed emissions trading scheme?

Senator Wong—I seem to recall having said in this place on a number of occasions that agriculture is not in the bill that was voted down by those opposite. It was not included, and what we have made clear is that we would not include it until 2015 and that a decision would be made in 2013, prior to which we will continue to work with the National Farmers Federation and other peak agriculture representatives to deal with some of the issues that are presented when you consider how to deal with agriculture. So the government has not made a decision to include it. That is why it is not in the bill. It is in 2015.

I just remind those opposite of what Woolworths have said today:

Modelling undertaken last year on the previously proposed scheme did show that food like all goods would incur a slight price rise. This price impact would be higher if agriculture were included but agriculture is omitted under the current plan. Woolworths submitted this information to the government in 2008 in order to assist with compensation planning for low-income households.

The government has been consulting. The government has been working closely with industry and the government is determined to take action on climate change—something those opposite have never had the courage to do.

Senator Back—Mr President, I ask a supplementary question. Given the concerns of the International Federation of Agricultural Producers about the capacity of the
world to feed itself, and given the fact that no other country is considering the inclusion of agriculture in emissions trading, can the minister explain why the government continues to threaten not only Australian farming but also Australian agribusiness by refusing to exclude completely agriculture from an emissions trading scheme?

Senator WONG—I do not know if I can provide any more assistance to the senator.

Honourable senators interjecting—

The SPEAKER—Senator Wong, resume your seat. When there is silence, we will proceed.

Senator WONG—What I was going to say was: agriculture is excluded on the bill that the opposition opposed. I am sitting here trying to work out how it is that those opposite are actually going to find a policy in the next three months because, as I understood Mr Turnbull’s position—

Opposition senators interjecting—

Senator WONG—that is what you were going to do. I remind you again also of what the Garnaut review says will occur if climate change proceeds unabated: in excess of a 90 per cent reduction in irrigated agriculture in Australia’s food bowl, the Murray-Darling Basin. That is what faces our farmers and our food producers. So you can tell people what you wish, but—

Honourable senators interjecting—

The PRESIDENT—Senator Wong, resume your seat. On both sides, when there is silence, Senator Wong will proceed.

Senator WONG—As I was saying, the Garnaut review and other scientific reports have shown a very substantial impact—as I said, in excess of a 90 per cent reduction—by the end of the century if we do not abate, if we do not mitigate, climate change. (Time expired)

Senator BACK—Mr President, I have a second supplementary question. Does the minister not understand that the confusion created over 2013-15 is creating an even worse situation? I therefore ask: why is the government intent on mugging Australian farmers with an ETS when farmers in no other country are subjected to this doubt and this particular scheme?

Senator WONG—There was very little factually correct in that assertion. I am not sure what I am supposed to respond to. What I will say on that issue is this: if there is confusion and uncertainty on climate change policy in this country, it is as a result of those opposite, the alternative government, who went to the election with a commitment for an emissions trading scheme and who have walked away from it because there are too many people in your party room who do not believe climate change is real. If there is uncertainty on this policy issue, it is the alternative government’s failure to come up with a responsible policy.

Victorian Bushfires

Senator FEENEY (2.17 pm)—My question is to the Assistant Treasurer, Senator Sherry. Can the Assistant Treasurer inform the Senate of developments relating to the Victorian bushfire fund and the taxation treatment of the generous donations made to the fund by Australians who are keen to assist their fellow citizens?

Senator SHERRY—Thank you, Senator Feeney—I know you have taken, as a Victorian senator, a keen interest in this issue. Today, of course, the royal commission into the Victorian bushfires will be tabled in the Victorian parliament. It is not appropriate for me to comment on that particular aspect of the Victorian fires, but what I can report to the Senate is that the government has been able to provide additional help to victims of these terrible fires. The additional assistance that
has been announced today is by way of removing and clearing some legal obstacles to the wider distribution of the generous donations made by the public, which total a remarkable sum of some $370 million. The Parliamentary Secretary for Victorian Bushfire Reconstruction, Mr Bill Shorten, and I have today announced amendments to the Income Tax Assessment Act 1997 to allow the Victorian Bushfire Appeal Fund to conduct a significantly broader range of charitable and community activities. The changes will be retrospective from 19 January this year, when the first fires commenced at Delburn.

In summary, the measures will allow the fund to: provide for long-term assistance to orphaned minors, under the age of 18, without the need for annual assessments; provide reimbursements to individuals or organisations for performed eligible charitable activities; provide a discretionary payment of up to $15,000 to assist households for the period in which they are in transitional housing; provide a grant of up to $10,000 to affected primary producers to use for repair and restoration of farm activities, including re-fencing of properties; and establish what is called a ‘look-through provision’ so, if a family has a farm in a trust or company, they will also be eligible for assistance. (Time expired)

Senator FEENEY—I thank the minister for his answer and I have a supplementary question. Can the Assistant Treasurer please explain to the Senate the process of how these changes came about?

Senator SHERRY—Changing tax law is always a challenging process, and in this particular case the circumstances were both unique and unprecedented. Donations have to meet a charitable purpose test for them to be tax-deductible. Many of the purposes under consideration in Victoria would not normally meet this requirement and they would also not necessarily meet what the community would generally regard to be charitable works. But I am happy to say that, through the excellent work of Treasury, the ATO and the fund itself, chaired by Ms Christine Nixon, we have come up with a unique set of amendments that will apply only to the Victorian fires—as I have said, retrospectively. The changes will be governed by a broad principle that outlines that the primary consideration of the fund remains the provision of assistance to individuals and communities in towns and suburbs affected by the bushfires to ensure they are re-established and in a thriving and socially inclusive— (Time expired)

Senator FEENEY—Mr President, I have a further supplementary question. What assurances can the Assistant Treasurer give about the Australian government’s continued support for the victims of the Victorian bushfire disaster?

Senator SHERRY—The changes I have announced today are another contribution to a significant list of support measures by both the federal Labor government and the Victorian government. But I do also want to acknowledge a number of others who have taken an active and keen interest in this process. I firstly want to acknowledge the interest of the shadow Assistant Treasurer, Mr Tony Smith. He and I have had a number of conversations about these amendments and I would indicate their general support for this approach. I also want to acknowledge three Liberal-National Party members in particular: Mr Russell Broadbent and Ms Fran Bailey, Liberal members of the lower house, and also Mr Darren Chester, National Party member for Gippsland. There has been a great deal of work and consultation on a very, very lengthy and complex range of issues to come to today’s announcement. I am very pleased to report the general support of all those involved. (Time expired)
Broadband

Senator MINCHIN (2.22 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. How can the government possibly justify a salary of nearly $40,000 a week to the CEO of a government company, currently called NBN Co., that at the moment has no employees, no customers, no revenue, no business plan and whose existence is subject to the outcome of the government’s implementation study?

Senator CONROY—I thank Senator Minchin for that question. As he has indicated, the government has established a company—NBN Co. Ltd—that will invest up to $43 billion over eight years to build the National Broadband Network. It is the single largest infrastructure investment in Australia’s history. The company was incorporated on 9 April 2009 as a wholly Commonwealth owned public company, limited by shares, following the government decision on the NBN on 7 April. On 25 July the government announced that Mr Michael Quigley had been appointed as Executive Chairperson and CEO of NBN Co. Mr Quigley is an appointment of outstanding quality and, as had been indicated—

Senator Williams—Has won the lottery!

Senator CONROY—Mr Quigley has had a distinguished 36-year career at Alcatel, one of the world’s largest telecoms, technology and network deployment companies. He was most recently president and chief operating officer of the company, leading more than 55,000 staff and responsible for operations in 130 countries. During the course of his career, Mr Quigley has led the development and integration of large-scale fibre-to-the-premise and fibre-to-the-node implementations for some of the largest US carriers. During his career, Mike has managed the acquisition of numerous technology assets and knows how to value such assets. (Time expired)

Senator MINCHIN—Mr President, I ask a supplementary question. Minister, why are taxpayers being forced to pay no less than $46,000 a week for the chairman and directors of NBN Co. when they are already paying at least $480,000 per week for an implementation study, which may well find that the proposed NBN should be abandoned?

Senator CONROY—As has been indicated, Mr Quigley and the board have extensive experience in regulatory issues and telecommunications standard setting. Mr Quigley, as has been indicated, will receive a total remuneration of a maximum of $1.95 million per annum, with no long-term incentive or equity based remuneration. Senator Minchin continues to carp and run a policy-free zone. If you want to ask, ‘How does someone justify their collecting a cheque?’, Senator Minchin—the policy-free zone—could answer that question for himself. I note that other Liberals understand the need for an experienced and qualified person to run NBN Co. On Lateline last Friday, Mr Tony Abbott stated— (Time expired)

Senator MINCHIN—Mr President, I ask a further supplementary question. Minister Conroy, given that NBN Co. currently has absolutely no earnings or revenue whatsoever, where exactly is the $46,000 per week coming from?

Senator CONROY—As I was saying, Mr Tony Abbott said on Lateline on Friday night—

Senator Minchin—Mr President, I rise on a point of order relating to relevance. The minister may want to continue his answer to the previous question. This is a new question. I did not ask him about Mr Abbott. I asked him where the $46,000 per week is coming from.
Senator Chris Evans—Mr President, I submit that there is no point of order. The minister had six to seven seconds to begin his answer when a point of order was taken. And while Senator Conroy can, on occasion, speak quite quickly, he clearly had no time in which to answer the question and there is no point of order.

The PRESIDENT—Senator Conroy, you have been answering for seven seconds, according to my clock. You have 53 seconds remaining to answer the question.

Senator CONROY—On Friday night Mr Abbott did have some things to say about this very matter. He stated:

But I guess, in the end, if he does a very good job and we do get a national broadband system that does dramatically improve the current situation, I suppose he’ll be worth every bit of it.

That is Mr Tony Abbott: ‘Worth every cent of it.’ Mr Abbott has got this right: Mr Quigley will be worth every cent of his package.

Senator Minchin—I rise on a point of order. The minister now has only 23 seconds to answer. This is a serious question. I want to know where the $46,000 per week for the chairman and directors is actually coming from, given that in government business enterprises the chairman and directors are paid out of earnings. This company has no earnings, so where is the $46,000 coming from? He has got 23 seconds.

The PRESIDENT—Senator Conroy, you have 23 seconds to address the question that has been asked by Senator Minchin. You need to address the question.

Senator Ian Macdonald interjecting—

The PRESIDENT—I am giving a ruling, Senator Macdonald.

Senator Ian Macdonald—I rise on a point order on your ruling, Mr President. Senator Minchin took a point of order. Simply saying, ‘The minister has 23 seconds’ is not a ruling on the point of order. You do that quite regularly, Mr President. I just say that, where a point of order is taken, you must rule whether it is valid and accepted or whether it is not a point of order and reject it.

The PRESIDENT—There is no point of order. Senator Conroy, I have drawn your attention very clearly to the question that was asked by Senator Minchin and to the fact that you have 23 seconds remaining to answer the question that has been asked by Senator Minchin.

Senator CONROY—Thank you. Senator Minchin was asking about both the board and Mr Quigley. So let me be clear—

Opposition senators interjecting—

Senator CONROY—He was asking about their remuneration. The Remuneration Tribunal has set the board fee at $90,000. So it has—

Senator Minchin—You didn’t have to accept that; it was a recommendation.

Senator CONROY—It has recommended; I am happy to— (Time expired)

Cubbie Station

Senator HANSON-YOUNG (2.30 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Has the government sought legal advice on the Commonwealth compulsorily acquiring Cubbie Station?

Senator WONG—I thank Senator Hanson-Young for the question. Can I say, first, in terms of legal advice: we do not comment on whether or not legal advice has been sought, nor the content of it. That has been a longstanding position of both parties of government.

Senator Brandis—That’s not right; you do comment on whether it's been sought.
Senator WONG—If Senator Brandis could perhaps calm down, I will finish my response. The second point is—

Senator Bob Brown—Mr President, I rise on a point of order. The minister is correct that the government does not have to divulge legal advice, but it is certainly incumbent on the minister to say whether or not advice has been sought.

The PRESIDENT—There is no point of order. Senator Wong, continue with your answer. You have one minute 32 seconds to go.

Senator WONG—Thank you. The second issue I would raise with you in response, Senator Hanson-Young—through you, Mr President—is that the government has made it clear that we were not going down the path of compulsory acquisition.

Senator Bob Brown—Mr President, I rise on a point of order. You ruled that there was no point of order, but I ask you to inform the Senate whether there is a provision under standing orders for the government to be protected from answering whether or not it has sought legal advice on any matter.

Senator WONG—On the issue of compulsory acquisition, which was also part of the question, the senator would be aware that the government has made it clear that it is not minded to proceed down the path of compulsory acquisition. We have said we will purchase water from willing sellers. We believe that compulsory acquisition has associated with it a range of difficulties. The view that the government has consistently taken has been that we will take a different approach: we will take the approach of purchasing from willing sellers.

Senator Bob Brown—Mr President, I rise on a point of order. The first part of Senator Hanson-Young’s question was whether or not legal advice had been sought on the matter. I know the minister does not want to answer the question, but it was a very direct, yes-or-no question. Through you, Mr President, I ask her to answer that question.

The PRESIDENT—I cannot instruct a minister how to answer a question. They need to answer the question that has been raised—that is within the standing orders—but I cannot instruct a minister how to answer a question. As to whether they want to divulge in their answer everything that the questioner would desire, I cannot force them to do that. Senator Wong, you know the question. You have one minute 19 seconds in which to answer the question.

Senator WONG—On the issue of compulsory acquisition, which was also part of the question, the senator would be aware that the government has made it clear that it is not minded to proceed down the path of compulsory acquisition. We have said we will purchase water from willing sellers. We believe that compulsory acquisition has associated with it a range of difficulties. The view that the government has consistently taken has been that we will take a different approach: we will take the approach of purchasing from willing sellers.
tion. Minister, you have 44 seconds remaining in which to answer the question.

Senator WONG—Mr President, I was asked directly about whether legal advice had been sought in relation to compulsory acquisition. I am responding in relation to the government’s policy on compulsory acquisition, which I would have thought was relevant. In relation to this, or any other purchase, the government is open to talking with any willing sellers of water entitlements in the basin. We have made that clear. We will assess any sell offer through our buyback program on the basis of value for money and environmental need. This is consistently the position—

Senator Joyce—Mr President, I rise on a point of order. The question was specifically asked by Senator Hanson-Young as to whether legal advice had been sought with regard to Cubbie Station. That is the question; what is her answer?

Senator Ludwig—On the point of order, Mr President: here is the ridiculousness of the position that the opposition have now got themselves in misrepresenting Senator Brown’s question.

Opposition senators interjecting—

Senator Ludwig—Senator Hanson-Young, I should say. That is the difficulty when people take points of order on someone else’s question—even from the Greens. In respect of the nub of the issue, the minister is being directly relevant to the question that was asked by Senator Hanson-Young. It related to the compulsory acquisition of water. The senator is being directly relevant and is answering the question. What we are now ending up with is the difficult position of people raising points of order and debating the point itself. If it is the policy issue which is being—

The PRESIDENT—Order! I have already ruled that I cannot instruct the minister now to answer a question. My predecessors would have ruled in exactly the same vein: a Presiding Officer cannot instruct a minister how to answer a question.

Senator Brandis—On the point of order: at the beginning of her answer to the first question, the minister asserted, quite wrongly, that she was not obliged to respond by saying whether or not legal advice had been sought. That assertion was quite wrong but, nevertheless, concededly it did directly answer the question. Everything else must be irrelevant—that refusal to answer the question having been given unambiguously.

The PRESIDENT—The minister has 10 seconds remaining for answering the question.

Senator WONG—I again say that compulsory acquisition is not the approach the government is taking. We have made that clear.

Senator Hanson-Young—I rise on a point of order. I am not asking for the government’s policy. I am asking for an answer to the question as to whether legal advice has been sought.

Senator Chris Evans—On the point of order: Senator Hanson-Young set a new record. She got up to raise a point of order within three seconds. So congratulations, Senator Hanson-Young, that is a new record; I think six was the record before that. There is no point of order. Senator Wong is entitled to answer the question in the way she
chooses. Quite frankly, I do not know if people have run out of questions but this abuse of question time is ridiculous. Taking points of order within six seconds or three seconds of someone getting to their feet clearly is inappropriate and I think if people are serious about getting value out of question time they ought to allow the minister to at least have a go at answering the question before they take a point of order.

Senator Ian Macdonald—Mr President, speaking on the point of order raised: you have a responsibility to require ministers to be directly relevant to the question. Directly relevant on this question does not mean talking about government policy; it means stating whether you have or have not got a legal opinion. Mr President, you are required by the standing orders to determine and rule on direct relevance.

The PRESIDENT—I draw the minister’s attention to the fact that you have 57 seconds left in which to answer the question raised by Senator Hanson-Young. The question from Senator Hanson-Young was in relation to legal advice. I draw your attention to that.

Senator WONG—I again make the point that the government is not taking the approach of compulsory acquisition. The government—

The PRESIDENT—Order! There are people debating across the chamber making it impossible for me to hear the answer.

Senator WONG—As I said, the government’s approach has been to purchase—

The PRESIDENT—Order! It is very difficult for me to hear the answer when there is a debate going on across the chamber.

Senator WONG—As I have said, the government’s approach is to purchase from willing sellers. Compulsory acquisition is not the path we are taking. The question appears to go to whether or not the government—

Senator Heffernan—I rise on a point of order concerning relevance.

Government senators interjecting—

Senator Heffernan—If people over the other side will listen they may learn something. The bulk of the water on Cubbie Station that has been used in recent years is not for sale because it is not licensed. It is unregulated, unmetered, unlicensed and free—it is not for sale.

Senator Conroy—On the point of order: we now have the ludicrous situation where those opposite seek to ask the question and then, in asking the question, direct the minister how to answer. ‘Answer yes or no.’ That is clearly an abuse of question time, even under the absurd new regulations bequeathed to us by Senator Ferguson and his supporters. When asking their questions the opposition cannot direct ministers how to answer the questions. So I put to you, Mr President, that your arguments and your rulings have been completely correct and should continue in that vein.

Senator Brandis—The minister addressed the question when she said, ‘I will not answer it.’ She asserted, ‘I will not answer the question.’ That assertion having been made, how can anything more be directly relevant.

The PRESIDENT—Order! The minister is now addressing the first supplementary question asked by Senator Hanson-Young. There are 32 seconds remaining. I draw the minister’s attention to the question.

Senator WONG—I am having trouble following where we are after multiple points of order but I think we—

The PRESIDENT—Order! The chamber will come to order.

Senator WONG—I again make the point that the commitment we have made is that we will purchase water from willing sellers.
We have had dialog with agricultural representatives and irrigator representatives and we have made it clear that compulsory acquisition is not the path we are going. There are those in this place who may have a different view. I accept that that is their view. Also, there are those in this place who would be vehemently opposed to compulsory acquisition. That is a different issue. *(Time expired)*

**The PRESIDENT**—Order! Debating across the chamber at this time is disorderly. The time for debating across the chamber is after question time when a motion to take note of answers is moved, and not now.

**Senator HANSON-YOUNG**—Mr President, I ask a further supplementary question. Given that the minister has outlined the government’s policy, would the minister inform me whether it is government policy to make decisions around these types of issues without seeking legal advice?

**Senator WONG**—I am sorry, Mr President, but I am not quite sure what Senator Hanson-Young is getting at. There is a government approach of $12.9 billion, which includes some $3.1 million for purchasing water. We have made it clear that the process by which that is undertaken is to purchase from willing sellers. We have had a number of tender rounds in both the northern and southern basins, and the results of those have been made public on the website and have been announced by government. It has been done transparently.

Again in relation to compulsory acquisition, that is a view that has been put to us previously. I think I have answered questions in this place previously about that and we have said that it is not the approach we are taking. We will purchase from willing sellers and we will assess on the basis of value for money and environmental need.

**DISTINGUISHED VISITORS**

**The PRESIDENT**—Order! I draw the attention of honourable senators to the presence in the chamber of a parliamentary delegation from Vietnam led by His Excellency Mr Nguyen Van Song, Chairman of the Foreign Affairs Committee of the National Assembly of Vietnam. 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**

**Broadband**

**Senator BARNETT** (2.46 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. What is the dollar value of the equity contribution being provided by the federal government to the Tasmanian NBN company this financial year and over the life of the project? What take-up assumptions has the government based its equity contribution on, or is Tasmanian Premier Bartlett correct when says that ‘the take-up rate doesn’t matter’?

**Senator CONROY**—I thank Senator Barnett for his ongoing support for the National Broadband Network being rolled out in Tasmania, as I previously mentioned. As we have made clear, the rollout will connect 200,000 homes, businesses, schools and hospitals in Tasmania with optic fibre capable of delivering feeds of 100 megabits per second.

**Senator Abetz**—You think.

**Senator CONROY**—To take the interjection from my colleague Senator Abetz, we have said that it will be a four- to five-year rollout. But, in terms of the first connections and the first services to be provided, we have said that that will be by, I think, July next year. I do not think I can be clearer than that, Senator Abetz.
The PRESIDENT—Senator Conroy, just address the chair.

Senator CONROY—Mr President, I do not want to get involved in Tasmanian Liberal factional politics, but it is clear from Senator Barnett’s question that he has chosen to believe a number—

Senator Ferguson interjecting—

Senator CONROY—I am not involved in yours in South Australia, Senator Ferguson.

The PRESIDENT—Order! Senator Conroy, ignore the interjections.

Senator CONROY—At 39 per cent Tasmania currently has the lowest proportion of households with broadband of any state or territory. That is the legacy of the Tasmanian senators opposite.

Senator Barnett—Mr President, I raise a point of order and it relates to the standing orders regarding relevance. I have asked two questions which were quite specific. They relate to the equity contribution and the take-up assumptions by the government. The minister has not addressed either of those questions. I would ask you to draw his attention to the questions.

Senator Ludwig—Mr President, on the point of order, what we now have is the opposition restating their question rather than going to the substance of the issue. The minister has over half a minute left to provide an answer to the question. Again we are in this position where the opposition are just jumping up midway through the answer to a question and arguing that it is not directly relevant. My submission is that the minister is being directly relevant to the question and that there is sufficient time to continue to be directly relevant to the question and provide all of the information that the opposition have asked for.

The PRESIDENT—Senator Conroy, there are 34 seconds remaining in your time to answer the question. I draw your attention to the question asked by Senator Barnett.

Senator CONROY—Let me be clear: the Tasmanian and the national governments' broadband rollout in Tasmania is currently the subject of a tender process. We are actually seeking to purchase the fibre. Depending on the outcome of a 'live' tender process, we will potentially be able to answer all of that question. There are many parts of the rollout yet to be tendered for. (Time expired)

Senator BARNETT—Mr President, I ask a supplementary question. The minister has clearly refused to answer the first two questions. So, through you, Mr President, if the estimates of Tasmanian industry figures are correct and less than 20 per cent of Tasmanian premises sign up for Tasmanian NBN company services, will the federal taxpayer contribution increase to subsidise the network or should households be prepared to pay significantly more to access the network?

Senator CONROY—That entire question is based on a string of assumptions that are fundamentally incorrect. It is impossible to answer a question that is based on hypothetical assumptions that were in the newspaper this morning and that have nothing to do with the project. It could not be clearer than that. ‘If there is only this take-up’—how can one possibly answer a question that is based on a hypothetical? So let me be clear: Tasmania currently has the worst and most expensive broadband in this country. That is your legacy—yours and yours and yours. You can put out all the press releases you want—

The PRESIDENT—Senator Conroy, just address this chair.

Senator CONROY—Thank you, Mr President, I could not possibly blame you, though. But those opposite from Tasmania have left the state of Tasmania in a state of
disrepair when it comes to broadband. (Time expired)

Senator BARNETT—Mr President, I ask a further supplementary question. Given the $90,000 payments to the NBN company directors for their part-time roles, how much will the Tasmanian NBN company directors be paid to oversee a project that looks increasingly like it will not be at all commercially viable?

Senator CONROY—I am not even sure, Mr President, that that question is based on facts; it is just based on a simple assertion. You have no basis to make that assertion whatsoever. I think the answer to the factual part of your question—and I am happy to come back and add to this—is that the directors of the TNBN Co. will be paid around $40,000. I am not sure that that has been absolutely finalised at this point in time, but it is around $40,000. The TNBN Co. executive chair, Mr Doug Campbell, is being paid, I think, $210,000 to be the chair and the CEO. I think that is the factual answer to the rest of your question, which was pure myth, hypothesis and assertion. (Time expired)

Afghanistan

Senator FARRELL (2.53 pm)—My question is to the Minister for Defence, Senator Faulkner. Can the minister inform the Senate of Australia’s role in Afghanistan in that nation’s run-up to their presidential elections? In particular, can the minister advise of the level of Australian Defence Force support, financial assistance and civilian observers of the elections?

Senator FAULKNER—I thank Senator Farrell for his question. The presidential and provincial council elections will be held, of course, on 20 August, which is this week, and they will be an important step for Afghanistan’s developing democracy. This is the first time that the Afghan authorities have taken responsibility for election security since the fall of the Taliban, and it demonstrates a growing capacity for self-governance. It is important that the elections are credible, secure and inclusive. Afghan authorities and the international community are working together to ensure that in fact is the case.

The Australian government is making a substantial contribution to support the elections including an infantry company of approximately 120 troops to assist the Afghan National Security Forces with election security; additional military airlift capacity to help provide logistic support during the course of the election; as well, $9 million in financial assistance to support the conduct of the elections including funding for election observers from regional countries; and a small team of three Australian civilian observers who will contribute to ensuring the polls are conducted properly.

I am concerned that the days ahead are going to see a continuing escalation of violence. Afghanistan is a dangerous environment and, of course, the election makes it more so. (Time expired)

Senator FARRELL—Mr President, I thank the minister for his answer and ask a supplementary question. Outside Oruzgan province, what other role is Australia playing in the provincial and presidential elections? In particular, can the minister outline the role of Australians in the International Security Assistance Force’s election task force?

Senator FAULKNER—I thank Senator Farrell for his supplementary question. An Australian Army officer, Brigadier Damian Cantwell, is the chief of the election task force within the headquarters of the International Security Assistance Force. He is overseeing a mentoring program for the Afghan National Army and Afghan national police, who will be providing the first and second lines of defence on election day. Brigadier
Cantwell coordinates security efforts between Afghan authorities and the ISAF to ensure a comprehensive, synchronised and cooperative approach to security for the elections. We are aware of the increasing number of violent incidents against Afghan electoral officials, and campaigns over recent—(Time expired)

Senator FARRELL—Mr President, I ask a further supplementary question. Has the government factored in the contingency that there may not be a winner in the first round of the presidential elections and, if so, what does that mean for the Australian election support force?

Senator FAULKNER—If no candidate receives a majority in the first round of voting on Thursday, a run-off election will need to be held. If required this is likely to be held in early October. In the event that there is a run-off, our election support force will continue to provide security support. Afghan National Security Forces are responsible for providing security for the elections with international forces providing back-up support. Australian forces have been mentoring and supporting their Afghan counterparts in providing security for the elections. This includes training Afghan National Security Forces to actually provide security around the polling booths.(Time expired)

Employment

Senator FIFIELD (2.58 pm)—My question is to the Minister for Employment Participation, Senator Arbib. Minister, have all the successful providers for employer broker activities been notified, and if so, when?

Senator ARBIB—I thank Senator Fifield for the question. In terms of employer brokers, I made an announcement last Friday where that information was provided. I am happy to say that $6 million was provided over three years to fund employer broker activities, with $2 million allocated in each financial year. Employer brokers will ensure Job Services Australia has a strong focus on matching the needs of job seekers with the labour requirements of employers. In order to receive funding for the employer broker activities, organisations must be members of the Employer Broker Panel. Fifty-six successful panel members were announced in March 2009 following a request for tender. Fifty-seven applications for the first round of employer broker funding were received. The successful proponents from round 1 were announced on 14 August. Six organisations will share in almost $700,000 of funding under round 1 of the program. The proposals were creative and clearly met the objectives of the program. Many of the proposals pooled a range of services, including providing job seekers with mentoring, training and work experience specifically targeted to the needs of local employers.

Successful projects include: the Queensland Rural Industry Training Council building people for building jobs, which is accredited construction training tailored to the needs of job seekers; REAL Corporate Partners, connecting displaced workers with jobs in the logistics industry; training on site; work experience and industry education to provide and attract displaced workers to logistics and warehousing positions in the Orange region; Queensland Rural Industry Training Council’s Moving Farm Hands—(Time expired)

Senator FIFIELD—I note the minister’s advice that some employer brokers were advised on 14 August—that announcement was made on Friday—but I draw the minister’s attention to his departmental website, which states, ‘Employer Broker activities will commence on 1 July 2009,’ some six weeks ago. Who is to blame for this delayed start-up? Are any of the employer broker services in operation?
Senator ARBIB—As I was saying, there are some fantastic projects that have been awarded funding under the employer broker service. Senator Fifield may not want to talk about or listen to some of the projects, but I am happy to talk about them. In Queensland, the Limestone Coast Regional Development Board’s Clean Jobs, supporting employers and job seekers to gain the skills and knowledge to develop—

Senator Fifield—Mr President, I rise on a point of order on relevance. I did take up the minister’s injunction to listen to his answer, but he has not yet strayed anywhere close to the question, which was: who is to blame for the delayed start-up—the delay of more than six weeks?

The PRESIDENT—Senator Arbib, I draw your attention to the fact that there are 30 seconds remaining to answer the question that Senator Fifield has asked of you.

Senator ARBIB—I am happy to find out for Senator Fifield what the reason for the delay was. I am happy to check the government website to ensure that what Senator Fifield is saying is actually correct—

Opposition senators interjecting—

The PRESIDENT—Senator Fifield, have you finished your answer?

Senator ARBIB—Yes.

Senator FIFIELD—I appreciate the minister’s offer to ask someone who knows about this area what the reason for the delay is.

The PRESIDENT—Your question?

Senator FIFIELD—Mr President, I ask a further supplementary question. Given that the coalition raised in the Senate on 22 June 2009 delays with the Indigenous Employment Panel, and this is now the second program with unexplained delays, what is the minister doing to address these systemic delays in his portfolio?

Senator ARBIB—I totally reject Senator Fifield’s assertion regarding the Indigenous panel. Senator Fifield has certainly misinterpreted that. I say, though, that the Liberal Party—

Opposition senators interjecting—

The PRESIDENT—Order! I will call you to respond when there is silence.

Senator ARBIB—I just say to Senator Fifield: Job Services Australia, which has obviously just gone through an amazing transformation, has been working very effectively. More than 11,400 job seekers have been placed in jobs since 1 July at more than 2,100 sites. Of the 452,000 transition job seekers, 77 per cent have already engaged with their provider. So Senator Fifield can talk about delays. These are actual results: action on jobs, going through Job Services Australia and through the employer brokers. This is what the government is doing. We have a jobs plan; the opposition have no plan on jobs. (Time expired)

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

QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS
Strategic Indigenous Housing and Infrastructure Program

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (3.05 pm)—I have a further response to a question from Senator Scullion that he asked of me on Thursday, 13 August about SIHIP. The Northern Territory government has committed $20 million per year of their own funding to SIHIP. This will be $100 million over the five-year life of the program. With the $572 million contributed by the Australian government, this brings the total program funding to $672 million. He also asked me about program management
costs. I have the current figure. They are running at 11.4 per cent, and the government is working to reduce that to eight per cent by the end of the year. I seek leave to incorporate the response in Hansard.

Leave granted.

The answer read as follows—

The Northern Territory Government has committed $20 million per year of their own funding to SIHIP. This will be $100 million over the 5 year life of the program.

With the $572 million contributed by the Australian Government this brings the total program funding up to $672 million.

At present program management costs are running at 11.4% and the Governments are working to reduce this to 8% by the end of the year.

The majority of this funding is not used to cover expenses incurred by the Northern Territory Government but to purchase the technical support needed to manage this program including project managers, quantity surveyors, auditors and design specialists.

QUESTION TIME

Senator IAN MACDONALD (Queensland) (3.06 pm)—Mr Deputy President, I have a point of order for the President, who has unfortunately left the chamber. As he has left the chamber, perhaps I can raise the point of order and ask you, and perhaps the Clerk, to refer it to him. I raised during question time, and did not want to pursue it further during question time, the provisions relating to the President’s ruling on points of order. Standing order 197(5) quite clearly indicates the President must rule on a point of order. It says, amongst other things:

The President may hear argument on the question, and may determine it forthwith, or at a later time, at the President’s discretion.

I assume, Mr Deputy President, that when the President says to the minister, in answer to a point of order, ‘You have 23 seconds’ that he is intending to come back and rule later, having declined to rule forthwith. It seems to me, Mr Deputy President—it is unfortunate I am saying this to you rather than to the President—that the President must, on every occasion, whether they are valid points of order or otherwise, actually rule and say, ‘Your point of order is upheld’ or ‘It is rejected.’ Simply to tell the minister, in response to a point of order, that the minister has another 23 seconds to answer a question is not a ruling on a point of order. The President has a direct responsibility under the amended standing orders to rule on direct relevance of questions. I would ask that the President come back with an answer to the Senate on his intention of ruling on points of order as they are taken.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (3.08 pm)—Mr Deputy President, on the point of order: I am raising this issue on the point of order because I think, in part, the point of order that has been taken has been characterised wrongly. Can I say that the standing order talks about ‘determine the matter’ not ‘provide a ruling’? I did not want it left on the Hansard the way that it has been raised by Senator Ian Macdonald because—

Senator Ian Macdonald—What do you think it means?

Senator LUDWIG—I will take that interjection, because that is the difficulty in trying to fashion words to find the response that you want. In doing so, you have read words that are not in the standing orders into the document. You could easily come to the conclusion that, where the chair says, for example, that the minister has 23 seconds remaining, you have effectively determined the matter by referring it back to the minister—by indicating that they have 23 seconds to finalise their answer. The standing orders do not say and do not require that the chair has
to decisively say, ‘I agree with the point of order that has been raised’ or ‘I disagree with the point of order that has been raised.’ It is up to the President or the chair, as the case may be, to determine the matter in the manner that they see fit. In this instance, a determination that says ‘23 second remaining’ to the minister responding to the question is a clear indication that the point of order has been determined by the President. The standing order does not require the President to say, ‘My ruling’—in other words, a form of words that Senator Macdonald is trying to read in—‘in respect of this matter is X or Y.’ I am not arguing that Senator Ian Macdonald cannot raise the matter for clarification, but what I do take issue with is to then say that it has to be in a particular form and, if it is not in that particular form, then it is not a valid exercise of the chair’s powers.

Senator PARRY (Tasmania) (3.11 pm)—Mr Deputy President, on the same point of order: I rise to support Senator Macdonald in his comments. Senator Ludwig has raised some interesting issues, but nevertheless the original topic raised by Senator Macdonald needs to be referred to the President and the President needs to make a determination about some of those definitional issues but, whatever the outcome, we need to have some consistency. I think there has been some inconsistency in sometimes ruling on a point of order and sometimes not. Could I suggest one further aspect that the President may wish to examine and that would be that, once a point of order has been raised, if the President wishes to dispense with that point of order forthwith after the first speaker, that may stop, for example, the Manager of Government Business rising to his feet to also speak on the same point of order when the point of order is quite obvious in the first instance. The President might also wish to examine that issue.

The DEPUTY PRESIDENT—I am quite sure that the President, or the President’s office, has listened to the remarks that have been made in the chamber and I will refer the matter to him. Can I say that, when I was in the position of President, there were two responses—either ‘There is no point of order’ or ‘I uphold the point of order’—and it was as simple as that. But can I say—

Senator Marshall—So what is your ruling?

The DEPUTY PRESIDENT—I am not in a position to rule now, Senator Marshall, to answer your interjection. All I am saying is that I will refer the matter to the President. The President’s office, I am sure, will take into account the remarks that have been made today and he will come back to the chamber.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Emissions Trading Scheme

Senator HUMPHRIES (Australian Capital Territory) (3.12 pm)—I move:

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

Any Australians listening to, or watching, question time today would have to have been rather worried. We had here the Minister for Climate Change and Water asked a question: ‘How much will grocery prices rise?’ under her emissions trading scheme. She gave an answer—a rather exceptional circumstance in this place. She said the prices rises would be in the order of 0.1 per cent. It was put to the minister that this was at variance with the estimates made by others in the field, particularly the Australian Food and Grocery Council, of a five per cent rise in grocery prices. Indeed, some members of that organi-
some larger retailers, are estimating increases of up to seven per cent in the price of groceries as a result of the emissions trading scheme.

That is a very alarming difference. That is a difference of some 6,000 per cent or more between the estimate the minister has given the chamber and the estimate given by those people who are actually selling the groceries, or representing those who are selling the groceries, to the overall majority of Australians. Who are we to believe?

The minister says that her figures are based on modelling. We have not seen that modelling. We do not know what the modelling actually says. We only have the minister’s word that it accurately and appropriately reflects a scheme which delivers a mere 0.1 per cent rise in grocery prices.

Those in the field say that their estimates are much, much greater. They point out that grocery prices make up about 20 per cent of the average household budget each week, and that a hit of around five per cent—what they call a price shock—for Australian made food and groceries will be a significant impost on Australian families. And so it will. It will be a very significant impost because, as they point out, this is not just a hit to the bottom line of Australian families; it is also a very serious hit to Australian food producers because that five or seven per cent increase, which the sellers of food in this country say is likely to occur, is a hit on those who—

Senator Marshall—Based on what?

Senator HUMPHRIES—Based on their estimates of their flowthroughs. It is based on the fact that that is going to be an impost on Australian producers of food and groceries, whereas those producing food and groceries that are imported into Australia will not have to face that kind of increase. So bananas produced in the Philippines, or other products produced in Indonesia or Malaysia or Thailand, will not be affected immediately by these increases because those countries do not have the prospect of emissions trading schemes any time soon. Those prices will not be affected by emissions trading schemes in those countries or, therefore, in Australia, but Australian made goods and services will be and that of course includes food. That indicates a very serious impact on the capacity of Australian agriculture to produce goods and services and to keep Australian produced goods and services within reasonable price ranges.

The Prime Minister once said that he did not want to be the Prime Minister of a country that did not make anything. But, with respect, what his hasty, ill-conceived, badly thought through emissions trading scheme has potential to do is precisely that: to remove incentives from Australians to produce their own food.

This is effectively a GST on food. I remind those opposite that they campaigned against a GST on food.

Senator Marshall—But you supported that!

Senator HUMPHRIES—Maybe so, but we did not do so in circumstances that were going to push up prices without compensation. And what compensation have you got in place? You have a compensation for energy increases. You proposed a compensation scheme for those increases in energy costs for Australians, but not, at this point at least, a proposal for increases in compensation to cover the cost of food and groceries.

The fact is that this emissions trading scheme has not been well thought through. The implications are inadequately identified and compensated for, and it is a result of the fact that this emissions trading scheme that this government has advanced is in fact a political exercise, not a policy exercise. The inability of the government and the minister
in this place today to put any flesh on her bald assertions about price rises, and the fact that she has had no consultation with the industries concerned, reflects on the government very badly and suggests we are going to be facing very serious increases in those costs in the future. *(Time expired)*

**Senator MARSHALL** (Victoria) *(3.18 pm)*—The failure of the opposition to have any form of coherent policy on emissions trading has left them with only one opportunity, and we have seen that opportunity today. It is one based on misinformation, one based on fear, one based on beat-ups. It is a shame that they cannot reach a position, because we on this side of the chamber know that the cost of doing nothing now will cost our children, our community, our economy and our environment substantially more into the future. That is what we are faced with. We actually want to do something now; we want to get on with it.

I know the hallmark of the previous government was to do a lot of talking about these sorts of things but take no action. They finally got to a position, after doing nothing for 12 years, of going to the last election with a cap-and-trade carbon scheme, an ETS, but they had not done anything about implementing it. They went to the election with it. They had done nothing for 12 years, but it was their policy that they went to the election with. We had a policy which we went to the election with and we want to introduce that. They have no policy and no position; they are an opposition—absolutely divided about this crucial matter—that want us to sit on our hands and do nothing. They want us to delay, to do nothing and ultimately to cost future generations an enormous amount more than it would cost to do something today.

No-one on this side of the Senate suggests that there are not going to be costs associated with the introduction of an emissions trading scheme. Of course, through extensive Treasury modelling, we are aware that Treasury has indicated that, while it is not possible to map out the exact price increase of every type of good or service, we do know generally that household food prices could contribute up to 0.1 per cent, or around $1.50 per week on average, of the 1.2 per cent overall increase in household prices. This is equivalent to around $13.60 per week of the total expenditure for the average household over the first two years of the scheme.

The CPRS is expected to raise household prices by 0.4 per cent in 2011-12 and 0.8 per cent in 2012-13, with a $10 per tonne fixed carbon price in 2011-12 and a flexible carbon price in 2012-13. The modelling has been done on this massive program of reform. This is one of the country’s greatest reforms and needs to come into being. Senator Humphries referred to this and compared it to the GST. Unlike what you did with the GST, we have put in place compensation for low- to medium-income earners to alleviate any price increases. Instead of relying on some allegations by some grocery people who have been, quite frankly, putting prices up at quite an astronomical level recently—

**Senator Humphries**—Are you sure?

**Senator MARSHALL**—Well, you look in the supermarkets; you look at the prices!

**The DEPUTY PRESIDENT**—Order! Senator Marshall, I think you should address the chair.

**Senator MARSHALL**—Through you, Mr Deputy President, Senator Humphries ought to go around and have a look at the price increases that are going on without the ETS, and he would understand that prices are going up in a lot of those areas. Maybe some of those people have an ulterior motive, but this government is actually going to provide significant support to low-income families. The government will provide upfront support
to low- and middle-income households from 2011-12 through a package of direct cash assistance and tax offsets to help them to adjust to a low-pollution future. Again, Senator Humphries wanted to make the comparison with the GST; they did nothing like that when they were in government.

Pensioners, seniors, carers and people with a disability will receive additional support above indexation to fully meet the expected overall increase in the cost of living flowing from the scheme. We are doing everything we can as a government to ensure that those who cannot afford any sort of increase are actually protected, insulated or isolated from the impacts of the introduction of our ETS. But what do we see from the opposition? Any acknowledgement about those issues? Any serious policy contribution to solving the environmental effects that we are facing into the future? No, we see a rabble on that side of the Senate. We see a divided opposition that cannot get their policy together. They finally get around to commissioning a report and then they have the gall to say, ‘This is the way the government should go. But, by the way, we don’t think it’s good enough to actually adopt as our policy.’ They have no policy; they have no position—they are an absolute rabble. They are an opposition divided and they ought to get on board and do what is right for this economy and what is right for the people of this country.

Senator Joyce (Queensland—Leader of the Nationals in the Senate) (3.23 pm)—No one was divided the other day. In fact, the only people who were left by themselves were the Labor Party. It is one of the only issues that we can get the Greens, the Independents, the National Party and the Liberal Party together on, because it is such a ridiculous new tax. The Prime Minister is going to develop a new tax to change that! It is Kevin from heaven—the Prime Minister from heaven, I apologise, Acting Deputy President—who is going to develop a new tax to change the climate!

It was interesting today to open the newspapers and see: ‘Food prices set to surge under ETS’. Isn’t that amazing? We have been saying all along that food prices are going to surge—and that is just attributable to the electricity component. Wait till 2013-15, when agriculture itself will come in. Wait for the tax when it is on cattle and sheep—the methane-emitting monsters, apparently, in society. Wait for the price of groceries then. Then you will be able to talk to the working families, because you will have Mr Rudd everywhere in your life. You will turn on the iron and there will be Mr Rudd on the power charge. You will get sick of ironing and you will turn on the telly to watch the football. There will be Mr Rudd coming through the TV. You will think, ‘Oh, well, I might as well do some vacuuming,’ and there he will be, with you vacuuming—vacuuming with the Prime Minister! There will be a tax on that. You will think, ‘I’ve had enough of this. I’m going to Cairns.’ But, hang on, the plane runs on aviation fuel. He is in the plane with you! He is going with you to Cairns! Then you think, ‘Well, I’ve had enough. I’m just going to go down to do some shopping,’ and there is Mr Rudd in the shopping trolley, the taxing monster! In every corner of your life: big business, big bureaucracy. What is it doing? ‘Oh, he’s changing the climate.’ I should have been lighting a candle in front of Mr Rudd! I never knew he could do that. He is going to change the climate for us. What an incredible person!

The ETS is nothing more than the ‘employment termination scheme’ for so many working families that you should be supporting in the Illawarra, in the Hunter Valley, in Central Queensland, in Mackay and in Glad-
stone. What are you doing to working families? You are putting working families out of work—that is what you are doing to working families. If it is not the ‘employment termination scheme’ it is just the ‘extra tax system’—you just have to grin and bear it. You have got to put up with it—like a carbuncle on your backside, you have got to put up with it and live with it. Now they have changed the lexicon because they are worried about ETS. It is now called the CPRS. CP stands for the ‘cunning plan’ to get them to a double dissolution. That is what CP stands for. And RS is what our economy will be if this goes through—that is what RS stands for! That is what we have got. This is the new super-duper plan coming to you from the enlightened, the illuminati, of the Left and the Greens. This is what we have got.

I think the Australian people are waking up. I have just been doing talkback radio in Sydney and, I tell you, they are awake up to you. It is a new tax. You know it and they know it. It is another moralising tax. It is always the same: ‘Teenagers drink too much. Let’s tax them.’ Did it stop teenagers drinking? No. They are drinking more than they did before. Then it was: ‘The world is going to end, so Mr Rudd is going to give you a tax.’ That is all it is, with this moral bulwark at the front of it—always the same moralising bulwark. What are they doing? They say: ‘But we are going to collect the money and then we’re gonna give it back to other people. That’s what we’re going to do—collect this $11 billion and give it back to other people.’ Because they know best! They know who to give it to. They are going to give it to all the people who voted for them; that is who they are going to give it to. This is the rent-seeking mentality that comes into play. We have been consistent on this. The National Party said right from the word go that they would not support this—and the Liberal Party are saying they will not support it, and the Greens are not going to support it and the Independents are not supporting it. No-one is supporting it except the Labor Party.

Who will be the benefactors of this? It was interesting to see that the Business Council of Australia have split between the paper pushers, who stand to make an absolute goldmine out of commissions, and the people in our nation who actually produce things. The people who produce things do not like this. The people who just collect a commission on the way through love it. But I am afraid Australian working families cannot eat commissions. They can eat beef, they can eat mutton, they can eat vegetables and they can have a job, but they cannot eat paper contracts, because that would be the biggest thing that we will get out of this—a mountainous bureaucracy, a bankers’ and bureaucrats’ bonanza given to you by Mr Rudd.

(Time expired)

Senator CAMERON (New South Wales) (3.28 pm)—Talk about methane-eating monsters! I did not know I was about to follow one! This is just the typical coalition fear factor. Here they come. They did nothing for a decade. You had a decade of lost opportunities to try to deal with the biggest political, economic, social and environmental challenge facing this country and what do you do now? You give us the usual fear campaign. You get the fear campaign from the Libs and the fear campaign from the National Party. You have simply been running this line for all you are worth. Senator Joyce’s contribution is one full of cliches and one-liners designed to try to get the next headline. He is not prepared to deal with the real issues facing this economy—the real issues facing all Australians. Australians understand the issue. They understand better than the coalition that we are faced with a future of more storms, more droughts and rising tides if we do not deal with carbon pollution.
Yet we have the coalition deniers and sceptics—an absolute rabble who cannot agree with anyone on their own side. They are fighting each other in the party room and are out here trying to scare the population by saying that dealing with the future of this country will mean that prices will go up and jobs will be lost. It is quite interesting. I have been on all of the committees that Senator Joyce has been on and I have heard all the arguments that he has put up. Yet the sugar industry said to the RET inquiry hearing, ‘We want to be in this because it will create jobs in the bush; it will create jobs from Grafton in northern New South Wales right up to Mareeba.’ That is where the jobs will be created. Why do they say that? They say that because they want to engage in the opportunities that the CPRS and the RET scheme give them to create jobs in the bush. They are planning five mill upgrades in Far North Queensland, providing 71 megawatts of installed capacity in that area; three mill upgrades in Herbert in northern Queensland; two mill upgrades in Mackay, in the Whitsunday hinterland; four mill upgrades in the Wide Bay-Burnett southern region; and a further mill upgrade in northern New South Wales.

The sugar industry know what the issues are; they know what the opportunities are. They say thousands of jobs will be created. I asked them a specific question: ‘Are these green jobs?’ They said: ‘Yes, these are green jobs, because we are taking the opportunity that these schemes provide to build jobs in the bush.’ Yet all you get from Senator Joyce’s contribution is more methane emissions; methane emissions, rhetoric and fear are all you get from the National Party, supported by some in the Liberal Party. Do you know what is going to happen? You are going to be overruled. The coalition are going to have to accept the reality of climate change and all the troglodytes, all the dinosauars and all the rabble that make up the people that you are speaking for, Senator Joyce, are going to have to give in. You are going to have to give in because the interests of Australia demand that you give in. The interests of Australia say that the jobs that will be created in the future will be green jobs. The jobs that will be created will be in the bush, and all your fear campaigns, all of your rhetoric will stand for nothing. The Australian population know the issues that are important. The Australian population will reject the coalition rabble that you represent—a rabble with no ideas, a rabble with no future and a rabble with a very temporary leader. (Time expired)

Senator BACK (Western Australia) (3.33 pm)—I refer to the answer provided by the Minister for Climate Change and Water when I asked her, firstly, whether she was aware of and concerned about the impact on agriculture of a delayed decision or no decision on introducing farmers into the emissions trading scheme and, secondly, whether or not this would have a disastrous impact. The point she made was that she did not understand and was not sure of the answer to either. I am not sure whether she is concerned about the impact on farmers arising from the confusion relating to the failure to make a decision on whether agriculture will be introduced or not, but the minister should be aware that farmers are always undertaking business plans into the future and are appearing before their bankers and other financiers in relation to that.

Senator Cameron and his colleagues, particularly Senator Conroy, probably do not know about business plans, because we have gone forward with National Broadband Network, a $43 billion project, without there being any business plans at all. Farmers, of course, have to submit a business plan. As they submit them to their bankers, the first thing the bankers say to them is, ‘Do you
know what’s going to be happening beyond 2013, 2014 or 2015 with regard to this shocking emissions trading scheme impacting on agriculture?’ Of course, they are going to have to say, ‘No, we don’t.’

The minister also did not seem to be clear on whether farmers in other countries are going to be excluded. She ought to be aware of this, because I cannot find another country that is intending to include farmers and agriculture in its ETS. Even New Zealand have now changed their position to take account of what will happen in Australia. We know the Americans have decided that agriculture will not be included in their ETS. We know the Europeans have made that decision. In China, where there are 180 million cattle and large numbers of sheep producing the methane that the other side is so concerned about, there will never be an emissions trading scheme including agriculture. India will be exactly the same, as will be Indonesia to the north of us—country after country. The other point that needs to be taken into account—because all of these countries are our competitors, along with the South American countries and South Africa—is that their governments actually pick up the cost of quarantine inspection. So not only do we have an unfair playing field; we have a field of opposition, because those countries are protecting their agricultural exporters.

What will the impact be on our agricultural production? If it is introduced, it will be horrific. My first point relates to dairying. We think the impact on dairying across Australia will such that it will shrink the industry to the extent that it will become, to all intents and purposes, uneconomical. The beef industry is a very, very significant and growing industry in this country, particularly with our exports of live cattle to the Indonesian and other markets, where these are having a significant positive impact on improving nutrition for the people in those countries by providing protein foodstuffs. The beef industry has already told all sides of parliament what impact this ETS would have: it would decimate the beef industry. We then looked at other forms of agriculture, including cropping. Australia is a very significant wheat, other cereal and protein producer, so the ETS would have a massive effect.

It was a shame that the minister, in responding to my question, made the comment that she could not see any reference in the Frontier Economics model, as proposed by the coalition last week, that there would be any benefit. What a shame that she did not—because what she would have read about, had she or her advisers considered what was in that report, was the positives that agriculture in this country may be able to address and contribute to this debate. If she had understood the Frontier Economics modelling she would have seen, for example, that agriculture can make a significant contribution to abating levels of carbon and carbon dioxide. Not only can it contribute to it, but agriculture can earn revenue from it—particularly, for example, carbon sequestration into the soil, further tree planting to overcome the shocking salinity problems we have, and biofuels. Salinity is a problem that needs to be addressed in this chamber.

Question agreed to.

NOTICES
Presentation

Senator Trood to move on the next day of sitting:

That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on the economic and security challenges facing Papua New Guinea and the island states of the southwest Pacific be extended to 29 October 2009.

Senator Cormann to move on the next day of sitting:
That the Senate—

(a) notes that:

(i) the government announced during Senate question time on 12 August 2009 that it remains committed to its $100 million budget cut to chemotherapy treatment,

(ii) the government repeated its assertion that it only wants to fund the ‘actual quantity’ of chemotherapy medicines that are delivered to cancer patients,

(iii) chemotherapy drugs are delivered in standard vial sizes, while different cancer patients, with different body weights and different physiological requirements will need different dosages of a particular life saving chemotherapy drug,

(iv) at times a portion of an opened vial will be left unused,

(v) consistent with Therapeutic Goods Administration requirements any unused portion of an opened vial containing those dangerous chemotherapy drugs has to be discarded and will not be able to be used for any other patient,

(vi) unless there is a change in vial sizes, no change in government funding arrangements will be able to remove that inefficiency and somebody will have to pay for the $100 million budget cut,

(vii) this chemotherapy budget cut was part of both the 2008/09 and 2009/10 budgets with an original implementation date of 1 July 2009, deferred to 1 September 2009, and

(viii) the government still has not been able to come up with a sensible way to implement this ill-considered budget cut;

(b) is concerned about the potential impact of this budget cut on cancer patients and considers that the ongoing uncertainty surrounding this measure has led to unnecessary concerns for cancer patients, their families and health care professionals involved in the preparation and use of chemotherapy drugs;

(c) calls on the government to end the ongoing uncertainty as soon as possible; and

(d) orders that there be laid on the table by the Minister representing the Minister for Health and Ageing by no later than 12 pm on 19 August, copies of:

(i) all advice from the Department of Health and Ageing to the Minister for Health and Ageing in relation to the budget measures set out above from 13 May 2008 until 17 August 2009,

(ii) any modeling conducted within government in the lead up to the announcements of these budget measures and any subsequent modeling undertaken by the government since 13 May 2008,

(iii) all correspondence between the Minister and/or her Department with State and Territory governments in relation to these budget measures from 13 May 2008 to 17 August 2009,

(iv) all correspondence between the Minister and stakeholders regarding these budget measures from 13 May 2008 and 17 August 2009, and

(v) all correspondence between Department and stakeholders regarding these budget measures from 13 May 2008 and 17 August 2009.

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

That the Senate extends an invitation to His Holiness, the Dalai Lama, to sit in the distinguished visitors gallery on the floor of the Senate during Question Time, on Thursday, 26 November 2009, the last sitting day of 2009.

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the week beginning Sunday, 23 August 2009 is Hearing Awareness Week,

(ii) one in six Australians has some form of hearing impairment, a total of 3.55 million people,
(iii) noise injury is the single most common cause of hearing loss, with a total of 37 per cent of hearing loss due to noise injury, and

(iv) captioning increases the ability of people with a hearing impairment to access broadcast messages; and

(b) calls on the Government to:

(i) ensure access to all suitable technologies to assist people with a hearing impairment,

(ii) investigate the feasibility of expanding government-funded hearing services and aids to those over the age of 21, and

(iii) undertake to expand captioning to include all government media.

LEAVE OF ABSENCE

Senator O’BRIEN (Tasmania) (3.39 pm)—by leave—I move:

That leave of absence be granted to Senator Carol Brown for today, for personal reasons.

Question agreed to.

Senator PARRY (Tasmania) (3.39 pm)—by leave—I move:

That leave of absence be granted to Senator Boyce from 17 August to 21 August, for personal reasons.

Question agreed to.

NOTICES

Postponement

The following item of business was postponed:

General business notice of motion no. 488 standing in the name of Senator Xenophon for today, proposing the introduction of the Food Standards Amendment (Truth in Labelling Laws) Bill 2009, postponed till 19 August 2009.

TAX CUTS

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.41 pm)—I move:

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.

Question negatived.

SELF-DETERMINATION FOR THE UYGUR PEOPLE

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.41 pm)—I move:

That the Senate—

(i) 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

(ii) investigates the feasibility of expanding government-funded hearing services and aids to those over the age of 21, and

(iii) undertakes to expand captioning to include all government media.

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(ii) calls on the Government to reconsider the tax cuts, in particular those for high-income earners.

Question negatived.

SELF-DETERMINATION FOR THE UYGUR PEOPLE

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.41 pm)—I move:

That the Senate calls on the Australian Government to promote with Beijing an act of self-determination for the Uighur people of East Turkistan (Xinjiang Province, China).

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (3.42 pm)—by leave—The Australian government again records its objection to dealing with complex international matters, such as the one before us, by means of formal motions. We recognise that issues involving different ethnic groups can be sensitive no matter what country is concerned. These are not matters which can be dealt with in a simplistic or judgmental manner and we do not want our actions to aggravate ethnic tensions in the region. Successive Australian governments have consistently adhered to a ‘one China’ policy. We recognise China’s sovereignty over the Xinjiang Uygur Autonomous Region and China’s territorial integrity. We do not agree with proponents of self-determination.

Recent violence in the Xinjiang Uygur Autonomous Region is concerning. On 7 July Foreign Minister Smith said that the Australian government was concerned by reports of violence in the Xinjiang and was
very concerned about the tragic loss of life. Australia was encouraged by the fact that China allowed diplomats and foreign journalists to have access to the Xinjiang immediately after the 5 July riots. On 30 July, Foreign Minister Smith called on China to conduct an investigation into the base causes of the violence.

I would like to take this opportunity to make some remarks with respect to the visit to Australia by Rebiya Kadeer. The government has no evidence of information that Kadeer is a terrorist. It was a private visit. Ms Kadeer was not met by any government ministers, just as she has not been met by ministers in the past. She is perfectly entitled to put her point of view but that does not mean necessarily that the Australian government or the Australian people believe or support any or all of it. For the reasons I have outlined the government does not support the motion before the Senate today.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.44 pm)—by leave—I would like to make a similar response. The first thing I would point out here is that that is the same response we got from Labor over the issue of self-determination for the people of East Timor during the 26 years in which that beleaguered people were under the boot of the Indonesian military. The second thing is that the minister has said that there is no evidence that Miss Rebiya Kadeer is a terrorist. Well, I submit that there is a lot of evidence that the government in Beijing creates enormous terror, particularly for people who are seeking democracy, religious freedom, their human rights and their right to the health of their own cultures. I would ask the government, if it is going to make a reverse implication that there is no evidence, to refute, if it will—and silence on this will be noted—that the government in Beijing serially breach international law, including through torture and the death of prisoners whose only crime is to seek self-determination or freedom, whether they be in Tibet or East Turkistan, or democrats simply campaigning for the rights and freedoms that we have in this Australian democracy in their home country of China.

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

The Senate divided. [3.50 pm]

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

Ayes......... 6
Nees......... 33
Majority...... 27

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

NOES
Adams, J.  Back, C.J.
Bilyk, C.L.  Bishop, T.M.
Bushby, D.C.  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.L.  Hurley, A.
Hutchins, S.P.  Lundy, K.A.
Marshall, G.  McEwen, A.
McLucas, J.E.  Moore, C.
O’Brien, K.W.K.  Parry, S. *
Payne, M.A.  Polley, H.
Pratt, L.C.  Stephens, U.
Sterle, G.  Troeth, J.M.

* denotes teller

Question negatived.

BUSINESS

Consideration of Legislation

Senator MILNE (Tasmania) (3.53 pm)—by leave—I move:
(1) That so much of the standing orders be sus-
pended as would prevent this resolution hav-
ing effect.

(2) That immediately upon receipt of the Re-
newable Energy (Electricity) Amendment Bill 2009 and the Renewable Energy (Elec-
tricity) (Charge) Amendment Bill 2009 from
the House of Representatives the bills have
precedence over all government business un-
til determined.

Question put.
The Senate divided. [3.54 pm]
(The Deputy President—Senator the Hon.
AB Ferguson)

| AYES | 6 |
| Noes | 34 |
| Majority | 28 |

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

NOES
Adams, J.  Back, C.J.
Bilyk, C.L.  Bishop, T.M.
Bushby, D.C.  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.L.  Hurley, A.
Hutchins, S.P.  Ludwig, J.W.
Lundy, K.A.  Marshall, G.
McEwen, A.  McLucas, J.E.
Moore, C.  O’Brien, K.W.K.  *
Parry, S.  Payne, M.A.
Polley, H.  Pratt, L.C.
Stephens, U.  Sterle, G.
Troeth, J.M.  Wortley, D.

* denotes teller

Question negatived.

AUSTRALIAN TERRESTRIAL
BIODIVERSITY ASSESSMENT 2008
Order

Senator SIEWERT (Western Australia)
(3.58 pm) —I move:

That there be laid on the table by the Minister representing the Minister for the Environment, Heritage and the Arts (Senator Wong) by 20 Au-
gust 2009, the Australian Terrestrial Biodiversity Assessment 2008 and all documents used in its
preparation, including drafts.

Senator LUDWIG (Queensland—Special
Minister of State and Cabinet Secretary)
(3.59 pm) —Mr Deputy President, I seek
leave to make a short statement.

The DEPUTY PRESIDENT —Two min-
utes is granted.

Senator LUDWIG—I thank the Senate.
The government cannot support this motion,
as the document requested—the Australian
terrestrial biodiversity assessment 2008—is
not complete. The responsibility for the for-
mer National Land and Water Resources Au-
dit draft Terrestrial biodiversity assessment
was assigned to the Department of Environ-
ment, Water, Heritage and the Arts in No-
vember 2008. The draft report had been con-
sidered by peer reviewers and the states and
territories. All reviewers have identified that
further work was needed to finalise the re-
port; when the draft report was received by
the department that additional work had not
occurred.

The report is currently being revised in
line with comments from the peer reviewers
and the states and territories. When complete
the report will summarise the available data
and information on Australia’s biodiversity,
drawing on multiple sources, and will in-
clude a frank and robust assessment of the
state of Australia’s biodiversity. It is due to
be made available to the public in October
2009. The government informed Senator
Siewert of the timetable in June 2009, when
the very same motion was last considered by the Senate, and the timetable has not changed. I think I may have said that then too.

Senator O’BRIEN (Tasmania) (4.00 pm)—by leave—The government recognises that the Greens and the opposition both support this motion. That therefore means that, although we oppose it, it will succeed and we will not call a division.

Question agreed to.

COMMITTEES
Australian Crime Commission Committee Report

Senator HUTCHINS (New South Wales) (4.01 pm)—I present the report of the Parliamentary Joint Committee on the Australian Crime Commission on its inquiry into the legislative arrangements to outlaw serious and organised crime groups, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator HUTCHINS—by leave—I move:

That the Senate take note of the report.

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

Senator HUTCHINS—Thank you very much, Mr Deputy President. I will commence my remarks today by thanking a number of people. The first, of course, is my parliamentary colleagues, who have been of great assistance—and a number of them also of great knowledge. In fact, we have a number of people formerly of the law enforcement community in the committee. I think Senator Parry was a detective chief inspector. I am not sure what rank Mr Wood obtained in the other House. I would like to thank my colleague Mr Chris Hayes, who has exceptional knowledge of the law enforcement community.

As I said, there is a number of people to acknowledge. The assistance of the secretary, Dr Jaqueline Dewar, was invaluable. Her knowledge of the issues that we dealt with would only be surpassed by professional law enforcement intelligence officers. There is indeed a great respect for Dr Dewar and her contribution to the report. I would like to also thank Dr Robyn Clough, Mrs Nina Boughey, Ms Danielle Oldfield, my own staffer Chris Parkin and of course the many law enforcement agencies, lawyers, interested parties and ordinary people who came forward and made a contribution to this committee. I would also like to thank Monika Sheppard and Dr Richard Grant as well.

Madam Acting Deputy President, if you get an opportunity to read the report, I suggest you read it in conjunction with the report of the delegation that went to North America and Europe in April and May this year, because it does complement the report. The report is very prosaic, I might add—almost in the same way as a work of that great Scottish novelist Lewis Grassic Gibbon, who wrote in a similar fashion.

We were given a task some 17 months ago to look into what legislative arrangements we could suggest to combat serious and organised crime. I believe that, as a result of our inquiry, a number of views about the nature of serious and organised crime in Australia changed. They certainly did change for me. As the chairman I, and a number of others, had the opportunity to go to other law enforcement agencies in other jurisdictions throughout the world. I also recently went on a study tour to three continents to talk to those law enforcement agencies on what
might be the best way to combat serious and organised crime. The picture that comes through on serious and organised crime is that they are international networks, but they are loose; that most serious criminals are not criminals at all—they do not have a criminal record, they are involved in covert acts that make sure they do not get exposure, they adapt quickly, they are functional—and that there is no formal structure. We grappled with this in the committee report and we made seven recommendations. People will have to read the report to see exactly what our recommendations are. As I said, serious criminals adapt quickly and are very functional. We are dealing with intelligent people.

One of the things that came through time and time again from law enforcement agencies throughout the world was that they found that the best method to deal with serious and organised crime was to target the asset rather than the person. Currently in Australia we have, in a number of jurisdictions, proceeds-of-crime legislation under which, if assets can be proven to have been raised through criminal activity, people can be deprived of them. But in our report—and the government has introduced into the House of Representatives legislation that will assist this—we have dealt with the situation of what is called ‘unexplained wealth’, where known people who are involved in criminal activity will have to explain their wealth, how they raised it. If they cannot then it will be forfeited and seized. We found from jurisdiction to jurisdiction throughout the world, and in our own country, that this was seen to be the most successful method by which to deprive criminals of their assets. Paragraph 5.6 on page 98 of the report states:

Mr Raffaele Grassi, from the Italian National Police, highlighted the importance of ‘going after the money’ and depriving criminal groups of their assets. He noted that:

“Mafia members are prepared to spend time in prison, but to take their assets is to really harm these individuals.”

When we went to the Guardia di Finanza in Rome one of the things that they were very proud to tell us about was that their flag flies over a huge complex, which is a seized asset, in a little town in southern Italy called Corleone. That is how they came to the conclusion, as have many law enforcement agencies, that that is one of the best ways to deal with and cripple organised crime.

Crime does involve huge profits. We heard in our inquiry about people importing amphetamines into this country. If they get one container out of three through it is worth the effort. We have seen the corruption of public officers and policemen in this country. But as far as the proceeds of crime is concerned, there are huge profits in it, and drugs and money laundering is the way it is happening, particularly with amphetamines at the moment. In their report for last year, the Australian Institute of Criminology said there had been a 260 per cent increase in arrests for amphetamines. We were told that in the Netherlands an ecstasy tablet costs 2 to 3 in mainland Europe, but you can get AU$20 to AU$30 here, which I think is about 15 to 16. So of course we are going to be targeted in this part of the world.

We have also been told that parents do not want to see needles sticking out of their children’s arms, so of course amphetamines and cocaine are being used more and more by people who are using drugs. In New South Wales last year there was a 58 per cent increase in arrests for people using cocaine.

These are the issues that the committee was confronted with. I hope that people will read the full report. There is one issue in there that a number of my colleagues have made an additional statement about and that is the issue of gang membership. I refer peo-
ple to paragraphs 4.34 and 4.143 in the report. These deal with the issue of so-called bikies. The Australian Crime Commission was not all that interested in it—I might be using the wrong words about them, but they were not. Mr Justice Roberts-Smith from the Western Australian Corruption and Crime Commission was not interested in it either. There are a number of reasons for this. Mainly because, as law enforcement agencies, they are well aware of how much effort has to be put in to try to prove that people are involved in gang membership.

The professionals said that one of the best ways to target serious and organised crime was to target the assets, and that is exactly what our government has done. In the last session of parliament we introduced a bill that goes a significant way towards that. It follows up on the Prime Minister’s National Security Statement of 4 December last year.

So we have the political will, but we also know that a lot of political will is needed in other parts of the world. The global financial crisis has had a tremendous effect on the stability of governments. They talk about failed states in west Africa, where they move from one to another. At the moment Equatorial Guinea is regarded as a haven for criminal activists on the west coast of Africa.

The committee has seen all of these things. There are seven recommendations in the report, which I urge all members to read and, as I said earlier, I also urge members to read the committee reports from North America and Europe. I would like to thank all of those people involved, particularly the secretariat and the secretary.

Senator PARRY (Tasmania) (4.11 pm)—I will commence my comments in relation to the Australian Crime Commission Committee report by acknowledging the work of other committee members, in particular the Chair, Senator Hutchins, whom I will agree with shortly on a minor matter. Second, I would also like to acknowledge the hard work by the secretariat. The report, which is some 200-odd pages long, is the second report that has been produced by Dr Dewar and her staff in a relatively short time frame. We are very appreciative of their efforts and the quality of the production of the report.

The report indicates that we travelled extensively around Australia to examine serious and organised crime within this country. We met with a number of witnesses and received quite a large amount of evidence. Out of the seven recommendations, there are two that I particularly want to comment on. Recommendation 1 at paragraph 2.58 recommends that:

...the ACC work with its law enforcement partners to enhance data collection on criminal groups and criminal group membership, in order to quantify and develop an accurate national picture of organised crime groups within Australia.

Senator Hutchins touched upon this matter and indicated that crime groups and the information about crime groups was not necessarily forthcoming and the data in Australia was not as sophisticated as it could be. I think that this is one of the reasons why the Liberal Party members and Family First found a need to have additional comments in the report. Whilst we support and endorse the report, we wanted to strengthen some of the provisions in the report.

The first recommendation highlights the need for all law enforcement agencies in this country to collate and share information and that the responsibility for the central repository and the collation should be with the Australian Crime Commission. The Australian Crime Commission is the premier intelligence-gathering body in this country and we felt that that would be appropriate. With that, it probably needs police procedures in compiling information, especially at arrest,
highlighting the fact that people belong to particular gangs or organisations, so that this data can be more accurately collected. In the United States of America, in particular, they have a very extensive database on gangs and that aids tremendously in investigations. I think this would help us by putting us in the international scene in relation to having more accurate data.

The other recommendation I will touch upon is recommendation 7 at 6.88 in the report:

The committee recommends that the Australian Government, in consultation with regional partners, give consideration to establishing an intelligence fusion centre in the Oceania region.

This would have enormous benefit for Australia; we could be leaders in this fusion centre. Fusion centres occur in other places in the world where intelligence is gathered and collated on a regional scale—in this case, the Oceania region—in order to assist in law enforcement and be pre-emptive in some cases as well as to be accurate with data collection and focused when combating organised and serious crime.

In my remaining three minutes, I turn to the additional comments that we as coalition members, along with Family First, have seen fit to include in the tail end of the report. The additional comments, as I indicated, do not detract from the report itself but, we feel, strengthen some of the provisions and add provisions that we felt were not necessarily reflected in the recommendations. In particular, in relation to criminal associations, for a long time in police forces around the world there have been forms of consorting laws or laws where association has been deemed to be beneficial. They can prevent associations in order to prevent the conduct or implementation of criminal activity. They also go a long way toward preventing groups from getting together and planning particular operations. We found, as part of the international study tour that the ACC took and also as a part of this particular inquiry, some other interesting aspects, but I will talk about some of the international aspects mentioned in the report:

In Italy, anti-association laws in conjunction with the unexplained wealth provisions—which we wholeheartedly support, provided we get the legislation right. These laws have really gone a long way and—been pivotal in prosecuting major figures in the mafia.

In the United States, the Racketeer Influenced and Corrupt Organisations Act—commonly known as RICO, has been instrumental in prosecuting major crime figures, in particular—the heads of the Gambino and Genovese crime families and their known associates.

In Canada, the Royal Canadian Mounted Police use laws targeting specific offences for participating with a criminal organisation to control outlaw motorcycle gangs—which are a problem in Australia. Finally:

In Hong Kong, anti-association laws were used with great effect against the Triads.

In addition to this, we believe that South Australia’s Serious and Organised Crime Control Act 2008 can be effective. There is also the New South Wales Crime (Criminal Organisations) Act 2009. Furthermore:

... the Queensland government has signalled its intention to implement similar anti-association laws.

Whilst anti-association laws are complex to prosecute and can be divisive in communities, especially where the right to freedom of association is concerned, there is a need for those laws to be there to supplement the other recommendations of the report. Also, as I mentioned, we strongly support the unexplained wealth provisions, which attack the business model of any criminal organis-
tion and so impede them from continuing. If leaders or senior operatives of crime groups are jailed and their organisations still exist, that does not stem the problem. In fact, all it does is allow someone else to step into the breach and to then continue that criminal organisation. By attacking the business model, by removing the money, we go a long way towards dismantling serious and organised crime groups in Australia. I commend the report and thank all those involved.

Senator FIELDING (Victoria—Leader of the Family First Party) (4.18 pm)—I acknowledge the other members of the committee and, while supporting the recommendations in the report, I—unlike, maybe, others—do not see the issue of outlaw motorcycle gangs in serious criminal organisations as a minor issue; I see it as a major issue. You will see at page 161 of the report—it is not labelled as page 161—a statement from Family First and the Liberals. It says that I and Family First:

...certainly believe that outlaw motorcycle gangs are serious criminal organisations and to believe otherwise is a dangerous misconception. Outlaw motorcycle gangs are still a major player in serious and organised crime in Australia, particularly in the illegal drug trade.

I do not want that to be taken as a minor issue; it is still a major issue, and I am concerned that this report, without these comments from the Liberals and Family First, potentially goes soft on outlaw motorcycle gangs and some of the behaviour that they get up to. It is a fairly major issue when you see bikies bashing each other to death in public. Mums and dads get concerned when it is only metres away from kids and other people, and I think that just highlights how serious this issue is. I do not see us dealing with serious and organised crime by saying, ‘That’s not so major; let’s just focus on the big fish and cover unexplained wealth.’ I am a big supporter of provisions to deal with unexplained wealth because they go to the heart of the finances of serious and organised crime. But to see outlaw motorcycle gangs as not needing to have laws put in place nationally to deal with them is, I think, potentially a very dangerous place to be. I quote from an article in the Australian on 15 April 2009, where Senator Hutchins says:

From my point of view, bikies beating to death some bloke at Sydney airport, do you really see that as some sort of overworked criminal operation? They weren’t even in colours.

I am a little concerned about those sorts of statements—‘We won’t worry about that so much because we are worried about serious and organised crime.’ We have an opportunity in parliament, in the Senate, to make strong recommendations after seeing the laws that were passed in South Australia and in New South Wales. The Queensland government has made comments about going the same way and putting association laws in place that would actually get tougher on this thuggery that I think most Australians and Australian families would be concerned about.

I want to make it quite clear that Family First believes we should have stronger national association laws, and we should have uniform laws across Australia so that we do not see the problem just shifting to different states. It has been reported that the laws that some states have around association and outlaw motorcycle gangs will maybe cause those gangs to move to other states with weaker laws. That is a real concern to me. I do not think Australians should be terrorised by outlaw gangs that refuse to operate within the boundaries of our society. We need to go a lot further and that is the reason I have put my name to some stronger statements in regard to outlaw motorcycle gangs.

Many innocent people were frightened and traumatised by the horrific attack at
Sydney Airport, and we must ensure that we have laws in place to prevent another episode such as that. I do not want to undermine the unexplained wealth recommendations, but I certainly do not want to be seen to be going soft on this issue. It is not a case of either/or and it is not a case of just getting the unexplained wealth legislation in place; we should also be putting in place national association laws across the country.

Senator POLLEY (Tasmania) (4.23 pm)—I rise to speak on the report of the Inquiry into the legislative arrangements to outlaw serious and organised crime groups. The terms of reference for the committee were to examine the effectiveness of legislative efforts to disrupt and dismantle serious and organised crime groups and associations within these groups. Although no-one doubts the need to work constructively to limit the scope and opportunities for criminal groups, the contentious points are how to define a criminal group and when and how to act against it. While Australia faces the threat of an increase of organised crime, especially transnationally based criminal activity, we are still unable to offer a universally supported definition of what constitutes a criminal group. And, as we are all aware, we cannot hope to control something that we cannot even define.

Serious and organised crime costs our nation approximately $10 billion per annum causing untold financial and social havoc in the process. Each year these criminal groups become more sophisticated, adopt more advanced technologies, operate more fluidly across international borders and perform in more flexible and unstructured ways. Given the enormous amount of money made from organised crime, we as a nation need to push for strong and consistent unexplained wealth provisions and proceeds of crime laws. Such provisions offer significant benefits for disrupting the operations of criminal groups through:

- preventing crime from occurring by ensuring profits cannot be reinvested in criminal activity …
- disrupting criminal enterprises;
- targeting the profit motive of organised criminal groups; and
- ensuring that those benefiting most from organised crime … are the ones captured by the law.

The Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 contains unexplained wealth provisions, and I fully support the committee’s recommendation that the bill be passed. I am also equally supportive of the recommendation calling on the Commonwealth government to examine a more integrated model of asset recovery with one agency responsible for investigation and prosecution. This, together with the continued civil forfeiture regime of the Proceeds of Crime Act 2002 and unexplained wealth provisions, will allow law enforcement in this country to limit the capacity of organised crime groups to conduct and grow their businesses.

I note one concern in the report handed down by the delegation to North America, Europe and the United Kingdom. Each nation that was visited expressed concern that attempts to introduce a charter of human rights or similar expanded human rights mechanisms lead to a diminished capacity of law enforcement to investigate and prosecute criminal activity. Criminal groups will exploit every possible loophole at their disposal, and this includes using human rights as a platform for their own preservation. Far from suggesting that human rights should be secondary to law enforcement, I would simply ask governments, both state and Commonwealth, to consider the impact of a charter of human rights on effective law enforcement.
A second concern is one issue that was heavily discussed and hotly contested during the inquiry. The introduction of the Serious and Organised Crime (Control) Act 2008 by the South Australian government holds implications for all levels of government. The act establishes a framework under which a group or club can be declared an organised crime group. The original impetus behind the act was the actions of certain motorcycle groups and the media attention drawn to the criminal activities of such groups. The main points of contention were the labelling of individuals as criminals simply through their membership of a group, freedom of association and the effectiveness of the act in disrupting criminal activities. I personally feel that the jury is still out on whether this approach is the best one. I am not convinced that the blanket banning of motorcycle groups does effectively disrupt the operations of criminal activities. My concern is that the ban may simply drive the activities further underground, thus making it harder to tackle. Criminals are highly unlikely to cease their activities just because a ban is in place. They will continue to conduct themselves in a criminal way and will continue to recruit just as heavily to their ranks. The only people who are likely to be disrupted through such a ban are those members who act in a law-abiding manner and associate out of shared experiences and mutual interests.

Finally, I would like to thank those witnesses that came before the committee and those that gave written submissions. I would like to put on record my thanks to the secretariat and my Senate and House of Representatives colleagues on this committee and also particularly note the chairman’s contribution to this report. I also encourage all senators to read this report because the increase in organised crime in this country is very, very concerning. I commend the report to the Senate.

Senator XENOPHON (South Australia) (4.28 pm)—Whilst not a member of the committee, this is an area that I have been particularly interested in since I was a state member of parliament in South Australia. I would like to thank Senator Parry for giving me three minutes of his time, which is all I need and is probably more than enough. This report is very important given the pernicious impact these gangs, whether outlaw motorcycle gangs or other organised crime gangs, have on society.

Like a lot of people I wondered how there could even be self-described outlaws in this country. Central to our democracy is the notion that the laws of our land apply to all of us, that no-one is above the law and that no-one should be allowed to act above the law. State governments including the government of my home state, South Australia, often talk tough about taking on organised criminal bikie gangs. I welcome the moves that the South Australian government has made in terms of laws of association, but I am disappointed that, in the more than two years since I called for improved unexplained wealth legislation to be changed in South Australia, the state government is still considering that.

Behind most crimes is greed. Many of these gangs believe that crime pays, so law makers have to ensure that crime does not pay. If you want to tackle these groups effectively, hit them where it hurts: in their bank accounts. That is why I have called on Premier Rann in my home state to move for unexplained wealth legislation that greatly improves on what we have had in South Australia previously. I think this report provides a template for further reform. In South Australia right now it is up to authorities to prove that wealth has come from the proceeds of crime. A better, more effective test is for these criminal gangs to prove their wealth was obtained honestly. Reversing that onus would make a significant difference.
Edmund Burke once said: ‘The only thing necessary for evil to prosper is for good people to do nothing.’ The very presence of these gangs undermines society. They are a corrosive and destructive element in our society. We need to use every possible means to emasculate them and wipe them out. I think it is incumbent upon governments to ensure that the self-described outlaws are held accountable through effective laws. I welcome this report as advancing the debate. I hope that the federal government and state governments act urgently to implement a number of these recommendations, particularly in relation to unexplained wealth.

Debate (on motion by Senator Williams) adjourned.

Environment, Communications and the Arts Legislation Committee

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

Senator SHERRY (Tasmania—Assistant Treasurer) (4.32 pm)—by leave—I move:

That Senator Macdonald replace Senator Troeth on the Environment, Communications and the Arts References Committee for the period 6 to 23 October 2009, and Senator Troeth be appointed as a participating member of the committee.

Question agreed to.

NATIONAL GREENHOUSE AND ENERGY REPORTING AMENDMENT BILL 2009

First Reading

Bill received from the House of Representatives.

Senator SHERRY (Tasmania—Assistant Treasurer) (4.33 pm)—I move:

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

Question agreed to.

Second Reading

Senator SHERRY (Tasmania—Assistant Treasurer) (4.34 pm)—I present a revised explanatory memorandum relating to the bill and I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The purpose of the National Greenhouse and Energy Reporting Amendment Bill 2009 is to make minor — but important — amendments to the National Greenhouse and Energy Reporting Act 2007.


This framework is valuable in allowing the Government to move forward in its efforts to combat climate change in an economically responsible way.

Under the Act, corporations which exceed certain thresholds are required to register and report emissions and energy data to government. The first reporting period under the Act is the current financial year, 2008-09.

Data collected under the Act will facilitate effective policy making by providing a national repository for emissions data to serve the needs of all Australian governments.

Australia is already recognised as a world leader in the collection of emissions data and the amendments contained in this Bill will only serve to further strengthen our system.

The legislation will underpin the introduction of the Carbon Pollution Reduction Scheme, assist the Government to meet Australia’s international reporting obligations and facilitate the reduction of duplicative industry reporting requirements under existing state, territory and Commonwealth programs.
The amendments in this Bill will improve the functions of the Act and strengthen the audit framework provided for in the Act. It is also important to recognise that the Bill imposes no burdens on industry beyond those originally intended by the Act.

This Bill demonstrates the Government’s continued dedication to an efficient and effective National Greenhouse and Energy Reporting System. These amendments also support this Government’s commitment to establishing a Carbon Pollution Reduction Scheme using a staged approach to ensure a smooth transition for business and other affected parties.

In some cases, the amendments better reflect the original policy intent behind the Act. In other cases, the Bill responds to issues raised by stakeholders in consultations. In particular, the Bill focuses on the audit framework to be established under the Act, and for the Carbon Pollution Reduction Scheme and responds to feedback from consultation on this framework.

This Bill will increase the effectiveness of the audit framework under the Act and corrects potential stakeholder confusion surrounding terminology.

The phrase ‘external auditor’ has been replaced with ‘audit team leader’ and ‘registered greenhouse and energy auditor’ to reduce any confusion relating to the status and role of auditors under the Act.

Another upgrade to the Act requires audit team leaders to register with the Greenhouse and Energy Data Officer. Domestic and international emissions reporting and trading systems include registration or certification to control the quality of the auditor pool. This registration framework will reflect existing domestic and international best practice.

Stakeholder feedback was supportive of a registration process for auditors, and through this amendment the Government is delivering the necessary framework for a robust auditor registration system.

This Bill also allows the Minister to determine, by legislative instrument, the requirements for the preparation, conduct and reporting of audits. This will ensure greater levels of consistency in the conduct of audits and reports provided by auditors. The amendments also clarify that the legislative instrument may outline different types of greenhouse and energy audits. This will provide the regulator with flexibility to target audits towards achieving specific outcomes.

Other amendments protect commercially sensitive information. Stakeholders have told us that reporting entities need confidence that commercially sensitive data will be protected, and this Government is responding.

The Act facilitates greater levels of public information and corporate accountability in relation to greenhouse and energy information. This needs to be balanced with ensuring the legislation does not undermine commercial information that is validly confidential.

To ensure this Bill has the teeth to respond to possible commercial secrecy breaches, the Bill will include an offence relating to the release of ‘audit information’, other than for the purpose of the Act or other Commonwealth, state and territory laws.

Further, under paragraph 23(2)(d) audit team members will be required to keep greenhouse and energy information and audit information obtained under the Act, confidential.

Accountability is an important component of a world-class reporting system. Amendments to section 56 entitle the Administrative Appeals Tribunal (AAT) to review decisions by the Regulator to not register an auditor. This ensures that statutory decision-making is transparent and defensible.

The amendments also give the regulator the power to publish certain audit results. Currently the regulator has no power to disclose information on the outcomes of audits to the public.

Stakeholders agree with us that this power is required. They have indicated a significant interest in the public having access to audit outcomes. This will assist the public to ascertain the reliability of a corporation’s published greenhouse and energy information.

In making this information publicly available, the Government recognises the importance of establishing clear criteria for disclosure. The amendment does not imply that the GEDO must publish
the outcomes of certain audits. Rather, after taking a variety of issues into account (including commercially sensitive information) the GEDO may make audit outcomes available to the general public.

The Bill is underpinned by broad stakeholder consultations over the past year and will support the continued development of a world-class National Greenhouse and Energy Reporting System and robust reporting for the Carbon Pollution Reduction Scheme.

In January of this year a consultation paper sought feedback on the removal of the requirement for the regulator to publicly disclose corporate level energy production data. The aim was to eliminate confusion between economy-wide energy production statistics produced by the government and corporate level energy production totals.

Whilst some stakeholders were concerned that this amendment would reduce public access to important greenhouse gas emissions data, it is important to note that the proposed amendment will not impact access to greenhouse gas emissions or energy consumption data.

Rather, the amendment will remove the obligation for the regulator to publish information that is aggregated in such a way as to be unusable and potentially misleading. The proposed amendment will address potential confusion between economy-wide energy production statistics produced by the government and corporate level energy production totals.

Importantly, this will not affect the reporting obligations of corporations registered for reporting under the Act. Neither will it affect the publication of corporate-level greenhouse gas and energy consumption data.

Collection of energy production data will remain a key component of the Act, to inform government on energy flows across the Australian economy and to underpin the Australian Bureau of Agricultural and Resource Economics’ energy statistics. The Australian Energy Statistics provides public data on energy production that is readily interpreted and useable.

The National Greenhouse and Energy Reporting System provides for comprehensive reporting of greenhouse and energy data. It will also eliminate duplicative industry reporting requirements under the existing patchwork of state, territory and Commonwealth greenhouse gas and energy programs. It provides a centralised repository for data which will serve the needs of all Australian governments and the Australian public.

The Government will continue working with the states and territories through the Council of Australian Governments (COAG) to identify opportunities for further streamlining of reporting requirements via this system.

Since the public release of the NGER Amendment Bill 2009, the Government has received additional feedback from industry seeking increased flexibility in establishing reporting arrangements under the National Greenhouse and Energy Reporting System from the first reporting year of 2008-2009.

To provide this increased flexibility, the Government has moved additional amendments which introduce the ‘Reporting Transfer Certificate’ concept. This concept allows the voluntary transfer of reporting responsibility from a controlling corporation where one member of its group has operational control of a facility to a member of a different corporate group that has financial control of that facility.

Importantly, holders of a Reporting Transfer Certificate will take on all reporting obligations and liabilities under the Act, and will be a constitutional corporation in line with current coverage of the Act.

To enable the Reporting Transfer Certificate concept, the amendments also introduce new terminology, concepts and rules outlining how and when Reporting Transfer Certificates are applied for, issued, surrendered and cancelled.

By design, the provisions will closely reflect the existing Category B Liability Transfer Certificate provisions outlined in the Carbon Pollution Reduction Scheme legislation. This will promote consistency between the National Greenhouse and Energy Reporting System’s reporting regime and the future Carbon Pollution Reduction Scheme, thereby ensuring a high degree of continuity between current and future reporting arrangements.
The Reporting Transfer Certificate concept, which applies until 30 June 2011, does not impose any financial liability. With the introduction of the Carbon Pollution Reduction Scheme, corporations with operational and financial control of a facility will need to apply for a Liability Transfer Certificate with the Scheme Authority should they wish to transfer liability under the Scheme.

These additional provisions are to commence on the day after Royal Assent and will be voluntary, reduce administration and economic costs on industry and impose no additional burden on industry stakeholders beyond those originally intended by the Act.

This Bill is the result of continued comprehensive stakeholder consultation on the Act and the Carbon Pollution Reduction Scheme. Consultation has included numerous discussions papers seeking stakeholder feedback, workshops and one-on-one discussions with key affected parties.

We’ve struck a balance between disclosing useful information to the public, through including provisions for disclosure of audit outcomes, whilst protecting commercially sensitive information.

The amendments will make the audit framework for the Act and the Carbon Pollution Reduction Scheme more robust, to support this Government’s commitment to economy-wide accountability for greenhouse gas emissions production and energy use.

I commend this Bill.

Debate (on motion by Senator Sherry) adjourned.

Ordered that the resumption of the debate be made an order of the day for a later hour.

BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT AMENDMENT (TRANSITION TO FAIR WORK) BILL 2009

ROAD TRANSPORT REFORM (DANGEROUS GOODS) REPEAL BILL 2009

First Reading

Bills received from the House of Representatives.

Senator SHERRY (Tasmania—Assistant Treasurer) (4.34 pm)—I indicate to the Senate that 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 SHERRY (Tasmania—Assistant Treasurer) (4.35 pm)—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—

Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009

Introduction

The building and construction industry is a critical sector of our economy with immediate and direct impacts on jobs, growth and productivity. Its importance is demonstrated by the scale and scope of construction funding the Australian Government has committed through the Nation Building and Jobs Plan which will result in 35,000 construction sites around the country, building the infrastructure we need for tomorrow and supporting jobs today. This construction activity is the direct result of the Government’s $29.9 billion investment in schools, housing, energy efficiency, community infrastructure, roads and support to small businesses.

As our Budget set out, a central feature of our economic recovery plans is our Nation Building for the Future package, which bills on our earlier economic stimulus plans and delivers:

$8.4 billion in new road, rail and ports infrastructure;
$4.7 billion for the National Broadband Network; 
$3.1 billion for new hospitals and medical facili-
ties; 
$2.6 billion for education infrastructure; and 
$3.5 billion for clean energy developments.

A total additional spend of over $22 billion to see 
the nation through the current global recession to 
a stronger future by boosting our long term pro-
ductive capacity through investing in skills, edu-
cation and human capital.

While we can design these nation building initia-
tives, our capacity to deliver on them is depend-
et on having a safe, productive and harmonious 
construction industry.

Prior to the 2007 election, the Labor Party prom-
ised that it would retain the Office of the Austra-
lian Building and Construction Commissioner 
(the ABCC) until 31 January 2010, when it would 
be replaced by a specialist Fair Work inspectorate.

Labor also committed to consult extensively with 
industry stakeholders to ensure the transition to 
the new arrangements would be orderly and effec-
tive. On this basis, in June 2008 I appointed the 
Hon Justice Murray Wilcox QC, a retired Federal 
Court judge, to consult and report on matters re-
lated to the creation of the specialist Fair Work 
Inspectorate. Mr Wilcox provided his report in 
March this year having consulted very widely via 
face to face meetings around the country, by re-
ceiving written submissions and through public 
debate forums and industry events. Mr Wilcox 
undertook a considerable amount of work and I 
take this opportunity to thank him for his efforts 
and his thoughtful and balanced report.

Since receiving Mr Wilcox’s report the Govern-
ment has undertaken further consultations on the 
report’s recommendations with stakeholders, in-
cluding with my State and Territory workplace 
relations Ministerial colleagues, in finalising the 
Government’s response. I thank all stakeholders 
for their contributions and submissions to the 
consultations with Mr Wilcox and the Govern-
ment.

The Bill before us today delivers on the Rudd 
Government’s election commitment to the Austra-
lian people.

The Government understands that the building 
and construction industry stakeholders do not 
agree on all matters but we must agree, as I am 
sure that every decent Australian agrees, that 
there is no place in any industry for people choos-
ing which laws to obey and which ones to ignore; 
for underpayment of wages or sham contracting 
or violence and intimidation in the workplace. 
Labor is committed to implementing a strong set 
of compliance arrangements for the building in-
dustry, a strong “cop on the beat”, and the Rudd 
Government has consistently stated that anyone 
who breaks a law will feel the full force of the 
law.

Description of the Bill

The principal object of the Bill recognises the 
Government’s intention to provide a balanced 
framework for cooperative and productive workplace 
relations in the building and construction industry.

A key objective of this bill is compliance with 
workplace relations law in the industry by all 
business industry participants including employ-
ors, employees and their respective associations.

This Bill aims to provide fairness in the industry 
by ensuring that information, advice and assis-
tance is available to all building industry partici-
pants in connection with their rights and obliga-
tions under relevant laws.

The Bill provides effective means for investiga-
tion and enforcement of relevant laws while bal-
ancing the rights of building industry participants 
through the provision of appropriate safeguards in 
relation to the use of enforcement powers.

This Bill seeks to improve the level of occupa-
tional health and safety in the building industry. 
The Bill retains the Office of the Federal Safety 
Commissioner (OFSC) and its related Accredita-
tion Scheme which have resulted in demonstrated 
improvements in the occupational health and 
safety practices and records of accredited compa-
nies and related projects.

ABCC to be replaced

This Bill gives effect to the Government’s elec-
tion commitment to abolish the ABCC and tran-
fer its responsibilities to a specialist Fair Work 
inspectorate from 1 February 2010.
The Bill creates the new Office of the Fair Work - Building Industry Inspectorate (the Building Inspectorate) and provides that this new agency will ensure compliance with the general workplace relations laws, as prescribed in the Fair Work Act 2009 by all building industry participants.

The creation of the Building Inspectorate creates certainty for industry participants, and it meets our election commitment to keep a strong "cop on the beat" for the benefit of the industry and the economy.

The Independent Building Inspectorate

The Building Inspectorate created by this Bill will be headed by an independent Director appointed by the Minister. The Director will manage the operations of the Building Inspectorate and will not be subject to oversight or control by other statutory office holders.

This model gives best effect to Mr Wilcox' recommendation that the Director have 'operational autonomy' and reflects various stakeholder consultations on this point.

This structure also gives the best possible effect to Mr Wilcox' recommendation to provide identified funding to the inspectorate and its own dedicated operational staff, including inspectors.

Consistent with Mr Wilcox' recommendations the Bill also creates an Advisory Board to make recommendations to the Director on the policies and priorities of the Building Inspectorate. While the Advisory Board will not determine the Inspectorate’s policies and priorities, the Director will consider their recommendations when determining the policies and priorities of the Building Inspectorate.

Mr Wilcox noted that, across the nation, there exists differing levels of unlawfulness within the building and construction industry. The Government believes that it is important to ensure that every effort should be made to focus compliance activities where those activities are most needed.

Consequently, today I will issue a Ministerial direction to the Australian Building and Construction Commissioner, under section 12 of the Building and Construction Industry Improvement Act, to provide a report to me which maps out the ABCC's resources allocation and placement compared to locations with high levels of unlawfulness as evidenced by allegations, investigations, prosecutions, audits and the like. This report will be required by 27 July 2009.

I will consider this report in the context of ensuring that the resources of the ABCC and from 1 February 2010 the Building Inspectorate are focused on those areas that have a demonstrated culture of unlawful behaviour.

Scope and Penalties

Consistent with Mr Wilcox' recommendations, the definition of ‘building work’ is amended to remove its coverage of off-site work; thereby focussing the scope of the Inspectorate's operations on work on sites.

The Building Inspectorate will be charged with enforcing the building industry's compliance with the general law as prescribed in the Fair Work Act. As recommended by Mr Wilcox, the Bill removes:

- higher penalties for building industry participants for breaches of industrial law, and
- broader circumstances under which industrial action attracts penalties in relation to the building industry.

The retention of coercive interrogation powers

While building participants will be subject to the same penalties as other workers Mr Wilcox found that the need to retain the existing coercive interrogation powers was proven.

Mr Wilcox describes the ongoing need for coercive powers in the Report as follows.

“It is understandable that workers in the building industry resent being subject to an interrogation process, that does not apply to other workers, designed to extract from them information for use in penalty proceedings against their workmates and/or union. I sympathise with that feeling and would gladly recommend against grant of the power. However, that would not be a responsible course. I am satisfied there is still such a level of industrial unlawfulness in the building and construction industry, especially in Victoria and Western Australia, that it would be inadvisable not to empower the [Specialist Division] to undertake compulsory interrogation. The reality is that, without such a power, some types of contravention would be almost impossible to prove.”
I have reached the opinion that it would be unwise not to endow [Specialist Division] (at least for now) with a coercive interrogation power. Although conduct in the industry has improved in recent years, I believe the job is not yet done.”

The Government accepts the need to retain these powers.

In retaining the coercive interrogation powers this Bill also includes the following safeguards, including all of the safeguards recommended by Mr Wilcox, in relation to the use of the power:

- use of the powers is dependent on a presidential member of the Administrative Appeals Tribunal being satisfied a case has been made for their use,
- persons required to attend an interview may be represented by a lawyer of their choice and their right to claim legal privilege and public interest immunity will be recognised,
- persons required to attend a interview will be reimbursed for their reasonable expenses,
- all interviews are to videotaped and undertaken by the Director or their deputy,
- the Commonwealth Ombudsman will monitor and review all interviews and provide reports to the Parliament on the exercise of this power, and
- the powers will be subject to a five year sunset clause.

The Bill contains a sunset clause for the coercive powers at the end of five years from 1 February 2010. A review will occur prior to the sunset on all matters relating to compliance in the building and construction industry. Such a review would be inclusive of all stakeholders.

With respect to the issuing of an examination notice that the presidential member must be satisfied that:

- all other methods of obtaining the material or evidence have been tried or were not appropriate;
- the information or evidence would be likely to be of assistance to the investigation; and
- it would be appropriate, having regard to all of the circumstances, to issue the examination notice.

As detailed in the Bill’s Explanatory Memorandum, it is intended that the presidential member takes into account all of the relevant circumstances when making a decision as to whether the issue of an examination notice is warranted. The relevant circumstances include whether the alleged breach is sufficiently serious or whether being required to comply with a notice would have an undue impact on the person.

Relevantly in his report Mr Wilcox says:

‘… I am confident the safeguards I have recommended, if implemented, will minimise the unnecessary use, and potential misuse, of the power; without impeding, or significantly delaying, investigations…’

The Government agrees with this assessment and sees these measures as providing appropriate safeguards to the use of these powers.

It is appropriate at this time that I also inform the House that today I will be issuing a Ministerial Direction under the Building and Construction Industry Improvement Act to the Australian Building and Construction Commissioner concerning the application of coercive powers and the conduct of compulsory interviews.

This Direction will require the following safeguards be implemented;

- The legal representative permitted to attend with a person who is the subject of a coercive powers hearing may sit and speak with their client at all times, speak on behalf of the client and be given the time and privacy to consult and advise the client;
- The ABC Commissioner must comply with the model litigant policy of the Commonwealth;
- The ABC Commissioner must provide a reasonable opportunity for an objection to be raised to a particular exercise of the coercive power and allow any such objection to be tested in an appropriate court or tribunal;
- Before exercising the coercive power, the ABC Commissioner must provide a nominated person who is a Presidential Member of the AAT, acting in their personal capacity, with a report describing the person against whom the power is to be exercised, the pur-
pose of the exercise of power, the urgency, the likely effect on the person and whether the purpose can be achieved in another way; and

- Having provided the report the ABC Commissioner must consult with the nominated person and receive written advice from the nominated person on their opinion in respect of the proposed exercise of power.

This Direction will take effect from 3 August 2009 in order to allow the ABC Commissioner to put the necessary mechanisms in place and for me to appoint the nominated person.

Coercive interrogation powers and the Independent Assessor

The Government is heartened by the fact that Mr Wilcox is not of the view that there are widespread and broad problems for the industry across the country. We agree and note that the vast majority of participants in the industry are hard working and law abiding men and women.

But the reality is there are also problems in this vital sector. There is a clear and immediate need to drive cultural change in some key areas of the industry.

According, the legislation is aimed at driving cultural change in the industry and focussing compliance activities where those activities are most needed.

On this basis the Bill creates an office, the Independent Assessor – Special Building Industry Powers, who may, on application from stakeholders, make a determination that the coercive interrogation powers will not apply.

It is important to explain how this ‘switch off’ power will work.

From 1 February 2010 the increased safeguards on the use of coercive powers will apply to all existing and new projects.

All projects that commenced prior to 1 February 2010 will remain covered by coercive powers.

All projects that commence on or after 1 February 2010 will start with the coercive powers ‘switched on’.

On projects that commenced on or after 1 February 2010 an interested person will be able to make an application to the Independent Assessor to have coercive powers switched off in relation to a specific project.

In determining whether to switched off the coercive powers, the Independent Assessor must be satisfied that:

(a) it would be appropriate to make the determination, having regard to:

   (i) the object of this Act; and

   (ii) any matters prescribed by the regulations; and

(b) it would not be contrary to the public interest to make the determination.

In the event that a project where the coercive powers have been switched off experiences industrial unlawfulness the Independent Assessor may rescind or revoke the original decision; thereby switching the powers back on. Additionally, the Director of the Building Inspectorate may request the Independent Assessor reconsider the decision at any time based on changes in circumstances on a specific project.

These provisions ensure that the powers are focussed where they are needed most. The Government is determined to encourage lawful behaviour and a change in the industry’s culture. These arrangements provide the industry with the opportunity to demonstrate that the requisite lawful culture is in place and the opportunity for the law abiding majority to not be tarred with the same brush as the unlawful rogue elements.

The Office of the Federal Safety Commissioner

Finally, the Government knows the importance of safety at work in the building and construction industry. This bill retains the provisions of the BCII Act that relate to the Office of the Federal Safety Commissioner (OFSC) and its related OHS Accreditation Scheme (the Scheme).

The Government’s review of existing regulatory arrangements for the building and construction industry never intended to address the OFSC and the Scheme as it has always been the Government’s intention to retain the OFSC and the Scheme. These issues were deliberately not included in Mr Wilcox terms of reference on this basis.

The OFSC and the Scheme are strongly supported in the industry and retention of the OFSC and the
Scheme reflects the Government’s commitment to OHS compliance in this vital industry.

Conclusion

This bill ensures balance and fairness for all participants in the Australian building and construction industry.

There are those who will be critical of the Government’s reforms; on both sides of the industry. We accept that differences in views and perspectives make this criticism almost inevitable and that some may be disappointed in some parts of this Bill. I am also disappointed; disappointed that there are still pockets of the industry where people think they are above the law, where people engage in intimidation and violence.

Having said that, the Government believes that the safeguards that are being introduced achieve the balance required to ensure compliance with the law and the fair treatment of individuals. Law abiding industry participants have nothing to fear from the existence of these strong powers to deal with rogue elements in the industry. Ultimately, whether or not the powers are used is in the hands of all building industry participants itself. If the law is abided by then the powers will not be used.

The Rudd Labor Government is resolute in honouring its election commitment to abolish the Australian Building and Construction Commission and replace it on 1 February 2010 with a new specialist Fair Work inspectorate.

The Rudd Labor Government believes in making this nation stronger and fairer. The Government understands that only considered, fair and balanced laws will create the sort of long-term change Australia’s building and construction industry needs if it is to flourish, create jobs and make a positive contribution to national productivity and prosperity.

That is what this Bill does. I commend the Bill.

Road Transport Reform (Dangerous Goods) Repeal Bill 2009

The Road Transport Reform (Dangerous Goods) Repeal Bill (the Bill) 2009 meets the Australian Government’s obligation, under the Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport, to repeal any road transport legislation that has been enacted by the Commonwealth on behalf of the ACT, to coincide with the passage of legislation by the ACT Government.

The Inter-Governmental Agreement sets out principles and processes for cooperation between the Commonwealth, States and Territories to progress regulatory and operational reform for road, rail and intermodal transport, in order to deliver and sustain nationally consistent transport outcomes.

The bill will repeal the Road Transport Reform (Dangerous Goods) Act 1995, which will allow the Australian Capital Territory (ACT) Government to implement the updated Australian Dangerous Goods Code, and the associated model legislation, into its own legislative arrangements in the same manner as other States and Territories.

The ACT cannot implement the updated dangerous goods code and the associated model legislation until the Australian Government repeals the existing dangerous goods transport legislation.

The repeal will come into effect on a day to be fixed by proclamation to coincide with the passage of legislation by the ACT Government to ensure that a seamless transfer to the new dangerous goods transport provisions occurs.

I commend the Bill.

Debate (on motion by Senator Sherry) adjourned.

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

COMMITTEES

Economics References Committee Report

Senator EGGLESTON (Western Australia) (4.36 pm)—I present the report of the Senate Economics References Committee on the operation of employee share schemes in Australia, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.
Senator EGGLSTON—by leave—I move:

That the Senate take note of the report.

Employee share schemes are very widely regarded around the world as being very beneficial to employees in many businesses. There are huge schemes in both the United States and the United Kingdom. They undoubtedly have the benefit of involving employees directly in the success of whatever the enterprise is and they are regarded as improving employee morale and producing better business outcomes. While employee share schemes in Australia are not huge, they are well established. The changes the government made in the May budget were regarded as somewhat controversial. One of the proposals the government made was that employee share schemes should be taxed upfront—that is, on acquisition rather than at some other point such as when the employee left employment or after a period of time such as seven or 10 years. Another serious criticism was that the tax break relating to the first $1000 in value of employee shares was to be changed. This was criticised because the tax break was eliminated for employees earning more than $60,000, which is not regarded as a huge income in this day and age.

There was an outcry across the board at the government’s proposed changes—from unions and employee organisations as well as shareholder groups and employee groups. Employee share schemes were put on hold in many companies around this country because of the outcry which occurred. As a result of that outcry, and in response to opposition led by Tony Smith in particular, to ensure that the changes be made more equitable, the government has now caved in. The threshold for the tax break relating to the first $1,000 of share value being exempt from tax has now been increased to $180,000 per employee. That is a reasonable change, I think most people agree. It is interesting that in many other countries the tax exempt threshold is somewhat higher. In the United Kingdom, for example, it is around £3,000, which is equivalent to $9,000, more or less, in Australian currency. That of course means it becomes quite attractive to employees to get into these schemes and acquire shares in their own organisations.

There was some discussion in the report about where the point of taxation should be: whether it should be at the point of acquisition of the shares—that is, when the individual acquired the shares for the first time—or, for example, when they left their employment with that company. It seems a little unfair to tax people as soon as they get shares, but the government thought that there were good arguments for that. However, in response to submissions and comment made again by Tony Smith, our shadow minister in this area, there has been an agreement that it may be possible to defer tax when there is a real risk of forfeiture of the shares.

Unfortunately, the legislation does not contain a definition of ‘real risk of forfeiture’, which one can only regard as being somewhat remiss if that is going to be a key point at which tax is applied. But there were some examples given. If, for example, an employee had to be still in the company after three years, then he might be regarded as having a real risk of forfeiture or, if an employee gets to keep shares only if the company share price has risen over a designated period—namely, 18 months—and if the company share value has fallen, I presume at that time the employee might forfeit the shares. Where the share package is split, the tax benefit is also split. We were told that the Australian Taxation Office would regard the real risk of forfeiture as being greater than a mere possibility but less than a significant or substantial risk, all of which sounds rather
woolly to me but I am sure that lawyers will spend a lot of time and have a lot of interest in making these definitions more focused.

There were some real criticisms of the Australian system of employee share schemes and these changes. Firstly, there was no consultation with industry prior to the changes and that was regarded as being very undesirable. Big companies, like Rio, which have enormous employee share schemes across the world, felt that they should have been consulted. It became apparent that there was very little data about employee share schemes operating in Australia, notwithstanding the fact that such schemes have proved to be so beneficial around the globe. It was thought there was a need for employee share scheme policy to be consistent with other reviews which are going on, such as that of executive remuneration, because often shares play a big part in executive remuneration. There was a view that Australian employee share schemes are inconsistent with those operating in other countries in some cases, such as this proposal that shares should be taxed at acquisition rather than when sold or when a person left the company.

Most importantly, a criticism was made that there has been no assessment of the impact on our economy as a whole of employee share schemes in spite of the fact that they have been found to be so useful in other countries, such as the United States and the United Kingdom. I think there is no doubt whatsoever in the minds of the people who are on the Economics References Committee that more needs to be done to highlight the value of employee share schemes and their potential value to the Australian economy.

Senator HURLEY (South Australia) (4.44 pm)—I want to explain the Labor senators’ dissenting report to the Economics References Committee’s report on the operation of employee share schemes in Australia. We were very concerned about the integrity of the Australian taxation system and were dismayed that the majority report paid little attention to the tax avoidance that has previously been carried on under the protection of employee share schemes and that the majority of senators did not appear to think that this was a significant problem. The government clearly does believe that it is a significant problem and that large-scale avoidance has been allowed to continue for far too long—mostly to benefit executives, who benefit from employee share schemes, not workers, who are entitled to small amounts under the employee share scheme.

Senator Pratt and I wrote the dissenting report. We are very supportive of employee share schemes as a way for businesses to encourage interest among workers in their own company and for workers to feel a part of the company, so there was no suggestion that employee share schemes do not have their value. But, as Senator Eggleston has just reinforced, to say that employee share schemes in Australia are not adequately promoted and highlighted and to suggest, as the majority report did, that they would be an alternative to our existing superannuation scheme is absolute nonsense.

In the US and the UK, from where the majority report got a lot of its evidence, there is no employer guaranteed superannuation scheme as there is in Australia, and that is causing those countries a great deal of trouble. The superannuation system in place in Australia allows employees to have superannuation which is broadly based over a range of companies; it is not unduly weighted on the company that they work for. This has caused severe problems in the United States when a company’s shares drop dramatically or when the company itself goes broke. The employees not only lose their jobs but also lose their superannuation. I was very disap-
pointed to see in the majority report the suggestion of increasing employee share schemes to the detriment of our existing superannuation scheme.

The dissenting senators recognise the value of employee share ownership and of improving regulation to combat tax avoidance and to benefit Commonwealth revenues to the extent of $135 million over the forward estimates period, which would ensure equity and integrity and continued support for employees share schemes. Labor members strongly support the government’s measures on employee share schemes. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**TELECOMMUNICATIONS LEGISLATION AMENDMENT (NATIONAL BROADBAND NETWORK MEASURES No. 1) BILL 2009**

*Report of the Environment, Communications and the Arts Legislation Committee*

**Senator FARRELL** (South Australia) (4.48 pm)—On behalf of the Chair of the Senate Environment, Communications and the Arts Legislation Committee, Senator McEwen, I present the report of the committee on the Telecommunications Legislation Amendment (National Broadband Network Measures No. 1) Bill 2009, together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

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

*Second Reading*

Debate resumed.

**Senator CASH** (Western Australia) (4.50 pm)—I rise to speak on the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009. The bill amends the Higher Education Support Act 2003 for the following purposes: to allow higher education providers to impose an annual capped compulsory student services and amenities fee of $250 from 1 July 2009, and to establish the Higher Education Loan Program to enable eligible students to access a loan for the fee and for a range of associated issues. One might say, when looking at that purpose, that it is fairly innocuous at first glance. However, having studied the bill and listened to the Labor rhetoric surrounding the bill, two questions immediately come to mind. The first is: when is a tax not a tax? That is when it is introduced by the Labor Party. And the second is: when is a promise not a promise? Once again, when it is made by the Labor Party, particularly in the context of the 2007 election.

At the 2007 election the Labor Party told the people of Australia a number of things. One of the things that it told the people of Australia was that it would not—I repeat: would not—introduce what it likes to refer as an amenities fee but what is a compulsory student tax by any other name. What did the then shadow minister for education and now Minister for Foreign Affairs say?
I’m not considering a compulsory HECS style arrangement and the whole basis of the approach is one of a voluntary approach.

Then he went on to reconfirm:

So I am not contemplating a compulsory amenities fee.

That was in May 2007, five months prior to the election being called. What was it? It was a clear and unambiguous Labor promise not to introduce a compulsory amenities fee. This, of course, has been the Labor Party’s position for many, many years now. If we go back to 2003 what do we have? The now Minister for Finance and Deregulation referring to the disincentive effect of individual economic burdens—that is, amenities fees and compulsory student taxes—being imposed on university students. What did he say back then?

People from poorer backgrounds, people from country Australia and people less able to finance their own education and to take risks for their future will be deterred.

But it does not stop there. In August 2008, 12 months ago, we had the Deputy Prime Minister saying to the people of Australia:

We promised before the election that we would not return to compulsory student unionism …

What do we have, once again, with this legislation? Labor is again proving to the people of Australia that it is prepared to tell them one thing to win an election but, when it comes time to actually introducing the legislation, it does something entirely different. The statements that I have referred to are quite simply broken promises on the part of the Labor Party to the people of Australia. Why? Because Mr Tanner, Mr Smith and the Deputy Prime Minister, despite their very strong on-the-record statements, have now voted along with the rest of the Labor Party to impose this insidious and inequitable tax on students. The funny thing is that the Labor Party actually recognises that this is a financial burden on students, so much so that it has been forced to create an additional loan facility in the HECS system so that students can actually afford to pay the tax. To quote the then Minister for Youth and Minister for Sport in her speech in reply in the second reading debate on this bill:

To ensure that the fee is not a financial barrier, any university introducing the fee must also provide eligible students with the option of taking a HECS style loan under a new component of the Higher Education Loan Program …

What the minister is actually saying to the students they are about to tax is: ‘Actually, it is a financial barrier and we recognise that you actually have to go into further debt to pay this tax, so will set up a system whereby you can take a loan to pay off the debt that we are making you incur.’ The list goes on when it comes to Labor rhetoric. Back in 2003 the member for Wills said:

But there is good news, because Labor will not support any measures to increase fees for Australian students and their families.

There is no good news in this bill. It is a tax slug on students of $250. Despite what all of the Labor members promised in the past, all of them voted to place this additional tax burden on students. The Labor Party can describe it any way it likes—as a compulsory fee or an amenities fee—but when it comes down to it, it is a tax on students, nothing more, nothing less. It is more spin over substance. The spin, of course, started long ago prior to the 2007 election. What we had than was the Labor Party standing up and feeding to the people of Australia the line that it was not going to impose on students a compulsory amenities fee. But the facts now evidenced in writing by this bill—it is in the legislation before us—is that the Labor Party, despite its promise, always intended to slug students with a $250 tax. This bill represents just another broken promise by the Labor Party.
One of the most disappointing statements I have read in a long time is Kevin Rudd labelling the level of student debt in this country ‘a national disgrace’. Yet he is the one who has let one of his ministers off the leash to actually impose this tax on students. Then again, you expect nothing less from the Prime Minister of Australia because, after all, he told the people of Australia he was an economic conservative.

The coalition oppose this bill for a number of reasons, one of them being that we do not believe that students should be forced to pay for services which they just will not be able to use. Changing demographics and culture mean that students today basically just do not have the time, the inclination or even the opportunity to use the services offered. The Bradley review commissioned by the government said at page 49:

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

Despite the findings of the Bradley review, this government still refuses to see reason. What we are presented with in this legislation is a situation whereby every one of the one million Australian students will be forced to pay $250 regardless of their ability to pay and regardless of their ability to actually utilise the services the fees will be financing. But that is not the most insidious part of this bill. Perhaps the most insidious part of this legislation is that it is compulsory student unionism by stealth. Taxing students is bad enough, but to take away their freedom not to join an association is an absolute disgrace.

Regardless of what those on the other side say, when you bother to sit down and analyse this legislation you will see that this bill in effect attempts to reintroduce a compulsory fee, which would in turn fund the activities of student unions. In introducing this legislation into the other place, the Minister for Youth and Minister for Sport, Kate Ellis, in her second reading speech, said, ‘This bill is not compulsory student unionism.’ This is wherein the problem lies. The Labor Party have a history of saying one thing on this matter and then doing the complete opposite. The people of Australia, the students of Australia, should therefore be very concerned when the relevant minister says, ‘This bill is not compulsory student unionism.’ Based on the Labor Party’s history in this matter, and having regard to the tricky and devious way they use semantics to shroud their real intentions, it is very likely that, if nothing else, this bill represents a Clayton’s form of compulsory student unionism.

On the face of it, there is nothing remarkable about this bill. It provides universities with the option to implement a services fee from 1 July 2009, capped at $250 per year, to invest in quality support and advocacy services in consultation with the students at the higher education facility. Guidelines to limit what the funds may be spent on, a HECS style loan facility for students to fund the legislation and a clause preventing the funds being spent on political parties or election campaigns all seem to be reasonable provisions at first instance.

However, as with much of the legislation put forward by the Rudd Labor government, the devil is in the detail. On closer examination of this piece of legislation, the provisions fail even the most cursory test of impartiality and accountability. Take, for example, the student services and amenity fee guidelines. These are the guidelines which actually set out what the tax can be used to fund. The explanatory memorandum on this bill states that the guidelines are made by the minister under a section of the act. This ef-
fectively means that the Deputy Prime Minister, a committed advocate of compulsory student unionism and a former President of the National Union of Students, will be the sole decision maker of what student services and amenities these funds can be spent on. That is not impartiality. So much for parliamentary scrutiny of the actual detail of the legislation. In reality, Labor is really getting the parliament to agree with a broad head of power which has a broad scope and then, once the bill becomes an act, the Deputy Prime Minister, the committed advocate of compulsory student unionism, has the capacity to determine whatever guidelines she deems appropriate within the scope of the new act.

The second provision, a HECS style loan facility for students, does appear at first to be reasonable. Unfortunately for the students of Australia, this provision actually admits by omission that the new fees are predicted to require students to seek additional borrowings to cover this substantial new tax slug. Quite simply, if this tax slug—this so-called amenities fee—was not going to have an effect on students, you would not have to introduce a HECS style loan fee.

Finally, we come to the most cunning and perhaps the most insidious aspect of this legislation, new section 19(1), which in the words of the explanatory memorandum:

...prevents a provider from spending an amount paid to them to support a political party or the election of a person as a member of the legislature of the Commonwealth, a State or a Territory, or a local government body.

Once again, at face value, this statement seems to put to bed the common complaints about student guilds using compulsorily levied fees to fund political action—one might even say ‘sound policy’. It would be if it bore any relevance to the actual political actions that student unions take, a fact that the Deputy Prime Minister and Minister Ellis know well. Student guilds or unions, for those who do not know how they behave, target individual issues and run politically motivated campaigns against parties or groups. Nothing in this legislation prevents them from still doing this. In fact, if we look at the revised student services and amenities fee guidelines from May 2009, there are some distinct areas of grey. It states:

Allowable uses of the fee in relation to services and amenities may include the categories listed below. In all cases the purposes would include but not be limited to...

What does ‘but not be limited to’ mean? It states:

...but not be limited to the direct provision of the service or amenity.

Then we have a look at some of the prescribed items: ‘visual arts, performing arts and audio visual media’. It states:

Relating to support for student visual and performing arts and audio visual media activities.

What does that mean? I will tell you what it means. It means that this could include a full media campaign, including radio, television, newspaper and internet advertising, to push an agenda which the majority of students do not agree with. Certainly, some would argue that the campaign for compulsory student unionism would fall into that category. What is worse is that there appears to be nothing in this legislation preventing student unions from using the fees, for example, in an approved way under these guidelines—say, to fund the university cafeteria but then using the profits gained from running the cafeteria to fund activities explicitly disallowed by this legislation. Call it what you will—a form of political trickery, money-laundering and a loophole which the minister is completely aware of—but I highly doubt the Rudd government is going to change.

The coalition opposes this legislation. The Australian people and Australian students are
not fools, despite the fact that the Rudd government treats them as if they are. They have in place before them a bill which Minister Ellis swears is not compulsory student unionism but which is entirely reliant on universities and student unions—both in favour of compulsory unionism. It is a bill which has guidelines that will be solely determined by a minister who is a committed advocate of compulsory student unionism. The legislation has, for all intents and purposes, a fee structure which, much like previous versions of similar legislation, looks exactly like compulsory student unionism.

This legislation is compulsory student unionism by another name. Perhaps that is why the Deputy Prime Minister, the cabinet minister responsible for education, did not bring the legislation on, herself, in the other place. Perhaps she would have had a hard time keeping a straight face when she said that this bill is not a return to compulsory student unionism.

Unlike those on the other side, the Liberal Party will continue to stand up for the rights of university students and expose the hypocrisy of the Rudd government, which is yet again breaking an election promise to the people of Australia. Freedom of association, including the freedom not to join an association, remains one of the Liberal Party’s core beliefs. The Liberal Party wants university students to succeed, because when our students succeed we as a country succeed in this competitive global environment. The last thing that students need in this economic environment is an additional financial burden being imposed on them.

It is acknowledged by those on the other side—it is acknowledged in this legislation—that this is an additional financial burden. I say to those on the other side, ‘Do not crucify our students to advance your own cheap political agenda.’ Unnecessarily taxing students is bad policy. It is bad for this country. The bill should be opposed.

Senator BERNARDI (South Australia) (5.10 pm)—In opening my comments on the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 I might indicate to the Senate and particularly to the speakers following that I intend to be mercifully brief. Given the hoarseness of my voice, I am intent on preserving it for debates at a later hour. So, having flagged that, I hope the following speakers will be ready.

I would like to cut to the chase. The primary purpose of this bill is to charge students $250 more every year they are at university; it is to charge them $250 more every year for services that they may not want, need nor ever access. There are, it is estimated, 130,000 external students who will be required to pay $250 more, every year of their university education, for facilities and services that they cannot access because they are external students.

It beggars belief that this can be described in any other way than compulsory unionism—because that is precisely what it is. It is a return to the dark old days where everyone had to pay for the indulgence of the unions on campus. It is an indulgence that students simply cannot afford any longer. It is an indulgence that the coalition and the Howard government removed because students did not want it. They could not afford it and it was of no meaningful benefit to campus life.

How can I say that? Well, I spend a fair bit of time on university campuses talking to young people about their future directions, hopefully trying to explain to them the benefits of our democratic system and why they should get involved in it. When I say ‘hopefully’ I mean that I hope that they get some benefit out of it. I have asked students on the Left, the Right and in the middle of the po-
political spectrum and I have asked people who have no political affiliation at all whether campus life has suffered since they have not been forced to pay a student fee. The answer has always been: ‘No, it hasn’t. If we want to participate in a particular endeavour, if we want to join a club or a society, we are asked to pay a participation fee.’ It seems eminently sensible and fair. It seems to have worked particularly well.

Of course, there will be people that will say that my interpretation of this is incorrect. They would say that because they are the people who support compulsory student unionism and compulsory student amenities fees—which is just compulsory unionism dressed up under another name. I am yet to hear a university student say, ‘I’m not going to attend university because they do not have the social and creative outlets that I want there.’ A university is meant to be a place of higher learning. It is meant to be a place where you broaden your experiences and you learn to become an independent adult operating in the world. It is not necessarily a place just for slush funds to divert money in support of non-conservative governments or to support left-wing student unionists. That is not what it is about. Sure, we accept that there is a hotbed of socialism in some of our universities, which many of us reject, but we should not be paying for them to pursue their left-wing tendencies. That is just common-sense. Of course the leftists amongst us have a different point of view.

What is of concern? A number of things are of concern, but one concern that I would like to specifically raise is that this is an imposition on students not just immediately but also later. Students, who are already struggling financially, have to tack this fee, which they cannot reject, onto their HECS. This flies in the face of the promises that were made by the Labor Party before they were in government. Like so many other promises that were misleading or have subsequently been denied, this is one that is going to have an impact on people’s lives for many, many years. I say that because in my office I have had the pleasure of working with a number of graduates from some of our university systems—clearly the ones that did not get infected with a dose of leftist politics. They have come along and worked, and each of them has talked to me about how difficult it is to pay back their HECS fees. They say, ‘Gee, we’d like to get a better start.’

I am one of the people that actually supported HECS when I was at university. It was introduced when I was at university and I supported it, and I still think it is a very important system for us. But to add an additional imposition is really beyond the pale, given how tough so many students are doing it. If you choose not to pay this money up-front, it will go onto your HECS debt and accumulate interest costs, and you will repay it when you graduate and you earn some money.

The question you have to ask is: what are students actually getting for that? What are they getting for incurring more long-term debt—debt that they will have to repay? The answer is: not much more than what they are getting now. So I have considered why Mr Rudd and the minister would be pursuing this if not only for ideological reasons. The conclusion I have to come to is that they probably want to claw back some of the cash that they splashed around earlier this year. On one hand, they are giving students $900, $1,800, $2,700 or however much money they can get according to their circumstances, and on the other hand they are saying, ‘Now you’ve got to give it back to us.’ This is called ‘churn’ in any language, and it is what this Labor government seem to be specialists in. They bask in the adoration they get for giving out free cash and then they try and
take it back through sleazy, underhanded methods like this.

It is a great concern in an economy that is still in decline and where we have university students who are continuing to struggle—as they do, quite frankly, and have done for many, many years, but there are particular new pressures on them now. There is the declining availability of employment, the increasing household cost pressures and, of course, the increasing day-to-day living costs. And now there are, thanks to the Rudd Labor government, increasing costs attached to their education. This is an up-front bill that every student will have to pay. If they do not pay for it up-front, they will be paying for it every year for years after.

Frankly, this bill beggars belief in that it suspends common sense. Common sense would suggest that, where someone wants to use a facility or a service, they should pay a cost towards the requirements or the provision of that service. I think that would be reasonable to any normal, regular-thinking adult. But somehow it has been lost in the drafting of this bill. The Labor Party wants you to pay for services whether you use them or not. That is okay in some areas—we all pay through taxes for our defence forces and for our police, because we all get a community benefit from that. But I was always at a loss when I was at university as to the purpose of the Days of Our Lives club, which was funded by the university union, or some of the political organisations on campus, which were funded by the university union. There were a great many questions raised which still have not been answered.

Sure, the sporting organisations that made and continue to make such a big contribution to campus life were funded by the university fees. But, interestingly, in South Australia, the people I have spoken to are still participating in the Adelaide university rowing club, the Adelaide University Football Club and all manner of sporting organisation that go on around campus. Has there been a change in the way these services are delivered? Possibly, yes. Are they still in existence? The answer is yes. If they are popular, if people want to go to them, use them and participate in them, they continue to thrive. If people do not want to use them, why are you propping them up and putting that burden on every other student, whether they want to use it or not? These are the simple questions that the Labor Party have thus far been unable to answer.

I can see Senator Wortley gesturing that she is concerned about my throat. Senator Wortley, you know, some things are worth taking a bit of personal pain for to get the point across, and I have a great deal more to say about many other bills! But I will spare you any further pain and torture from your end, Senator Wortley.

In conclusion, I am concerned because this is compulsory unionism—I think that much is clear. It breaks very clearly the election promises made by the Rudd Labor government. How they can stand up and say with a straight face, ‘No, it doesn’t break our election commitments,’ is beyond me and, I am sure, beyond the pale for most sensible Australians. But it also attacks the very heart of people choosing what to do with their money. I do not actually believe in more taxes. I do not believe in government mandating that students have to participate in a particular thing or pay a particular levy for services that they may not ever use. Surely we live in a country where people can make the best possible choices about what to do with their money—particularly students, with the limited amount of funds available to them. Clearly the government does not think so, but I, and I know the coalition, think that in this instance, and in many other instances, the government has got it wrong.
Senator WORTLEY (South Australia) 
(5.21 pm)—I rise to add my voice to those already heard on the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009. This bill delivers on Labor’s commitment, made prior to the last election, to restore important services to those attending our universities, to ensure that their voices will be heard and to ensure that students have representation on campus. In delivering on this commitment, the Rudd Labor government will return fairness and confidence to the tertiary education sector—confidence that so markedly deteriorated under our predecessors, who neglected, downgraded and defunded this vital component of our national life and, indeed, of our economic and social future.

Before I look to that future and discuss the bill before us, I draw attention to the OECD’s report on higher education, released just one month before the last election. The OECD found that Australia’s spending on higher education remained well below the levels of other developed countries. And while spending from all sources in our universities was just above the OECD average, most came from private funds. Only Russia, Italy, Korea, Brazil and Chile spent less in public funds as a proportion of economic output on their institutions than Australia. It remains the case that in the decade from 1995 Australia was the only OECD country to effectively disinvest in the tertiary sector. Consider this: in its last term in office, the Howard government—clearly fuelled by ideological zeal—ripped $170 million from the tertiary level of our education system. This $170 million was ripped away from funding for student services and amenities.

Education is of paramount importance. As I have said in this place previously, a strong and appropriately resourced education sector is vital to Australia’s future, both locally and in terms of our international competitiveness. One of the cornerstones of our future wellbe- ing as a community and of our economic security now and in an increasingly uncertain global environment is undoubtedly investment in education. This government wants to see all students having access to the best all-round education we can provide. We want them to have access to services that will help them adjust to university life and succeed in their chosen career. We want them to have the opportunity to participate in the multitude of activities and to have access to resources such as employment, welfare and counselling services; child care; sporting clubs; cultural activities; social events; and many others. This is the opportunity that many of us in this place enjoyed at university. It is the opportunity to enable them to participate fully in the university community.

Introducing the bill in the other place, Minister Kate Ellis spoke of the very thorough consultations with students and their institutions that took place in 2008. Those consultations revealed very clearly that universities had to divert funds from budgets intended for research and teaching, shed services or staff, or restructure so as to provide essential services that would otherwise have been discontinued as a result of the changes. In many cases, regrettably, they were discontinued. Universities Australia, the peak body representing the university sector, submitted these very telling remarks:

Universities have struggled for years to prop up essential student services through cross-subsidisation ... to redress the damage that resulted from the Coalition Government’s ... Voluntary Student Unionism (VSU) legislation.

I draw your attention to the phrases ‘redress the damage’ and ‘essential services’. Many universities provided individual submissions on these matters. Many pointed to the fact that students were now less represented on committees and other governance structures,
that their voices were no longer being heard and that the quality of their university experience was being compromised. This, combined with the significant loss of student services, had added significantly to the loss of community on university campuses.

The Australian Olympic Committee also made submissions, pointing out that, since the advent of VSU, fewer students were participating in campus sport, particularly women. As a consequence, the maintenance of facilities and the retention of world-class coaches were directly and negatively impacted; no doubt it has negative health consequences as well. In their remarks on the impact of VSU, Australian University Sport and the Australian Campus Union Managers Association said:

Prices charged to students for use of services and facilities have in general increased materially since the on-set of VSU…

These prices are outstripping, in most cases, the CPI. It has also placed greater financial pressure on students. In its summary report in April 2008, the Department of Education, Employment and Workplace Relations noted:

Most submissions concluded that the abolition of upfront compulsory student union fees had impacted negatively on the provision of amenities and services to university students, with the greatest impact at smaller and regional universities and campuses.

The bill before us has a number of purposes. It is a bill to support students and their centres of learning and to set about repairing the damage that has been caused by the actions of the former coalition government. It requires universities to put into place national access-to-service benchmarks for all domestic students. It introduces national student representation and advocacy protocols that will make sure students have an opportunity to get involved in boards and committees that will make their views known. This is their democratic right. As well, the bill gives universities the option to put in place a fee of a maximum of $250 to allocate to high-quality student support and advocacy services. Students will be able to access a loan to meet this fee. The bill also acknowledges the role and the value of tertiary admissions centres and will give these centres a status and duty of care commensurate with that of higher education providers with regard to the processing of personal information.

One of the foundations upon which our economy is built is the skills base provided over many years by the vocational education and training sector. We all know that under the former government this sector was downgraded and neglected. In fact, the National Centre for Vocational Education Research tells us that the number of students training in this area fell by 16 per cent between 2002 and 2007. This is an indictment of the policies of the previous government and we bear the consequences by way of skills shortages. This bill will make sure that students looking towards courses at diploma level and above in VET institutions will be able to obtain that training without the worry of paying fees at the point of enrolment. The relevant amendments will permit the expansion of the VET FEE-HELP program to provide loans for all tuition costs or a component of these. Loans will not be liable to income or asset tests and repayments will commence once a graduate’s income exceeds a prescribed amount.

The Minister for Education has spoken recently about the need to make a new commitment to the knowledge and skills so fundamental to the prosperity of the individual and of our nation, warning that national participation and attainment in higher education is too low. The augmentation of VET FEE-HELP is projected to be a significant element in meeting the target set by the Council of Australian Governments—that is, to double
by 2020 the diplomas and advanced diplomas completed.

The bill before us today does not repeal section 19-37(1) of the Higher Education Support Act 2003, because it is the universities that will be able to levy the student amenities and fees and it is universities that will be held accountable for how those fees are spent. What we are doing is working in partnership with students and their institutions to ensure that there is democratic, independent student representation. The government aims to reverse the ransacking of this crucial sector by the former government. The Rudd Labor government is determined to act on this country’s needs now and into the future, and the measures outlined in the bill puts that determination into achievable form.

Supporting this bill and ensuring its progress through this place will see services and representation reinstated and restored across our country, at large city campuses and at smaller and regional centres of learning. I commend the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill to the Senate.

Senator ABETZ (Tasmania) (5.33 pm)—The Senate is considering the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009. It should come as no surprise that the opposition has taken a very strong and principled stand in relation to this legislation, in particular as it relates to compulsory student unionism at our tertiary institutions. This has been a battle that students have been fighting in this country for well over a generation, for well over 30 years. The Howard government then legislated to abolish compulsory student union fees. So popular was the move that Mr Rudd, as Leader of the Opposition, promised to keep it. That is the reality. He then broke his election promise. Once again, what Mr Garrett said is coming home to be the truth. He said he had been verballed at the time. But, during the last election campaign, when trying to placate somebody, he said, ‘Don’t listen to what we say; look at what we are actually going to do when we get into government.’ This is another classic case of selling one message whilst in opposition and having a completely different intention once government is obtained. That is now quite clear in this area as well. A promise was made because Mr Rudd and the Australian Labor Party knew that compulsory student unionism was anathema to students. They objected to their right to a tertiary education being predicated on joining a student union. Students actually felt offended and patronised by that attitude pedalled so hard by the left wing and the vice-chancellors on campus.

I still recall, when we promoted this, at a time when the Senate was not minded to pass voluntary student unionism, that we had a Senate inquiry. I recall the chairman of the vice-chancellors association coming before the Senate committee. And he gave very powerful evidence of the importance of students being involved in sports, in societies, in reading the newspaper, in the cultural life of the cafeteria—and the list went on and on. One senator had the presence of mind to ask vice-chancellor: ‘To get your university degree, do you have to play sport?’ Answer: ‘No.’ ‘Do you have to be a member of a society?’ Answer: ‘No.’ ‘Do you have to be involved in an extracurricular activity to get your degree?’ Answer: ‘No.’ ‘Do you have to read the student newspaper to get your degree?’ Answer: ‘No.’ ‘Do you have to go to social functions to get your degree?’ Answer: ‘No.’ ‘Do you have to go to the cafeteria to dine?’ Answer: ‘No.’ Everything was responded to in the negative. And, might I add, you did not have to vote at student elections. You did not have to get involved in any way, shape or form, to cut a long story short, in extracurricular activities on campus. So what
was the only requirement that the vice-chancellor demanded at the end of the day? It was the payment of the fee. That is how hollow and intellectually dishonest the campaign had been for compulsory student unionism. This is the high-sounding story that the vice-chancellor tried to put on behalf of other vice-chancellors—the rhetoric of the importance of extracurricular activities—but there was no requirement. The only requirement was that you paid the fee. That exposed the hollowness of the argument.

I recall in my own instance, many years ago now at the University of Tasmania, being told that if I did not pay my student union fee my results would be withheld. I recall a dean’s-prize-winning first year science student at the University of Tasmania being told, ‘You will not be allowed to re-enrol for your second year unless you pay the compulsory student union fee.’ We hear all of these mighty stories about Labor’s commitment to skills training, up-skilling our workforce and encouraging people into the tertiary sector, but it is all predicated on paying a compulsory union fee. If he had not paid his compulsory union fee, prize-winning student Daniel Muggeridge would have been denied his tertiary education and all the benefits that have flown to the Australian economy since. So this right to a tertiary education is no right, according to Labor. It is predicated on the payment of a compulsory fee. That is their main entry point in relation to tertiary education. I say that you cannot maintain that argument on principle in any way, shape or form.

We now see that in this legislation we are talking about a services and amenities fee. A rose by any other name still smells as sweet, and compulsory student unionism, dressed up as a services and amenities fee, still stinks. It does not matter how you try to dress it up; it is an infringement on individuals’ rights and liberties, especially the right to a tertiary education. To be denied the right to a tertiary education because you do not want to pay a student union fee, now dressed up as an amenities fee, is abhorrent to every instinct within me.

We were told that if voluntary student unionism were ever to be introduced there would be huge problems in the quality of the tertiary education that Australian students would obtain. Indeed, the hapless then vice-chancellor—not the current one but one or two ago—of the University of Tasmania made the assertion that one of the things that was attracting students from overseas to the University of Tasmania was student union services and that the compulsory student union fee was not objected to by the students in any way, shape or form—and they welcomed all the services. I asked certain people to do a study, and guess what? The number of overseas student enrolments in that time at the University of Tasmania actually declined in comparison to—and Senator Judith Adams would be interested in this—Western Australia, where the state government had in fact introduced voluntary student unionism under state legislation. In Western Australia there was a surge of overseas students participating in tertiary education. So if the argument is that somehow you get a lower form of education, why is it that where the market forces can be in play—not that people live in a particular state with mum and dad there and their friends there and therefore they do not want to move—when overseas students had a choice between Western Australia and Tasmania, the numbers declined in Tasmania, with compulsory student unionism, and increased in Western Australia. So that argument, on evidence, is thrown out and completely and utterly debunked.

Can anybody get up in this chamber and honestly say that, since the introduction of voluntary student unionism in Australia, the students that graduate are no longer as wor-
thy as those who used to have to bear—unwillingly—the burden of compulsory student unionism? Has anybody actually made out that argument? Is there any evidence in any way, shape or form that says that there was a lower form of education as a result of the students not being compelled to pay a compulsory fee. Of course, no argument can be made out.

If universities were genuine about this argument they would not allow the correspondence courses that people can now undertake, where information is emailed backwards and forwards, where you have got video linkups and students do not actually have to appear on campus to get their university education. But, guess what? They have got to pay the compulsory fee. But they are not on campus to enjoy the benefit of it. How dare these universities allow these people to graduate without having been part and parcel of the wonderful fabric of extracurricular life on campus!

Because they are anxious to get more and more enrolments, the universities—and good on them—have now made study more available and more accessible through the internet, video conferencing and the like, meaning that many students do not even have to set foot on campus to get their university education and graduate. Once again the modern world has overtaken the nonsense arguments that have been put forward over the years in support of compulsory student unionism.

I will deal with a few other analogies that have been used from time to time. I remember it was put forward that paying a student union fee is a bit like being part of a local government regime where you have to pay your rates. No, that analogy is wrong. The analogy falls down because it would be the local government body saying, ‘You cannot live in our district unless you join up to the local ratepayers association.’ That is the analogy. Thank goodness that not a single local government institution in this country has come up with such a preposterous suggestion. But guess what? Our universities have. They say, ‘If you do not want to join the so-called representative body—the student union—we will deny you the right to get your results or to re-enrol in the following year.’

Others tell me that student unions deliver a great social benefit. I am willing to accept that at face value, but why can’t students decide that? There are many organisations in Australia that provide a great social benefit that we do not compel people to join, such as the Salvation Army or the Red Cross. Indeed, even the Australian Labor Party has now accepted that compulsory trade unionism is no longer acceptable and that people ought to have the choice about that. I think there is a stronger argument—albeit a very, very weak one; you are coming from a very low base—to be made out for compulsory trade unionism than for compulsory student unionism and compulsory fees.

These university students are old enough and mature enough to be told that they can decide, within certain parameters, all sorts of things: what sort of course of study they want to undertake; where they want to live; who they associate with; what sort of car they might want to drive; what rental arrangements they want to enter into—

**Senator Birmingham**—That is something called freedom.

**Senator ABETZ**—Yes, Senator Birmingham, you are absolutely right. Students are seen as being mature enough for all these things apart from one: whether or not they want to contribute to the student body in a circumstance where students are—in general terms—free to make all other decisions, as, might I add, they should be.
I come back to where I started, and that is that this is a breach, yet again, of another Labor election promise. Mr Rudd was so desperate to go to the electorate at the last election and say: ‘Basically, I am a John Howard lite. Compulsory student unionism is not on the agenda with me. I’m really an economic conservative at heart. In relation to that, I don’t support compulsory student unionism’ and on you go. But Peter Garrett did let the cat out of the bag when, in an unguarded moment, he spoke the truth. He said, ‘Don’t listen to what we say; look to what we will actually do when we get into government.’ This is a classic case that bears out, in a bizarre way, the integrity of what Mr Garrett said. But the integrity of it showed that what he was saying at the time was, in fact—unfortunately—the truth. It is a very adverse reflection on this government that they are now going back on a very strong commitment that they gave before the last election on students and compulsory student unionism.

I hope and I trust that this Senate will have the courage to again refuse the repeal of this legislation—in other words, have the courage to give students the right of freedom of choice on campus. It is a bizarre thing when you reflect on it: universities ought to be the hotbed of diversity, of individual thought and of individual action. But here we are saying: ‘We won’t allow you through the gate of the university unless you are willing to be marked like sheep, all with your university union tag. We will put the tag of your student union membership in your ear. Sure, we have dressed it up as a services and amenities fee, which the university is going to collect and determine how it is going to be administered.’ Does anybody honestly believe that the student union body will not have a say in its administration and how that money is going to be spent? Of course not.

In the past, the vice-chancellors of this country, much to their great shame, acted as the most highly paid shop stewards in this country. They were the enforcers of compulsory student unionism. The student union had no power to enforce it; it was the vice-chancellors, acting as shop stewards, who forced the students to pay. If the union could not convince you to join, the vice-chancellors stepped in and said: ‘Sorry, sonny or girlie, no degree for you. Your results are withheld until you pay that fee.’ That has been a blot on our universities for generations now. I pay respect to the Court government in Western Australia, who removed it first. It took the courage of the Liberal Court government and then the Liberal Howard government to have that changed and have it removed. It was a blot that was removed without any diminution or denigration of the intellectual standards of our universities and without any denigration or diminution of the integrity of the degrees that were produced. Our students have not been disadvantaged on the world market where the quality of their degrees is concerned. This has been one of those terrible sweetheart deals where big institutions deal with a big student body and trample the rights of individual students. When it comes to those issues, we on this side will always stand unashamedly on the side of the individual students, and that is why we will be opposing these measures.

Senator BIRMINGHAM (South Australia) (5.52 pm)—I rise to speak on the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009. It is a pleasure to speak after Senator Abetz on this issue. Senator Abetz has a long and distinguished track record of opposing compulsion in the payment of student fees. He once again today set out a clear position, which I hope the Senate and Australian parliament will heed and take note of.
On behalf of all those who have followed Senator Abetz in his fight on campuses against student fees over the years, I want to pay tribute to him for the work that he has done in this regard.

There are few principles as fundamentally important as that of freedom of association for any true free and democratic society. Freedom of association must stand as one of those core tenets that we hold dear, not just on this side of the house as Liberals but any person who is committed to a true parliamentary democracy and to a true democratic arrangement in a country like Australia. That is why we must be very cautious about any move that brings in compulsion and does so unnecessarily, particularly a compulsion of association in any way, shape or form. Unfortunately, this bill, despite its toned-down sounding name like so many bills nowadays, moves towards a form of compulsion through compulsory student unionism. It is simply dressed up under a bland title and has a few claimed safeguards that in the end will prove to be ineffective. We will see, once again, the funnelling of students’ hard-earned money for purposes that the bulk of them would not wish to see their money spent on.

There are many reasons, particularly the principled ones that I just introduced my comments with, as to why this bill should be opposed. As Senator Abetz indicated, this is, as much as anything else, a clear and fundamental breach of promise by the government.

What do we have before us today? Lo and behold, we have a compulsory amenities fee. That is right—a compulsory amenities fee! So much for the voluntary approach; so much for the government’s word on this matter when they went to the people. Like so many other issues they said what they had to say to get themselves elected and have simply backed down and backflipped since then. That was not the only time the government made that promise. Indeed, since the election government officials have even tried to say this would still be a voluntary approach. As they worked out their way to backflip on their promise they continued to pretend this would all be about the voluntary approach. In Senate estimates on 20 February 2008 I posed a question to Ms Paul from the Department of Education, Employment and Workplace Relations:

So, Ms Paul, if a HECS-style loan scheme for union fees was introduced, that would be a voluntary fee?

Ms Paul’s answer was:

The minister in her media release said that there would not be a return to compulsory student fees. Even after they were elected, even after they had bluffed their way into government by misleading the public, government officials were still fronting up and saying there would not be a return to compulsory student fees. We had this sham of a consultation process that the then Minister for Early Childhood Education, Childcare and Youth undertook. She skirted around different campuses in Australia and met with a whole bunch of predetermined organisations, who, I am sure, she knew wanted the reintroduction of compulsory student fees. And lo and behold, we have a review that suddenly says that, yes, we should have the reintroduction of compulsory student fees. What a surprise! It was one of those Yes, Minister style episodes where the minister sets up a review knowing full well what the outcome she wants is.
And, of course, it is all structured to achieve that outcome. We are not going to be fooled with this sham of a review, nor are we going to be fooled by the code words used in the legislation, in the explanatory memorandum or in the speeches that are coming from the other side that this is somehow like a services fee of council type origins. Senator Abetz made the point very clearly that this is more like making people join their local ratepayers association than making them actually pay their council rates.

All of us pay money in different forms of taxes to a whole variety of organisations—to local government, state government and federal government—under the guise of many different taxes, levies, charges et cetera. Frankly, way too much of it is wasted at every level. Student unions and student organisations are no different in that sense. We know that they will manage to waste money just as effectively as so many other areas of government sadly do. However, there is a difference and that is that students going to universities already pay for their essential services. Do you know why they go to universities? They go to universities for an education, for a qualification. They go to universities to get the essentials, which would be the teaching and the learning, and for the facilities that go with that of libraries, computers and the strong research environs. These are the things that our universities must and should be investing in. They are the essentials and they are what students pay for day in and day out through the fees they already pay. They do not need to be paying additional fees for services that for each student may well be—and quite often and usually are—non-essential.

Aside from the facts that they may not individually need those services and do not need to be forced to pay those fees, universities do not exist in isolation. Last time I checked, no university existed somewhere out there in the outback deserts of South Australia or the Northern Territory. There was no university detached from a city or town and having no services around it. University campuses exist in cities and towns and there are services all around those communities. The non-essential services of those communities can and do build up to respond to the demands of the campuses that exist in those cities and towns. That is the nature of the economy. If there is a need for catering services, catering services will be provided. If there is a need for child care, childcare services will be provided—indeed, with all of the support that the federal government provides, notwithstanding some of the questions about the likely rises in childcare fees that we see. That is a different, but very important, matter for the government to tackle. So universities are surrounded by all of the resources necessary to provide all of the types of services that the government claims need to be provided through the funding of compulsory fees. What rubbish! All the things that provide those services to students already exist.

Also, we hope universities are full of rather bright people who, if they want to organise a sporting club, some type of social activity or any type of communal event, service or amenity, have the wit and capacity to do so as a collective. That is what I would think and hope we have in our universities—people who themselves can achieve these things if they want to or need to. They do not need a government imposing a compulsory fee and a compulsory structure that will only serve to take money out of students’ pockets to fund things that they did not want in the first place.

What did compulsory student unionism give us the last time we had it? That, sadly, was not all that long ago. It took a long time to get rid of compulsory student unionism. What did it give us the last time we had it?
Firstly, it gave us plentiful waste. I want to talk about services and amenities, as the bill is nebulously named. In 2004, the budget for the Monash University union had an amenities fee—note we have a bill about amenities now—of $428. Two hundred and thirty-eight dollars of that, comfortably more than half, went to administration. That would be the nebulous term for funnelling money to attend NUS conferences and all sorts of other ridiculous outlets. Thirty dollars went to building services. Just $22 went to sport—something that many people like to talk about—so only a small portion went to sport. Thirteen dollars went to clubs and societies, $5.40 went to childcare services and a fabulous 59c went to other student services. What a great use of students’ hard-earned money! So last time we had compulsory student unionism we very clearly had waste.

We also had the support of extremism. That same student association in 2007 contributed $1,500 towards the legal defence of convicted and jailed G20 rioter Akin Sari. It is also the same student organisation that produced stickers in 2003 that read ‘Bomb the White House’. What a responsible use of student money! More recently, the Melbourne university student union funded legal costs for a man accused of assaulting police officers and damaging a police station during a riot on Palm Island in Queensland. Whatever you think of that incident in Queensland, it is an outrageous and ridiculous use of students’ hard-earned money. So we have seen waste and we have seen extremism.

The other thing we see coming out of compulsory student unionism is blatant leftist partisanship—quite clearly partisanship that has run rampant. During the 2004 election, the National Union of Students spent—and remember this was all collected under compulsory levies on campuses across Australia—$75,000 on broadcasting electoral advertisements, $40,000 on a print campaign, $50,000 on how-to-vote posters and pamphlets and $90,000 on direct mail. That was more than a quarter of a million dollars collected in a compulsory manner from students around Australia.

I have a bit of personal experience of that. I do not want it to be suggested that I harbour a grudge in any way over this, but during that 2004 campaign I happened to be a candidate in a key marginal seat. Lo and behold, in the marginal seat in which I was running landed brochures funded and distributed by the National Union of Students. So that quarter of a million dollars of students’ money was lobbed into the letterboxes of the electorate I was running in, with the message: ‘Don’t let Simon Birmingham and John Howard take away our future.’ What a lovely message that was to receive in the letterboxes of the constituents of Hindmarsh! Of course, what a future the Howard government was providing—one of near full employment and growing wages. A great future was being provided and yet the NUS wanted to run a campaign arguing: ‘Don’t let Simon Birmingham and John Howard take away our future.’

The irony of the situation was that not only had I previously been a student paying compulsory student fees but also the following year, having lost that seat, I fronted up and re-enrolled at uni to undertake an MBA—and found myself paying compulsory student fees that were being funnelled off to the same National Union of Students that had campaigned against me just the year before. The irony of it all! I was refilling their coffers from the campaign they had run against me. But did I have a choice in the matter? No, no choice whatsoever.

What do those postgrad students actually get for their compulsory fees? We can talk about all different types of students, but let’s focus on those many postgraduate students
who often work full time, squeezing their studies into the hours that they can—either during their working day or after hours—and dashing in and out of campus. Frankly I have to say that, when I returned to campus, I could see little more value for money than perhaps the discounted can of Coke that I got in the vending machine down the corridor from where my lectures were held. Honestly, I would rather have not had to part with the few hundred dollars to get a discounted can of Coke, because I was never going to drink that much Coke. I could never have managed to achieve a return on the money that I was paying—or could most of those mature age students and postgrad students, nor the many undergrad students who also work very hard along the way to earn an income to support their studies.

Last time we had compulsory student unionism we got waste, we got extremism and we got partisanship. What awaits us if this proposal passes? I have no doubt it will end up being more of the same—more of the same where we will quite likely see students, all students, having to fork out money. If the maximum fee is levied, they will find themselves—if they are working hard in a part-time job somewhere—potentially having to work another 17½ hours to pay off the levy that they are being slugged. They will find themselves having to work an extra few days just to pay the levy that they are being slugged. That is what awaits us if this goes through.

Never mind those who will never access the resources or the services; they will have to pay it too. It will be utilised by a small minority who wish to take up the opportunity to engage themselves in campus life. Good luck to them, but let them fund it themselves and organise it themselves. The system in place has been, and is, working. There has been no enormous collapse of student life out there. Our universities are still functioning quite happily and quite normally. We see students still engaged in activities as they were before. Yes, sometimes, perhaps those who are seeking out those activities might have to pay a little bit more for it themselves because they are not being subsidised by others. But is that such a bad thing?

What we do not see any more is that political waste of money and that partisanship from student unions across the country that served to so damage the reputation of their own institutions. That is what it did. It hurt them and it ensured there was a strong desire and a strong kickback against it. Nobody likes to see their money used for purposes that they do not actually get any benefit from, but people get particularly annoyed when they see their hard earned money being used for things that they totally oppose. That especially includes the political campaigning.

I wanted to close with a quote from the representative from the University of Queens-land Union who appeared before the Senate inquiry into this. He made it clear that the system is working. He said, in short:

…instead of shrivelling and dying, as was predicted by those with vested interests, we have actually increased the services that we offer and are flourishing under a VSU environment... More importantly, it is also in the interests of students, because they have the opportunity to enjoy a vibrant campus culture as well as representation without the need to be slugged $250 for it.

I say ‘hear, hear!’ to those remarks. They demonstrate well and truly that the system in place is working, has the potential to deliver for students and gives them the freedom that they deserve. I would urge the Senate to remember that fundamental principle—the importance of freedom of association—and, when it considers this bill, to vote for freedom of association and defeat this bill on its merits.
Senator HANSON-YOUNG (South Australia) (6.12 pm)—I rise today to speak to the Rudd government’s attempt to rebuild important university services through the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009. The impact that the Howard government’s regressive voluntary student unionism has had on universities has been devastating, particularly on regional campuses. It has been devastating for students right around the country and undermined the quality of student support services across campuses. While the Greens are indeed supportive of moves to administer a levy to breathe much needed life back into campus culture, we remain concerned that student representation, in the true sense of the word, will not be fully restored under this bill.

Student advocacy services are traditionally regarded by universities as a very important part of the provision of campus culture and student life, particularly in ensuring there are adequate transparency processes in place when dealing with university appeals. We know that, today, students are paying more than ever for their higher education. We know that the fees under both the HELP system and for full fee-paying students, whether domestic or international, are much bigger than they have ever been before. Yet the all-round, true educational experience of studying on a university campus is just not the same and has been diminished under the current VSU legislation. The loss of advocacy services following the implementation of the abolition of compulsory upfront student union fees in 2005 highlighted the devastating affect that this had on campus culture and advocacy services, particularly for those least able to advocate for themselves in matters relating to university rules and decisions that have adversely affected them.

Following the Australia-wide consultation process undertaken by Minister Ellis last year as part of the government’s election promise to restore campus amenities, services and representation, the Department of Education, Employment and Workplace Relations concluded in its summary report:

… the abolition of upfront compulsory student union fees had impacted negatively on the provision of amenities and services to university students, with the greatest impact at smaller and regional universities and campuses.

Despite the comments made just now by Senator Birmingham, we know the devastating effects that this has had on campuses are real. We know the devastating impact that VSU has had on campus culture. In my own state of South Australia, the home state of the minister responsible for this legislation, the member for Adelaide, we have seen the devastating impact that VSU has had on our three universities. The University of Adelaide, of which I was student president in 2003, has seen the dissolution of the students association and the postgraduate students association. And while the sports association, clubs association and overseas students association have continued, they exist with a loss of resources and capacity, particularly in their professional, administrative and policy support.

Some of the tangible impacts that this has had on Adelaide university students has been the diminished capacity for effective representation on university decision-making bodies, making student representation basically void; increased social isolation experienced by international students; a 40 per cent drop out in participation of sporting clubs; and the closure of the arts and crafts centre. Flinders University, arguably the hardest hit by VSU in South Australia, has seen the dissolution of six student controlled organisations, including the students association, the sports association, the clubs and societies association, the international students association and the postgraduate students association.
There is no true student representation now at Flinders University.

The services that have been affected by the former government’s regressive policies have been the closure of quality and affordable childcare services; the collapse of the international students association, which has obviously increased the social isolation experienced by international students—an issue that we hear more and more about as a result; the loss of student media; higher sports club membership fees and higher costs for venue fees for those students who are able to gather and play sport together as part of their extracurricular activities, expanding on their entire educational experience; and that the employment service is now a user pays service, which seems a little harsh if you do not have a job.

Finally, the University of South Australia, which is home to the largest tertiary international student population in the state, has seen a diminished capacity to pay affiliation fees to maintain state and federal coordination and representative structures, and the loss of the professional international student adviser position. Again, the impact on international students due to the current state of VSU has had negative effects, and we are starting to see the repercussions of that time and time again. We hear reports of the isolation of international students and the lack of appropriate services, information, advice, representation and advocacy—all of these young people have suffered because the appropriate services are not delivered for them. Some universities have offered these, others have not. We know that in the past they were run by their student organisations and funded from the student services fees so that they were truly a representative body.

The loss of services experienced by universities in South Australia that I have touched on are only just a handful of examples of the devastating effects this policy has had on welfare and support for students—as I said, students who are paying more than ever for their education. Let me also point out that there are many people in this chamber and in the other place who got their education for free. Students now are paying more than ever and yet the entire experience—along with the support to actually get through that education and maximise those opportunities—is diminished every day because we do not have well-funded student support and representative services on campuses. We have seen the collapse not just of student organisations but also of essential services such as child care and effective representation on university decision-making boards so that students can actually point out, ‘Hey, things aren’t right here,’ or, ‘We need to change this,’ or, ‘Could you please look at this,’ or, ‘We’re a bunch of international students and we don’t feel that we’ve got the support we need to finish our course.’ None of those support services are guaranteed at the moment and, unfortunately, under this current legislation it is not guaranteed either.

The introduction of VSU has had a devastating effect on services and life on campus. It is completely ludicrous and ignorant for the coalition to espouse otherwise. A 2007 VSU impact study published by the Australian University Sport and the Australasian Campus Union Managers Association reported that, amongst other things, the campuses across Australia have seen an overall 30 per cent reduction in employment in the campus services sector, involving the loss of more than 370 full-time and 1,300 part-time jobs nationally. One hundred sporting and 261 student union services have been lost nationally. There has been a 17 per cent reduction in the number of students in sporting clubs, from 72,000 to 60,000 students, and a 14 per cent reduction in the number of social...
and cultural clubs. The direct funding for sporting clubs has been cut by 40 per cent and interuniversity sport activities has been cut by 50 per cent. The participation of women in sporting clubs has dropped significantly and has been far harder hit than the participation of men in sporting clubs. This has always been the case. We know that university sporting clubs have always helped to facilitate the participation of women in sport. Many of our elite athletes, particularly women, have come through their university sporting sectors and yet we know that the encouragement and participation and facilitation of women in sport have been detrimentally affected under this legislation.

Surely, when the effect of VSU has been so widespread and has hit so many different services, it is obvious that this is a policy that has had a negative overall impact on the campus culture and quality of the education experience. We should be moving to restore the services that many of us here today were fortunate enough to receive when we attended university. In fact, many of us in this chamber, in the other place and even in the press gallery cut our teeth in politics, in journalism or in advocating for our communities and would not, I would argue, be here if we did not have access to that hands-on experience. We know that student media has offered so much to the Australian journalist sector. We know that that practical, hands-on experience has been able to give those students the edge and put them above other students because they do not just have a bit of paper; they also have the practical experience and the networks to drive them further.

As a former student politician I find it bizarre that we are debating the need to restore essential student services to university campuses where many of us here today, on all sides of the political spectrum, caught the political bug during our university days. This is on all sides of politics. This is not just about the Rudd Labor government versus the coalition; there are a politicians across all the benches here who participated and benefited from the services, the experiences and the opportunities that were delivered under well-funded student services and representative bodies.

In relation to my fellow South Australian colleagues, the minister responsible for this legislation, the member for Adelaide, was general secretary of the students association at Flinders University. The opposition spokesperson for education, the member for Sturt, was vice president of the students association at my university, the University of Adelaide. Senator Penny Wong was the National Union of Students national executive delegate. Senator Nick Xenophon was the editor of the student newspaper, On Dit, at Adelaide University. This is just to name a few.

The fact that many of our past and present politicians have participated in and enjoyed campus life previously suggests that we should perhaps be promoting and fighting for quality student services rather than trying to cut them down—not least to ensure that our universities remain attractive destinations for prospective students, particularly those from overseas. If we are serious about promoting ourselves as a world-class higher education system, we need to be clear that our world-class higher education system supports students with the best quality services and the best types of representation. That must be part of our overall goal.

While the Greens are indeed supportive of restoring campus amenity services and representation, we are concerned that this bill as it stands falls short of ensuring true independent student representation and that it is not fully realised under this current proposed legislation. We agree that service delivery and the representative role that student or-
ganisations play in campus life is essential, yet there seems to be no real guaranteed direction that students will actually get some say in how the $250 that they will pay will be spent. Under the current rules it is simply at the goodwill of the university that students will be able to have their say. This is just not good enough for the Greens. We need to make sure that students actually do have a say in how their money is going to be spent—that they do have the opportunity to voice their concerns and have the advocacy they deserve. The Greens believe that student representation and academic advocacy can only be effective when it is truly independent. It is clear that this cannot occur where the university simply collects and has discretionary control over the proposed fee. We will be moving amendments later in the committee stage to reflect this.

The student representative body from Flinders University in my home state of South Australia, the university of which the minister herself was active, wrote to me outlining their support for the intention of the bill but highlighted their concerns over how the bill will be rolled out. The Flinders Campus Community Services stated:

While we do support the introduction of this fee there are elements of the proposal, which do concern us. Our first concern is the prospect of this funding being handed over to the University Administration with few mechanisms for student input. Our fear is that under the current proposal student support services, which are considered appropriate and demanded by students, may not be delivered … Any proposed fee must, at the least, include provisions for student input at both a governance level and a management level.

We need to ensure that, if students are going to be paying an extra $250 to restore essential services we know need to be there, they have some say in being able to direct and deliver those services. We need to ensure that they can advocate whether those services are what they want or perhaps there are other areas of concern that need to be dealt with. It should not just be left up to the goodwill of university administration and management. Students need to be inherently involved in knowing how their money is being spent and advocating for themselves.

Given the current guidelines only require that it is up to the individual higher education provider to determine where and how the student levy will be spent after consulting with individual student bodies—where they exist, I may add—the Greens believe a compliance mechanism must be established to oversee how the proposed $250 university levy is actually spent. Specifically, we would like to see a reporting mechanism implemented to look at how the proposed student levy is being spent and, secondly, the level of engagement between individual higher education providers and their student representative bodies. We would like to see all fees levied in support of the restoration of student services open to scrutiny, accountability and transparency to ensure that funds are being appropriately managed and directed, whether that be by the student organisations or by the universities themselves.

While the Greens support the notion that no student money should fund activities or campaigns of individual political parties, we believe that guidelines must be amended to allow effective student advocacy and representation to universities and various levels of government on issues that concern the quality of education and student welfare. We, of course, do not want student services fees to be funnelled into contributing to Liberal, Labor, Independent or Green political campaigns for the upcoming elections, but we do want to make sure that students are supported and resourced in being able to advocate for their needs to their various levels of government and to their university management. It is absolutely imperative that we give
students the resources to advocate for themselves effectively.

I come back again to the case of international students. If there were a well-funded student organisation on each campus that could advocate for the needs of their international students, I do not believe we would be in the mess that we are today with the international student sector.

We would also like to see all fees levied in support of the restoration of student services open to scrutiny, accountability and transparency, as I have said. The Greens support the Council of Australian Postgraduate Associations’ concerns that item (n) of the Student Services and Amenities Fee Guidelines, entitled ‘Academic Support’, does not adequately provide the full range of academic and professional development activities postgraduates currently have access to on many campuses. Specifically, we would like to see the guidelines broadened to include academic support services, including advocacy and advice on academic issues and other academic support services.

Sitting suspended from 6.30 pm to 7.30 pm

Senator HANSON-YOUNG—As I was saying, if student bodies were allocated funding through the proposed student services fee or, at the very least, identified and guaranteed representation through the proposed guidelines, they could properly represent the interests of their members, whether they be undergraduate, postgraduate or international students. Currently, the legislation does not guarantee that students have a say in how their money is going to be spent. We need to ensure there is a guaranteed student voice if this bill passes the Senate.

It is clear from the recent issues surrounding international students in Australia that the need for effective advocacy and representation has been lost under the current system of voluntary student unionism, with students increasingly finding it more difficult to know their rights, to voice their concern and to indicate their need for certain services. The Greens have a proud tradition of supporting accessible, affordable higher education and, in principle, support the move to remove the Howard government’s draconian VSU provisions to allow universities to again ensure that they offer a wide range of services and facilities, offering students a holistic educational experience where they can maximise the opportunities they are given.

I welcome the constructive negotiations we have had with Minister Ellis and her office over the past few months. I hope the Greens will be able to come to some agreement to ensure that students have the right to effective advocacy and the right to quality education, student welfare and support services through both access to and support on university boards and in various levels of government. In particular, I will seek assurances from the government when this bill reaches the committee stage that, at a minimum, there are appropriate safeguards and transparency in the administration of the fee guidelines and that the fees are collected and directed through student services for undergraduate, postgraduate and international students respectively. As I flagged before, I will be moving amendments to address these concerns. Currently, the legislation does not ensure that the $250 that a student will pay will go to their advocacy; it is up to the goodwill of the university. That is simply not a good enough guarantee.

Senator XENOPHON (South Australia) (7.32 pm)—A vibrant and vigorous higher education sector is vital to the health and welfare of any society and plays a key role in our democracy. This vitality goes beyond sheer economics. A strong sector is central to Australia competing in the global economy. Young and not-so-young Australians need to
be developing skills and fostering careers that will keep us at the forefront of research, innovation and learning. We need to be utilising these skills internationally so that we might prosper as a nation. We also need to be facilitating careers that take world-leading ideas to the world so that we can compete in the global marketplace. Of course, we need the revenue that a high-quality higher education injects in our domestic economy not only through the important revenue that international students provide but also through an appropriately skilled professional workforce to support the needs of businesses.

However, there are other important contributions by the higher education sector that are vital to a democracy. We all benefit from the broader world view and critical analysis skills that higher level learning can contribute to informed and engaged democratic citizens. We also benefit from the independent and alternative views that academics can bring forth in the public domain. Sometimes, such awkward or contrary views are not welcomed by government, ministers or departments, but we as a democracy are made all the stronger by the rigorous debate around competing ideas.

There is also a benefit that comes from the production of high-quality research. In my work, I often rely on the research expertise of publicly engaged academics such as Professor Mike Young, from the University of Adelaide, who is a world renowned expert on water and water economics, and Associate Professor Frank Zumbo, from the Australian School of Business at the University of New South Wales, who is a leading expert on competition law in this country and a great consumer advocate. It is important to hear from people like that to inform my response to public policy proposals.

However, the situation facing students today has changed a great deal from the one I and others of my generation experienced. When I was at university, it was a lot cheaper to be a student. Tertiary education, for me, was free as a result of moves by the Whitlam government a couple of years before I got into university. With the introduction of HECS and its steady increase over recent years—something, I note, that has had bipartisan support—students are no longer spending their spare time around university until they find their vocation. They just cannot afford to.

For many university students, balancing work and study is not an optional, added challenge; it is a necessity for survival. So the imposition of a new fee, even if delayed by a loan-style deferral, is no small matter. Another difference is that, when I was at university, uni life and student services were much more politicised. I disclosed in my first speech, and again last week during the CPRS debate, my youthful indiscretion of being involved with the Adelaide University Liberal Club and Liberal politics.

Senator Stephens—Shame!
Senator XENOPHON—‘Shame!’ says Senator Stephens, but she says it with a smile on her face. That included being involved in litigation against compulsory student fees at a time when student politics was polarised and highly politicised. There were genuine concerns over the transparency and accountability of how those fees were spent. While the contributions of some senators to this debate seem to indicate that they think university life is still like it was when they were at university, frankly, it is not. The introduction of voluntary student unionism dramatically changed the university landscape.

While I acknowledge that student fees should not be used to fund overtly political activity or ‘beer appreciation societies’, as I think Senator Mason has stated, the VSU was a very blunt instrument that, I believe,
cut too deep. It is going too far when orientation programs are dropped, student academic advocacy is stalled, regional students are disadvantaged and counselling services cancelled. This, as I am reliably informed, is what is happening in Australian universities today. I wish to make it clear that I do not support the continuation of voluntary student unionism. However, ending the VSU is not a solution in itself. The question remains: is the government’s plan the best way to end VSU?

If students are going to be asked to pay, will they be assured that what they pay goes into student services, not university coffers? If they pay, will they be guaranteed transparency and value for money? And will the services they receive be fairly and appropriately distributed? These are the key principles in considering this bill.

Briefly, this bill is part of the government’s broader higher education reform effort, and one of a number of bills soon to come before the Senate in response to the Bradley review into higher education. Schedule 1 of this bill provides for universities to levy an annual services and amenities fee which is capped at $250 but then indexed according to parts 5 and 6 of the bill. Students who cannot afford this fee can access a loan through a new component of the higher education loan program called SA-HELP.

Schedule 2 amends the VET-FEE HELP scheme provisions to broaden guideline-making powers, while schedule 3 addresses safeguards in the processing of students’ information by tertiary information centres. I believe it is fair to say that these latter two schedules are largely uncontroversial. However, schedule 1 of the bill has been the subject of interest by a number of groups with whom my office has consulted. For instance, David Barrow from the National Union of Students expressed concern that university bureaucracy might prevent students getting best value for money for services. NUS argued that although universities may collect the revenue there needs to be transparency in how it is spent, because universities do not always fully understand the needs and interests of students.

This is a point reaffirmed in communication from Flinders University Campus Community Services, who provided a number of recent examples where there had been some misunderstanding between what the university bureaucracy was doing and student needs. They, too, called for more student input into how services were provided.

Further, Professor Alan Robson, chair of the Group of Eight universities, drew to my office’s attention a concern that had been raised with the minister over the lack of provision for student representation at a national level. I also received a useful submission from the Adelaide University Union, which outlined very clearly the impact of VSU on student services. It also advocated a funding mix, where a university would provide non-essential services, government would provide essential services and student unions would provide advocacy services. They also advocated greater auditing and transparency.

There are two further conversations that I feel I should also note in relation to the importance of service provision not disadvantaging any group. Firstly, the Deakin University Students Association clearly articulated the challenges facing regional campuses in their attempts to provide quality services. This is an issue that I know is of shared concern by colleagues. In particular, Senator Joyce has previously raised these concerns. Secondly, Nigel Palmer from the Council of Australian Postgraduates Association highlighted that the unique needs of postgraduate students—those who will be our researchers and experts in the near future—can be over-
looked by first-year focused university bureaucracies. Put succinctly, he argued that there should not be new revenue without new accountabilities.

It was with these matters in mind that my office started discussions with the minister’s office early this year. I am grateful to Brenton Prosser from my office who met with representatives of the minister in early March this year.

I would like to say from the outset that the efforts made by the minister for youth and sport and her staff were an example of how good consultation by government should occur. Over the following two months the communication between our offices centred on a number of central themes: firstly, the accountability measures placed in universities to ensure that this revenue is spent on appropriate student services; secondly, that information will be made publicly available and that there be independent auditing processes; thirdly, that any changes in relation to political activity would not impede legitimate advocacy on behalf of students; and, fourthly, that there be appropriate future review.

The minister responded to these concerns by a letter—it happens to be undated but it was received by my office in May of this year—through which the government offered, firstly, to monitor compliance in the context of its power to revoke the university body’s approval; secondly, to publish fee revenue and expenditure in the annual reports of the department; thirdly, to provide transparency by requiring each university to issue an annual compliance certificate that will stipulate the revenue raised and the specific services on which it is spent; and fourthly, have DEEWR monitor and report information on fee revenue and expenditure. I will later seek leave to tender a copy of the letter from the honourable Kate Ellis, the Minister for Early Childhood Education, Childcare and Youth and Minister for Sport, together with a two-page annexure headed, ‘Monitoring compliance with the proposed student services amenities fee provision of the Higher Education Support Act 2003 and guidelines arising from the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009.

This response from the minister was considered in the context of submissions made to my office by universities, including the Australian Technology Network. I do not believe that this requirement to report on how services are provided is onerous. It is far less onerous that the establishment of, and reporting to, a separate complaints body, about which the ATN expressed concern. Consequently, I indicated to the minister that I believed that these commitments go much of the way to addressing the concerns raised with me, and I indicated that I would give the government my provisional support. My support is provisional on the minister responsible in this chamber detailing, or at least confirming, this commitment to the Senate in the context of what Minister Ellis has put to me in relation to these ‘accountability’ provisions. With this in mind, I indicate that I will be supporting this bill at the second reading stage, but I will reserve my final position until I have had an opportunity to consider the arguments put forward by my fellow senators in support of their amendments to this bill.

I believe that the future of our students, of our universities and of our nation deserves nothing less than a vibrant and vigorous higher education sector, and I believe the end of VSU is a positive step in this direction. I am not sure whether the coalition is in a position to consent to the document I referred to, being tabled. If there is still some uncertainty in relation to that, I am more than
happy just to read—I think I have enough time—the letter from the minister. I seek leave to table the letter and annexure.

Leave granted.

Senator XENOPHON—That saves me reading the entire document, which would take up another eight minutes. Thank you.

Senator McGAURAN (Victoria) (7.45 pm)—I accept, indeed I even respect, Senator Xenophon’s approach to the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 bill, in an attempt to put forward amendments to clean up the government’s true intent. The true intent is to return compulsory student unionism to universities. I will leave it to the shadows to study and scrutinise the amendments, as you invited us to, Senator Xenophon; I will leave it to more authoritative persons to speak to you about that, but as I heard them—and you have been around a long time—you were seeking nothing short of Labor Party commitments. I did not think there was anything written into the legislation for what you were seeking. You sought commitments, but there was a commitment at the election to not even introduce this legislation—to maintain the VSU, voluntary student unionism, as passed in 2004 by the previous government. That was a commitment and it was overturned, as so many of Labor’s election commitments are overturned.

So, Senator Xenophon, I warn you—I feel I must because even you need jolting from time to time—do not fall for commitments. You need more than a commitment, because the intent of this legislation is clear. Every one of my colleagues that stood up—and there has been a long list of speakers—came to the same point. We have debated the fundamental principle in this bill, and that is: should there be freedom of association or compulsory association? That is the guts, if you like, of this bill. We have debated it. We have set out our beliefs—there is no secret to them. Not one speaker from the other side—and I have been listening intently, boring and laborious as many of them have been, and most reading off the same script—has come to the fundamental principle of this bill: freedom of association versus compulsory association.

That is a pretty basic principle in our society. It has a cascading effect in just about everything we do. If you cannot get it right at the universities, if you enforce association at universities, if you deny individual choice at universities, what else does that mean? Well, of course, for the Labor Party, it is a basic cornerstone belief. They would like to see it—if they thought they could get away with it with the adults—in the union movement itself.

So I come to this debate, like all of my colleagues, to reject it out of hand. The $250 per year, amounting to over $1,000 for a degree, is nothing short of compulsory payment—all dressed up, of course, in new terminology, such as ‘amenity fee’. We are to believe that, under the cover of this legislation, it will be raised, collected and controlled by the university administrations. The university vice-chancellors would have us believe that they will responsibly administer the tens of millions of dollars that the universities will raise, that they will allocate it to sporting clubs and other campus activities as they see fit, whilst maintaining an audit control over it all. That is what they would have us believe. The truth is that that will not happen. It has never happened in the past—why would it change?

It is quite clear where the vice-chancellors stand on this matter of principle. There is no misunderstanding what vice-chancellors have said before, at every Senate committee, the most recent one in 2009. At the commit-
tee when we had our own VSU legislation, in 2004, we had vice-chancellor after vice-chancellor come before us saying that compulsory student unionism is necessary. The vice-chancellors have always had a bent for compulsory student unionism, and have always allowed the union to run amok because there have been no checks and balances. As the vice-chancellors would put it: ‘That’s university life, isn’t it?’

Where were they, what were they saying, when the Melbourne university travel club collapsed twice and students lost their money? What were the vice-chancellors saying when hundreds of thousands of dollars was spent in the 2004 campaign? I just happen to have with me the third party return of electoral expenditure of the National Union of Students, just to verify my claim, and the claim of so many others, that they spend hundreds of thousands of dollars in electioneering campaigns against the coalition, with a political bias to have Labor elected into government. The address of the National Union of Students might interest people: suite 64 Trades Hall, Victoria Street, Carlton—right in the depths of Trades Hall, free rent, no doubt, so they can be even further cultivated by the union movement. This is what they spent in the 2004 election: broadcasting electoral advertisements, $77,371; publishing electoral advertisements, $40,758.20; production of campaign materials, $49,199; and direct mailing, $87,979. That was just the 2004 election.

The track record of university administrations in overseeing the good governance of student unions is, quite frankly, negligent. Did we ever hear university administrations call for responsible and accountable expenditure of union funds? What we heard from the university administrators was, as I said before, ‘Well, that’s all just part of university life.’ My colleague here, Senator Fifield, might remember because he sat on the committee in 2004. In that committee hearing there was a vice-chancellor famously quoted that compulsory student unionism was required because the students were too immature to make their own choices. I also note that in the current report the student union is quite concerned that the administration will not be fair on them and that they ought to be independent. The University of Sydney Union said:

We would like the Government to ensure that Universities refrain from micromanagement of these funds to avoid a culture of bureaucracy … I bet they would. But they have not got too much trouble. The vice-chancellors will pretty much do that and, if they do not, we know the intent of the legislation. It says in the committee report by the majority of government senators that the intent of the government is that students should be formally involved in all decision making. Drop the facade on the other side, with whatever speakers you have left. This is an overturning of VSU and a return to compulsory student unionism.

You have been trying to grapple with the rationale of it all, trying to cover it all up, but it all comes back to just that: the old ideological debate. What you promised in the election, you have not kept. My colleagues have properly quoted the then shadow minister for education, Mr Stephen Smith. I was just going to comment on his current performances as foreign minister. Who would want to be foreign minister with that Prime Minister? When asked a question, ‘Are you considering a compulsory amenities fee on students?’ he said:

No, well, firstly I am not considering a HECS style arrangement, I’m not considering a compulsory HECS style arrangement and the whole basis of the approach is one of a voluntary approach. So I am not contemplating a compulsory amenities fee.
Could the breaking of that promise and the dishonesty in this legislation be any clearer? Probably everything Mr Garrett said during the election—that you were going to change everything once you got in—was right. He was right; you have, and this is a classic example. We on this side never doubted that you would revisit this issue. We know that this is an icon issue for the Labor Party, particularly from the deep Left of the Labor Party. We know that this is where the Left’s beliefs hit the road and what their very ideology is built on.

Compulsory student unionism is probably the last remnant of the Left’s decaying system of beliefs. Consider this as one of their foundation stones: they believe intensely that people ought to be forced to join unions. This is what they basically build the whole structure of the Left around. This is their idea of liberty and of human rights. There is only one reason that they seek to dictate membership: they are very well aware that these student unions are inevitably controlled and occupied by the Left. It is where the Left basically hatch their young. It is all on other people’s money, of course. It is where they learn to live on the abuse of other people’s money, which holds them in good stead for entering the Labor Party in years to come. They are always dealing with other people’s money and thinking about where they can get their hands on other people’s money.

For the Liberal party this is very much a touchstone issue too, as the list of speakers and their passion has verified. This is a touchstone belief for the conservative side of politics and our belief is really quite rational and quite pure in its form. It is based on the belief that the choice of the individual student—the choice of whether you join a union or whether you do not join a union—ought to be respected. It is a very pure piece of ideology. Our belief is about stopping the decades and decades of student unions’ corruption, incompetence and misappropriation and replacing it with accountability, choice and values.

It is $250 in the first year—and every year—and you can be sure that will go up. It should not be compulsory. Students should pay for the amenity that they seek to use. The amenity needs to operate effectively so as to attract the students. Frankly, this is a battle of ideology. It is a battle of ideology—and to the death. When we return to government, we will revisit this and we will overturn this—rest assured and mark those words. We are not letting go any more than the Left will let go of this issue. We are going to revisit the hatcheries of the Left—for the greater welfare of Australia, of course.

I have heard many of the previous speakers talk about the need to preserve the universities’ culture and lifestyle. The way to do this, of course, is through this legislation—to enforce compulsory unionism. The amenities are there to deepen the education and experience of students. If this could be achieved through the student unions then it may well be acceptable, even desirable, but it has never been and it will never be. It is fantasy land; it is dreamland. I am sorry, Senator Joyce; I heard your speech and it was commendable. But, while you were walking around idealising and developing your character at university, you were being robbed by the student unions. I am glad you got through university without noticing that they were robbing you blind all the time that you were there.

Take, for example, Monash University. Talking about Monash University, I see in the report of the Senate committee inquiry into this bill that the Vice-Chancellor of Monash University called the previous government’s voluntary student unionism legislation, and the principle of voluntary student unionism, a ‘disgrace’. No, it was worse, for
those connoisseurs of the English language—he called it ‘outrageous’. That is the current Vice-Chancellor of Monash University, a man who will really stand up for the principles of human rights and liberty—he describes voluntary student unionism, the principle and the legislation, ‘outrageous’. Did that particular vice-chancellor notice that at his university, back in 2004—and probably every year prior to the voluntary student unionism legislation—students were paying compulsory fees of about $428 a year and more than half of that, $238, went to student union administration? It outlines where half of it went—$13 for clubs and societies, $22 for sports, $5.40 for child care, 28c for food and services; but the other half went to the student union, to their campaigning and to their national body, and probably overseas to all sorts of political organisations. Did that vice-chancellor notice that? Had any of the vice-chancellors noticed that? Are we to believe that things are going to change under this legislation? Hardly.

This idealising university life as though it were the fields of Eton, while the left just rip off the students, ought to be exposed. It is all about raw politics and money. That is what it is about for the student unions. That is what they want to get their hands on. They want to play politics with it—and, of course, they are aided and abetted by the government, because they know they will all grow up one day and come in here. It is full of them—that is where they learn to milk the purse; they do not stop when they come in here. This is an issue that goes to the highest levels. It is debated in the state parliament, it is debated in the federal parliament and it will continue to be debated. It is a base ideological debate for both sides of the parliament and we will not rest when we get into government. You can say it is your turn at the moment, should Senator Xenophon support you, but rest assured we will hang onto our principle and we will revisit this issue.

There was a clear reason, beyond the principle of compulsory unionism, why we set out to overturn the legislation when we were in government—because post-2004 it all worked. Everything the doomsayers said did not occur; there was not a mad collapse. What did collapse were certain unions here in the ACT that were completely out of control, but you did not see Western Australia or any of the Melbourne university unions collapse. You saw some amenities pared back because they were overindulged anyway, but you saw the value of the real amenities come forward. You saw them working—and so they do. So we are just returning to the bad old days.

I have heard the other speakers say that once the VSU legislation came in there was disaster—childcare centres shut down et cetera. But it did not occur. Look a lot closer than that. What did occur, which you are using as the rule, were certain exceptions. Anyway, talking about childcare centres and amenities: speak to the students. University childcare centres are no cheaper. There was the perfect example given of the University of Technology Sydney. This was given some years ago, but it would not have changed much. The Magic Pudding Child Care Centre was no cheaper than the private childcare centre down the road. What sort of subsidy is that? Walk into a student gymnasium. You will notice that the fee to join is not too cheap at all. So there is a bit of a fallacy here. I guess they are not too cheap because half of the fees used to go into union administration.

Like all my colleagues I call upon the Senate to reject this legislation. I particularly call upon Senator Xenophon not to accept any lousy commitment from the other side.
Senator HUMPHRIES (Australian Capital Territory) (8.04 pm)—I want to make a contribution to this debate as well. I have heard senators opposite in recent days proclaiming very proudly, with a certain coo in their voice, how much the government is delivering on its promises. They talk about delivering on the things they said they would do—Fair Work Australia and other measures—and proclaim the pride with which they are living up to the promises they made to the Australian people at the 2007 election. In some ways, however, the real test of a government’s faith with the community that elected it should not be how many promises it keeps but how many it breaks. With the introduction of the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 this government has broken, in spectacular fashion, a promise it solemnly made to the Australian people in 2007.

Let us go back to the circumstances of that promise. Senator McGauran has touched on that already in his remarks. Mr Smith, the then shadow education minister, was asked whether there was an intention by the then federal opposition to bring forward legislation to reintroduce compulsory student unionism. The shadow minister made it very clear that there was no such intention. Why did Mr Smith make that commitment at that time, I wonder. What was his motivation in making such a commitment? He made reference to the pressure under which students were operating at that time. That of course came on top of a long campaign that the Australian Labor Party had run about the size of the HECS debts that students were facing and the other pressures on Australian students.

Now wind forward to August 2009. What has changed between now and then about the environment that students find themselves in? The answer is, of course, very little indeed. In fact, if anything the environment that students face dealing with the pressure of working and studying for a degree is even more onerous than it was at that time. Students still have very substantial HECS debts; students have to deal with the added complication of it being more difficult to access Youth Allowance, thanks to the so-called reforms of this government; and students will now as well have to face the prospect of a $250 annual payment for the privilege of attending an Australian university and studying at that university. That indicates the depth of this government’s betrayal of students, because nothing has changed to plausibly alter the environment in which that promise was made by Stephen Smith in the middle of 2007.

We can only conclude that the promise made at that time was a cynical ploy to hide the fact that the then government-in-waiting knew that it would be unpopular to promise the Australian community that it would restore compulsory student unionism, knowing that most students had embraced and welcomed the fact that under the Howard government they were no longer compelled to pay fees for services that in many cases they never used or they used to an extent that did not justify the size of the fees they were paying. They knew that. They knew the students did not want to pay those fees. They knew that students were very happy to have the choice available to them to decide whether or not they would purchase those services and belong to the unions. The cynical exercise we had from this government, when in opposition, saying, ‘We will not reimpose those fees because we know they are unpopular,’ and then, by subterfuge, imposing them once they got back into government is just breathtaking. So, I do not want to hear members opposite telling us how well they have kept their promises, because in this respect they have betrayed in spectacular style the spirit
of honour of the promises they made to the
Australian people.

This legislation enables the imposition of
a fee of $250 per year on about one million
Australian tertiary students irrespective of
their ability to pay and irrespective of their
interest in or ability to access the services
that the fees pay for. As previous speakers in
this debate have indicated, it disconnects the
payment of the fee to a role in student or-
ganisations and a capacity to influence the
way in which they are spent. Also, it
amounts to a new tax on those people who
choose to take up a university education. It
imposes a new tax at a time when there is
enormous pressure on Australian families
and there is absolutely a need to try to relieve
the pressure that students have to study and
work under. This government has decided to
increase the burden on students for reasons
that can only be to do with some kind of pact
that the government has made with those
student organisations that have so generously
supported the Australian Labor Party and this
government in the past. It is a tawdry deal to
pay back a debt that was created by virtue of
the election of this government in 2007.

At the heart of this legislation is the prin-
ciple that this government does not trust the
judgment of students. At the heart of the leg-
islation is the idea that the government
should make a decision on behalf of students
as to what is in those students' best interests
when it comes to the purchase of services in
relation to their university education. This is
ironic because we accept into our universi-
ties the most talented and brightest people in
that age cohort. They are the people who will
become the doctors, the nurses, the pharma-
cists, the lawyers, the engineers, the foresters
and the teachers of our society. They are the
people we want to lead our society in the
future. They are the people we expect, on a
day to day basis as professionals a few years
hence from the beginning of their university
degrees, to be the leaders of our society in so
many different ways—in a professional
sense and in a more broad social sense. We
will trust these people to make important
decisions about our welfare as our doctors,
as our lawyers, as the engineers of our roads,
bridges and aircraft, as our accountants or in
any other of a variety of ways. We expect
these people to exercise great judgment on
behalf of the whole community, but we say
to these same people: 'Sorry, you do not
know what is best for you. You cannot make
your own decision about whether or not you
should belong to a student union. You do not
have the capacity to discern whether a ser-
vice provided by an organisation on your
campus is or is not worth paying for.' That is
the contemptible attitude that this govern-
ment has towards the opinions and judgment
of Australian students.

If I have mischaracterised this in some
way perhaps the government can enlighten
me. Why do we need to tell students that
they must pay this fee for student services?
Why can’t the best and brightest of our soci-
ety discern what is in their best interests
when they go onto a campus and decide what
course they want to do and how they want to
balance study and work? Why can’t they
make that decision about what is in their best
interests? Why can’t they discern what ser-
vices a particular organisation provides and
then decide whether or not to purchase them?
Clearly, they can, but it is not in the interests
of this government to give them that choice.

Some people have said to me that compul-
sory student fees are warranted because peo-
ples, at least those who are studying full-time
or coming onto campus regularly—and of
course that does not include many tens of
thousands of Australian students these days,
but let us put that argument to one side for a
moment—are likely to want to use those ser-
VICES and, because there is a need for all stu-
dents to be involved in the organisations

CHAMBER
concerned to make them work well, they need to belong to them. It is argued that they are more effective when everybody belongs to those organisations, or at least puts their dollars into their operation. The argument could well be put that if I lived in the particular part of my community in which there was a sports club—a golf club, or a tennis club or something of that kind—and I get a letter in the mail saying: ‘This facility is very important to the people who choose to use it. You live in this community and therefore you too should pay to belong to this organisation or to get the benefit of that service.’ At the end of the day, what is the difference between those two scenarios? We do not compel people to belong to organisations in our community; we do not compel them to belong to a bowling club, or a sports club, or the P&CC or any organisation in our community. Even in the workplace in this day and age, membership of the trade union is not compulsory, to the best of my knowledge. So why alone, among all the ways in which people might live in contemporary society, do we expect them, in effect, to belong to one particular organisation, that being a student union?

I appreciate that the government has disconnected membership of the organisation from payment of the fee to that organisation, but that is a subterfuge. It is a device to get around the fact that it is effectively forcing people to belong to student organisations. Why do we expect that to happen in the case only of university campuses and nowhere else in our society? It is simply not logical. I have some knowledge of these matters; I am not speaking in a vacuum of experience. I myself was president of a student organisation—I was the president of the students association at Australia’s premier university, the Australian National University—and I had great pleasure attempting to connect the organisation to which I belonged to the students who went to that university. I thought it was a substantial achievement—and indeed it was, comparatively speaking, in those days—to get student elections happening where one in every five students would cast a vote. By the standards of university elections in those days, and I think even more so today, that was quite an achievement.

But I acknowledged that the biggest obstacle I faced in attempting to run a good student organisation which delivered services that students on my campus wanted was the fact that there was such a serious disconnection between those people who, under compulsion, paid the fees to the university for the purpose of payment to the student organisations and the involvement of those students in those organisations in making decisions about how they spent that money. There was a constant problem of students being uninterested—even disinterested—in the activities of those organisations and being unable or unwilling to connect with the process of working out what they wanted because, no matter what they wanted, they would still have to pay the compulsory fee. There was no sense of market mechanisms and no responses expected from those who paid the dollars. Student organisations did as they pleased because they could behave in any way imaginable and they would still receive the same amount of money from the students who were compelled to belong to them. That undermined and destroyed enormous amounts of innovation and reform in student organisations for decades. They had no impulse from their constituencies—their marketplace, if you like—to which they had to respond when designing and running their services.

That has changed in some parts of Australia. We have heard about the experience of the University of Western Australia. It changed after 2005, when the voluntary student unionism legislation of the Howard
government was passed. Although the student unions themselves have complained bitterly about those new circumstances, I think it is in fact easy to discern that substantial improvements have been made in the way that student unions have been run and have responded to the needs of their membership. The fact is that student campuses are very different to the sorts of places that they were back in the 1970s and early 1980s, when I was on campus. There are many more students these days who are external, who study part time, who cannot or in a practical sense are not able to use student services on campus and who just do not get value from money from the sorts of fees that you have to pay to belong to a full-time organisation. Indeed, many students do not view life on a university campus in the way that they did back in, say, the 1970s. The experience of being at a university, being an undergrad and doing all the things on campus and so forth is a relevant concept for fewer and fewer students. That should mean that the nature of student organisations and the services they provide should change. But they will not change if we do not build in a mechanism to allow what students want and what they get from their student organisations to be linked.

I have no doubt that most students do not support the legislation which this government is putting through the parliament at the moment. I have no doubt at all that when students moved away from paying student union fees after the passage of the 2005 legislation they were acting in a conscious, well-informed and rational way. They were saying, 'I am making a decision about what I can afford and what I think is necessary for my welfare and the quality of my degree by saying that I will not join this particular organisation.' The Australian Democrats conducted a survey some time ago in which they found that 59 per cent of students were against compulsory fees. That was reflected in the fact that in recent years something like five per cent of students only ever take part in elections on campus for student organisations. The only way to fix that lack of identification with the work of student unions is to require those unions to appeal to their members, to say to their members: 'Here's what we offer. Here is what we want to do with your money. If you belong to us we will deliver these services to you.' They should do this in the same way that any organisation any of us in this place belong to does in order to win our support and our dollars. It is extremely sad and very damaging for the quality of student services that, with this legislation, the government will again cut that nexus between the requirements and expectations of students and the money that they pay to student organisations.

Let me conclude by saying that universities in this day and age are expected to be institutions of freedom—freedom of thought and freedom of action. Yet what we see with this legislation is the singling out of Australian university students and saying to them that they are almost unique in our society as being people to whom we will say, ‘You do not have the freedom to decide whether you belong to or financially support particular organisations connected with an activity with which you are involved, in this case your education. You can choose to belong to a social club, to your union when you go to work, to a sporting organisation, to a political party or to a P&C council at your local school. You can choose to belong to any of those organisations, but you cannot, in effect, choose to belong to a student union. At least you cannot choose not to put your money into that organisation.’ That is a very, very strange paradigm that this government puts forward.

The misuse of funds by unions—and Senator McGauran made reference to that in his remarks—is certainly a serious issue and
one that I think will be a much more serious problem in the future with the passage of this legislation. But the bigger issue is the breaking of the nexus between student money and the way in which it is spent. I predict that we will see a great deal more of this in the future and all of us will have reason to regret the way in which student unions spend their money because we will have made the decision, if this legislation is passed, to break that nexus. I appeal to the Senate not to pass this legislation because it is simply fundamentally wrong and in particular because it is bad for student unionism. It is bad for the quality of the services provided by student organisations to their own members.

Senator RONALDSON (Victoria) (8.24 pm)—I congratulate Senator Humphries on that speech. He very clearly articulated, as have so many of my colleagues during the day, why the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 should be defeated. I do not intend spending a lot of time tonight on this, given the hour. Over the last 18 months or so I have seen many glaring examples of this government’s political dishonesty. There is no more glaring example of political dishonesty than this bill. If you look back—and my colleagues have already quoted the now Minister for Foreign Affairs, the former shadow minister for education, Stephen Smith—you simply cannot account for this legislation in light of the foreign minister’s comments in 2007. I know it has been done ad nauseam, but I will repeat them as, quite frankly, it should have been done ad nauseam. He said:

So I am not contemplating a compulsory amenities fee.

What could be clearer than those words? My colleagues have articulated a wide range of arguments in relation to why this bill should be defeated. I will go through some of those that are particularly important to me.

There is a group of 130,000 people who are studying externally and who will be exposed to this levy. There has been some reminiscing about former student days, and I am one of those ones who were lucky enough to have a free education. I cannot remember what it was—quite frankly, it was so long ago, regrettably—or whether I was on a Commonwealth scholarship for fees, but I know I did not pay for it. But university life has changed. When I first went to university, in perhaps 1971, if you had said to someone that there would be 130,000 students studying externally you would have been looked at as if you were stark raving mad, because that was not the way universities were run when I went to university. But the world has changed and fortunately there is now the ability for people to study externally. Fortunately there is now a group of people who would never have had the opportunity to study who can now do so. Whatever governments, in whatever guise, have added to that, all power to them. But those people should not bear the responsibility for a fee that they will not benefit from.

The other matter I want to raise particularly is in relation to the enforcement provisions and the very real, and I would say almost definite, opportunity for political abuse. As Senator Mason has said, while the bill prohibits universities or any third parties which might receive money from spending it in support of political parties or political candidates, there is nothing to prevent the money being spent on political campaigns, political causes or quasi-political organisations per se. I think it was Senator McGauran who quite rightly said that, when abuses of this fee under its old guise were so clearly obvious, why would anyone who took the remotest interest in this debate have any confidence that the university administrators were going to do any more to ensure the integrity of this process than they did under the
old process? Every single person who went to university knew exactly how it was being abused, and it was a de facto reallocation of money for political purposes.

I know, as many senators know, that universities are under enormous pressure at the moment. I recognise that. I do not wish to place any more pressure on them, but the point I want to make is that the resources required to police the allocation of these funds will simply not be there. When there were a lot of people to police the allocation of these funds, it was not done, and it most certainly will not be done in the current economic climate. Senator Mason quite rightly said that, when this reaches its inevitable conclusion, we are going to require students to be the whistleblowers of a flawed system. What an appalling piece of public policy it is to force young people, students, to become the whistleblowers on what will undoubtedly be abuse of the process. Quite frankly, the foreign minister’s words are seen to be, with a bit of hindsight, absolute weasel words. What I would like to know is: what grubby deals were done when the weasel words were being used? And who was told, ‘We will fix this up despite what we have said publicly’? What deals were done and who were they done with?

I will finish on this note. In the Sydney Morning Herald on 21 August, a Labor source belled the cat in relation to this matter. I will read from a story by Phil Coorey, the chief political correspondent:

The Education Minister, Julia Gillard, has in recent days reinforced Labor’s election pledge that ‘there would not be a return to compulsory student unionism’.

But a Labor source said Ms Gillard was choosing her language carefully. Labor would not reintroduce a compulsory student union membership but the fee which accompanied the membership and funded services.

So what we now know from Labor sources back in 2008 is that this has been policy in the making for some time. I suspect this had been policy in making prior to the 2007 election. I equally suspect that the deals were done prior to the 2007 election to reintroduce this fee, which would in effect force students back into student unions. I find it extraordinary that a party that apparently pleads the case for freedom of association is so completely and utterly devoid of any integrity in relation to this debate that they will pick out, as Senator Humphries said, one group of people for whom they are prepared to sell their principles down the drain because of some deal that has undoubtedly been done.

I have not heard one skerrick of evidence from the minister, the minister representing the minister, those on the other side or anyone else. There is not one person who has convinced me that there will be any ability of the universities to police and sanction those who are abusing the system. There will undoubtedly be abuse, because you could drive a truck through the definitions of where this money can be allocated.

I find it personally objectionable that an 18-year-old student just out of school— inexperienced politically, socially and in every other way—is going to be left to whistle-blow on abuses of this system. I think that is utterly appalling. The Labor Party stand condemned for a dirty deal that was done in the past and they stand utterly condemned for their political dishonesty. I will finish as I started. I again quote from the then shadow minister for education and training, Stephen Smith, when he said back in 2007:

So I am not contemplating a compulsory amenities fee.

I will finish as I started. I again quote from the then shadow minister for education and training, Stephen Smith, when he said back in 2007:

So I am not contemplating a compulsory amenities fee.

Game, set and match.

Senator FIELDING (Victoria—Leader of the Family First Party) (8.35 pm)—I rise today to speak to the Higher Education Leg-
islation Amendment (Student Services and Amenities, and Other Measures) Bill 2009. Among other changes, this bill allows for higher education providers to charge students an annual, capped compulsory fee of $250. Thirty years ago I was a fresh, young student about to embark on my first university degree. I do not know whether people would agree with fresh and young, but it was certainly my first university degree. University education was then free, but that debate is for another time and place. Education is now an expensive business and these are tough times for Australian families. Attending university is a rite of passage for many of our young Australians. A place in a university of their choice, studying the course of their dreams, is often hard-won, following years of intense study and often sacrifice. That sacrifice also extends to their families who work to support their loved ones in full or part-time study to enable those dreams to be reached. University is a costly experience, particularly for those coming from regional areas who have to pay for things like accommodation, food and living expenses that have probably been provided for them at home.

The Rudd government is proposing to reintroduce a compulsory student amenities fee that must be paid even if the student has no intention of using any of the services being offered. I have to admit that I have an issue with the word ‘compulsory’ and, judging by the number of responses I have had to a blog I wrote about this on my website, so do many of the students this legislation is meant to be helping. Listen to what Helen, a student, has to say:

I do not use the services that this tax would be spent on and I find it extremely unfair that I would be burdened with more expenses in these difficult economic times.

It also worries me that even one cent of this compulsory tax could be sent to student unions.

In the workplace compulsory unionism has been abandoned as it does not represent the whole of the work force.

Why should struggling students be treated any different? I pay the same taxes everybody else does, so why should I also have to pay a tax just because of my status as a student?

If people want to keep using these services they can voluntarily pay for them.

I have no need of these services, so I fail to see why I should pay for something that I don’t need when I can’t afford to be wasting money.

Consider what Kahla has to say:

University is supposed to be for everyone from any socio-economic background.

I fail to understand how forcing students from low socio-economic backgrounds to pay large compulsory fees, which is spent on funding student unionism, political rallies and social events, is going to help those who are at the centre of this issue: THE STUDENTS.

I think that imposing such a tax on every student, no matter their university and its services, is unfair and is an unnecessary extra burden on student finances and their subsequent HECS debts.

For this semester alone I have paid out over $400 in textbooks along with over $100 in parking permits and I struggle to afford these in the first place.

As an independent student I also have to pay for rent, food, car payments and bills and any extra pressure, especially in the current global climate, would be an extra stress.

While there is the argument that it can be put on HECS I am aware of just how large my HECS debt currently is and will be by the time I finish. I am not prepared to make it any larger especially as I will be paying back my debt at a time in my life when I will want to buy a house and save for the future.

These are just two examples from many on my website. These are the thoughts of students who are struggling to manage their finances as they study, who are struggling to pay for the necessities of life and who object to having to pay a compulsory fee for uni-
versity services that they will never use. Students are often among the lowest income earners in this country. That is why we have government funded schemes, such as Youth Allowance and Austudy, because without this money many students would be unable to afford to study. Many have to work just to support themselves through university.

I know many young people attending university at the moment and I know their priorities are, firstly, the necessities of life—food, rent and bills—and, next, expenses associated with their study: books, stationery, petrol, public transport fares to go to classes and parking. For the government to even suggest that these students could manage adding a compulsory fee to their shrinking budget shows they are out of touch with the young battlers of our nation. For the government to force this compulsory fee on students for services many may not even use is against all reason.

I am opposed to this bill for three reasons. Firstly, it does not make any sense. If university students want to use the many services on offer at their campus, they can pay for them as I would pay for any service I wish to use. But those who do not want to use these services should not be burdened with a compulsory fee that will subsidise other students’ use. Secondly, I believe the bill is morally flawed. The bill removes the student’s right to choose. I thought we had moved on from the days when students were forced to join unions and pay fees just to get a university education. Now it seems the Rudd government is using the method of force once again. I am also concerned, as are many students who have contacted me, that their hard earned money will go to supporting groups with political agendas within universities across our nation. Only a few years ago we saw a radical socialist group publicly burn the Australian flag using student money to fund their activities. Is it fair that decent Australians should be forced to pay for such disgraceful acts? How absurd is it that students should be forced to dig deep into their pockets to pay a compulsory fee and then have no say on where the money should go?

Thirdly, and finally, I am against this bill because it is a tax on the poor. It is a tax on those people in the community who can least afford it. At the moment important student services are funded by the universities through their federal government funding. If this bill were to be passed, we all know what the next step will be. The government will simply reduce its funding to universities because the costs are now being picked up by the students. This is not something that I can support either.

I believe a compulsory fee will breed inequality in our education system. It will only widen the gap between rich and poor. Putting a further financial burden on those already struggling will push some low-income students out of the tertiary system. This country has worked hard to improve the next generation’s chance at a successful future. We have decided that university should be an option for all people, regardless of their family, their financial situation or their socioeconomic background. This ideal is already fading under the pressure of limited university places, low-income support, dwindling housing options, rising living costs and the latest challenge of rising unemployment. What the government is proposing will put university out of reach for some. This bill seems like a backward step from our goal of making university accessible to all Australians. Compulsory university fees also put further pressure on students and their families at a time when we should be aiming to relieve them of this burden. It is for these reasons I have decided to vote against this bill.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research)
(8.44 pm)—I would like to thank those senators who have spoken on the bill. I would like to thank those senators who have participated in the committee of the Senate inquiry into this bill. I think it is important to put into perspective what this bill is actually about. It is not about a number of the claims that have been made here by some of those opposite. There seems to be a presumption that these types of debates—and I have seen them now in this chamber for a long time—are opportunities for conservative politicians to essentially revisit their obsessions with the ghosts of their pasts, the misspent youth that they are seeking to dispel and their attempts to essentially re-fight the battles and relive the old indignities and humiliations that they suffered at university. They see this process as some sort of psychological cleansing because they, frankly, have no grasp of the fundamentals of what is actually in the bill.

If you listen to the speeches, these very colourful presentations that we have heard over recent times, you would not get a sense of what is contained in these propositions that are before the chamber tonight. What we have here is a measure that would provide about $170 million for the universities of this country to provide services for students. What those who are opposed to this legislation are doing is turning their backs on the capacity of universities to provide $170 million for the students of this country. Those are very useful sums of money, coming as they do at this particular point in the interregnum between now and the point at which a great bulk of the $5.4 billion worth of new moneys provided as a result of the government’s last budget are available. So when I hear Senator Fielding talking about cuts to universities that will flow from this bill, I frankly wonder whether or not we are talking about the same piece of legislation. We are dealing with a group of assumptions here that are not borne out by the facts of what this bill seeks to do.

This bill amends the Higher Education Support Act 2003 to bring about an end to the damage to the student amenities and services on university campuses that was caused by the existing voluntary student unionism provisions, which were introduced by the previous conservative government. We do so at the same time as maintaining the commitment by the new Labor government not to return to compulsory student unionism. So this bill is an attempt to start rebuilding student services after the decade of neglect by the previous government. This bill makes amendments to require the higher education providers that are receiving Commonwealth Grant Scheme moneys to comply with new student services, amenities, representations and advocacy guidelines. This means that for the first time universities will be required to meet national access to services benchmarks. There are provisions in this bill—Senator Mason, I trust you are aware of this, rather than fighting out those ideological obsessions of yours—that actually deal with assisting students.

The ACTING DEPUTY PRESIDENT (Senator Moore)—Minister, direct your remarks through the chair.

Senator CARR—These are important benchmarks which will allow students to have the provision of information on the services that are provided to them on their health, on their welfare, on their financial services and on their various advocacy services. So this bill introduces for the first time a requirement for universities to meet national student representation protocols to ensure that universities provide opportunities for democratic student representation so that student views might be taken into account in institutional decision-making processes. What a shocking thing to do! What a horror
for a government to actually ask students what they think about the provision of services on their campuses!

What this Labor government has been doing is taking a balanced and a practical and a sustainable approach to securing the future of student amenities and services while also maintaining a commitment not to return to compulsory student unionism. The provision of student amenities and services on our university campuses is a key part of providing a world-class higher education system. One thing I will agree with Senator Barnaby Joyce about is his observation that going to university is a bit more than just simply turning up to class—or, for those who do not turn up to class, filling in some assignment every now and then. It is actually about a broader engagement. And what we will see through this proposal is that we have an opportunity to provide services to students with much needed services that have been substantially reduced or have ceased to exist as a result of the negligence by the previous government when it came to provision of services on campuses.

What we saw under the previous government, one of the few governments in the OECD to reduce spending for universities, is that students were hit particularly hard with increases in prices for the provision of basic services like child care, parking, books, computer labs, sport and food. What we have heard is a lot of sanctimonious twaddle about what has been going on at universities. But what we actually see when we look at the facts in these matters is that parking fees, for example, at Monash University have risen from $80 to $280 per year. Child care fees at La Trobe have increased by $68 per week and by $800 a year at the University of Technology Sydney. We have seen the membership fees for the Sydney university sport and fitness centre raised by 500 per cent. These are the facts of what has been going on under the previous government as a result of the starvation of the university system by the previous Liberal government.

This is the great panacea that those opposite created with the voluntary student unionism regime. And what we have seen is that the cost of the voluntary student regime has been directly detrimental to students right across this country. We saw that universities were redirecting funding out of research and teaching to fund services and amenities which otherwise might not have existed at all. This is the harsh reality of the education nightmare that was created by the previous government. And so it was a pity that senators who were speaking in the debate on this bill did not reflect more wisely upon the actual experience of students today but rather reflected on their obsessions from some 20 years ago.

I think this is an opportunity for senators to correct their record of appalling abuse of students that we saw over the last decade. There was not a squeak out of any of you on that side. I sat here for over a decade and there was not one squeak out of you when it came to the cuts in higher education that were experienced under the previous government.

Just this evening we have had a number of universities trying to appeal to your better natures. I know how foolish that is, but, nonetheless, they remain optimistic of their capacity to persuade you. The Group of Eight, for instance—forever idealistic is the Group of Eight—has called on the Senate to ‘support the Government’s policy for restoring vital student services on university campuses’. It says:

The Federal Government’s decision to allow universities to support essential student services through the collection of a modest fee is a sensible compromise that will enhance the quality of Australia’s higher education system,” said Go8 Chair, Professor Alan Robson.
The Go8 strongly supports the Government’s decision to ensure students will have the option of a HECS style loan to cover service fee costs. This means the student services fee will not pose an up-front barrier to any student.

That was pointed out to us tonight. So there is a request from the Group of Eight that this bill be passed. Obviously it has fallen on deaf ears and it is a tragedy that such ignorance is allowed to prevail. Then there is the Australian Technology Network, the ATN, which calls on the Senate to support the government bill:

... which will ensure the continued availability of quality student services to the nation’s university students.

It points to the guidelines underpinning the legislation as explicit in outlining the allowable uses of the fees.

Failure to pass this bill will have a potential negative impact on the nature of services provided for our regional students.

Reduced services is a significant threat to the level of international enrolments, to the satisfaction of international students with their on-campus experience and more generally to the global reputation of Australia’s higher education system.

Once again we have the ‘ignorance is bliss’ mentality on the other side of the chamber.

Senator Barnaby Joyce spoke about his experiences at UNE—the University of New England. Tonight the Vice-Chancellor of the University of New England, Professor Alan Pettigrew, urged federal senators to pass this legislation that will rebuild student amenities and services at universities around Australia.

‘It’s very important that the Senate consider wider issues of student welfare, and the health of the sector,’ Professor Pettigrew said.

... ... ...

‘This is an issue that also goes far beyond sporting and eating facilities.’

He said that the need for the legislation was particularly pressing for regional universities. I trust that that message has actually been heard. Senator Barnaby Joyce, I look forward to you joining with the government to ensure that this legislation is carried, because otherwise we will think that this is another case of you blowing hot and strong but not actually being prepared to do anything about it. That is what we have heard from you so many times now, where you have got up and said, ‘This is what I am going to do,’ but have failed to deliver every time. What you insist upon is trying to grab the headline without actually walking the walk and talking the talk. You have actually got to cross the floor on this issue for this bill to be carried tonight.

The ACTING DEPUTY PRESIDENT—
Senator Joyce on a point of order?

Senator Joyce—I have done it 28 times more than he has.

The ACTING DEPUTY PRESIDENT—
There is no point of order.

Senator CARR—I have never done it, because I am not a fraud and a hypocrite when it comes to the question of supporting—

The ACTING DEPUTY PRESIDENT—
Order! Minister, I ask you to reflect on your language in that case.

Senator CARR—Indeed, I always reflect on my language. I make this point: it is all very good to stand at the front of this building and big-note yourself about how you are going to cross the floor; it is another thing to actually do it. What you have got here tonight, Senator Barnaby Joyce, is the chance to put your money where your mouth is. Here is your big chance because, on the basis of what has been said here tonight, there are not sufficient numbers for this bill to be carried through the third reading when it goes to division. So I am going to require you to
show the courage of your convictions. I commend the bill. I trust that, in the time we have to debate this matter during the committee stages, senators will reflect upon what it actually means to defeat these measures.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (8.57 pm)—I table the supplementary explanatory memorandum relating to government amendment (1) to be moved to this bill. The memorandum was circulated in the chamber on 13 August 2009 and I move government amendment (1):

(1) Schedule 2, item 2, page 18 (line 16), after “debts”, insert “(incurred before, on or after the commencement of the amendment)”.

Senator MASON (Queensland) (8.57 pm)—The opposition does not oppose the government’s amendment. It is of a technical nature and the opposition will support it.

Question agreed to.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (8.58 pm)—by leave—I move amendments (1) to (6) on sheet 5802:

(1) Schedule 1, item 4, page 3 (line 21), omit “not of an academic nature”, substitute “of the kind specified in subsection (7)”.

(2) Schedule 1, item 4, page 4 (line 6), omit “$125”, substitute “$75”.

(3) Schedule 1, item 4, page 4 (line 8), omit “$250”, substitute “$150”.

(4) Schedule 1, item 4, page 4 (line 13), omit “$250”, substitute “$150”.

(5) Schedule 1, item 4, page 4 (after line 26), after subsection 19-37(6), insert:

(7) The services and amenities specified by this subsection are services and amenities associated with sporting and recreational activities and facilities provided by, or on the campus of, the higher education provider.

(8) The Student Services and Amenities Fee Guidelines must not provide for the calculation or inclusion of a fee amount for the provision of services and amenities other than those of the kind specified in subsection (7).

(9) A higher education provider must not require a person enrolled, or seeking to enrol, with the provider to pay a student services and amenities fee if that person is a “distance education student, unless the person chooses to use the amenities or services for which the fee is charged.

(10) In this section, distance education student means a person who is not required to attend the campus of the higher education provider to meet the academic requirements of the course of study in which the person is enrolled, or is seeking to enrol.

(6) Schedule 1, item 5, page 4 (after line 30), before subsection 19-38(1), insert:

(1A) A higher education provider must not spend an amount paid to the provider as a “student services and amenities fee to support the provision to students of services and amenities other than those of the kind specified in subsection 19-37(7).

It is very interesting, of course, to note someone talking about ‘walking the walk’ when they have never actually walked it at all, and ‘talking the talk’ when they have never actually talked it at all—living on the laurels of having a ministerial position that reflects their ability to do exactly what they are told. I think you would find that there are a lot of people on this side who would disagree with you fervently that I am—however you want to term it.

However, putting that aside, this comes down to a core issue: without sporting facilities at regional universities, we will not have
regional universities. Without regional universities we dislocate people from regional areas—from their chance of parity in their tertiary education. That is really the essence of it. We want to make sure that wherever you live in Australia you have the chance to get an education. We know full well that if we have a building surrounded by bindi-eye patches, it is not going to attract a student body, and if it does not attract a student body the people in that area have lost yet another semblance of something that keeps them attached to Australia.

As an example, my parents went to the University of Sydney—and good luck to them. When I last inquired, the University of Sydney had about $1 billion—$970 million or so—put aside in trusts and funds to support facilities. At the University of New England, we have nothing. There is a complete disparity, and the only way we can possibly maintain the facilities there is to have a fee. My colleagues and I are the last people to want politicisation in the administration of that. That is not what it is about. It is about the university administering a fee that it collects from the full-time students just like it administers the fee for the economics, botany, rural science or any other department. If they administer that fee fraudulently, they would go to jail for that. It does not require a student union in any way, shape or form. It just says to the business—the university—that it is allowed to charge for the facilities, which it quite obviously has to support.

We have a problem on the principle of how you deal with a business. We see universities as businesses. You cannot say to a business, ‘You can charge for that but you cannot charge for that.’ You cannot go into a McDonald’s and say, ‘We are going to let you charge for the hamburgers but we are not going to let you charge for the recreational area for the children.’ It is their business and it is their choice. We absolutely believe in choice. The choice is this: if you do not like that university, you can go somewhere else. If a university thinks that it is a virtue of their business plan to set aside certain fees or leave certain fees out then they will do that. It is not compulsory for the university to charge the fee; it just allows the university, as a business, the opportunity to charge the fee. That is a vitally important business principle from people who are from the conservative side of the political fence.

I would like to acknowledge one thing: it is great to see that the dignity of this debate is far greater than it was in the first instance. It is being conducted in a relatively good manner and it reflects that people do accept that, on some issues, there are differences. There always will be, and that is the way the Senate should work. It was going along quite well until Senator Carr gave his closing speech.

We have said that all the insinuation in the political side of this debate has been removed. It is just sport. There is nothing political about playing netball. There is nothing political about playing cricket. There is nothing political about playing water polo. There is nothing political about playing soccer. But it is a great mechanism for people to mix. When you get to a position of saying, ‘Barry, kick the ball to Mohammad; Mohammad, you kick the ball to Aziz; Aziz, you kick the ball back,’ you get the capacity to open up those communication channels between people who have never communicated before and you start to get a sense of going beyond where you naturally feel safe. You start to include other people in that community, which is a university. There is so much to be gathered from that community that is the university that will help you grow as a person.

Why don’t we go to other things? If you go beyond that, there is the capacity to go
into the realms of politicising where the
money goes. It is just so obvious and so sim-
ple to stick with sport, because you can look
at a primary school and say: ‘There are the
fields. Those fields are part of the school.’ If
you go to a high school, you can say: ‘There
are the fields. The fields are part of the high
school.’ If there are no fields at a university
then the university does not have to charge
for them; it is their option. They are allowed
to say, ‘Well, we don’t have any sporting
facilities so we are not charging you for
them.’ I have to ask the question: are you
going to a university or are you just going to
an academic institution? It may be war-
ranted, but it is not a university.

We have to deal with the University of
New England, the University of Southern
Queensland in Toowoomba, Charles Sturt
University, Southern Cross University in
Lismore, James Cook University and the
University of Central Queensland. These are
regional universities and we need to have the
capacity to fund the facilities around them.
We cannot just look at them and say, ‘Well,
we know there will be big corporate sponsor-
ships for the big universities in the metro-
politan cities, but these smaller universities
will just have to go without.’ It is not fair to
do that.

Look around tonight. Let us be honest; the
Australian people do not give a tinker’s cuss
about this debate. There is no-one from the
media watching it and there is no-one in the
galleries; no-one has turned up to see this. It
is right below something that just does not
rate. We should remove a little bit of the
emotion from this and try to get to a position
of what we can do that is reasonable and fair.

I have heard Senator Fielding’s speech
and I presume that, if the Labor Party does
not support our amendment, this legislation
will go down. I say to my own side: that also
becomes a trigger for a double dissolution in
the future, which is going to be a problem for
all of us. The legislation is going to come
back and we are then going to have to deal
with it. This is an amendment that can move
the agenda on. Hopefully everybody does not
walk out feeling wounded or insulted. It is
reasonable; it is nonpolitical; it creates real
choice; it is not compulsory; and it is admin-
istered by the university. Being administered
by the university takes away any semblance
of politicisation. It deals with the fact of
what a university is. It is historically correct
in that virtually every other university
throughout the world does exactly the same
thing. The historical principle behind it is
backed up by what other universities do,
which is what our universities are formulated
on: mens sana in corpore sano—a healthy
mind in a healthy body. This is the principle
behind these things; it is not just a healthy
mind and a big fat wallet. Sport draws people
together. I am not saying that sport is the be-
all and end-all, but, gee, is a brilliant start to
get that socialisation process—not in the left-
hand side of the political format—going and
to get people to talk to one another and do
what we have to do in this community.

We have said before that this amendment
is all about inspiring people not to be com-
pletely centred on themselves but to partici-
pate, of their own volition, in the wider
community so that their participation in sport
may encourage them, at a later time in their
lives, to give back to our nation. There are
two arguments here that are incorrect. One is
that the fees that students pay completely
cover the cost of their courses. They do not.
They are a very minor part of the payment
for the courses. The Australian people pay
the vast majority of the cost of students’
courses. The Australian people, who do not
go to university, pay the vast majority of the
cost of the courses. The second is that the
government pays for everything. They do
not.
Yes, there is a little bit of a sacrifice to pay the fee. The fees that we are talking about are $75 and $150. I do not think that that will sink the bank! If that means that you have to do a few more hours packing shelves or, as I did, working at a pub and farm labouring, well, so be it. I do not feel slighted by the fact that I did not play netball but I was helping to pay for the netball courts. That never worried me. In fact, it is probably a good thing. It was part of that communal spirit, and it gave me something to see and to be proud of. I was proud of what surrounded my university. And I am sure that Senator Nash was.

Senator Williams is a classic case. Senator Williams did not go to university, but he sees the point of it. Why? Because he sees that sport is a great thing. It attaches Australian people to the Australian nation. Every time we see the Ashes—when we turn it on—we get a sense of pride. We watch it and go: ‘Yes, that’s us. That’s what we’re about!’ We get the same feeling when we watch the Wallabies run onto the paddock, when we watch the Opals play or when we watch our Olympians compete. One of the greatest mechanisms to get these sporting people into the wider realm which we all feel proud of is the sponsorship of university sport. We all have an attachment to sport.

I find it interesting that when I have invitations—here is a plug—to boxes to watch Australians play sport I am surrounded by politicians who have an absolute sense of pride and enjoyment in watching the green and gold playing in the middle of the field. That pride does not happen by accident. You have to build a culture that brings that out. Is it just the people on the paddock who get a benefit? Is it just the people playing the game? No, it is everybody. Everybody who watches it gets a benefit out of it. Everybody gets a sense of pride through being associated with it. That is why it is good and should be sponsored.

This debate is a totemic struggle that has existed since people’s university days—we acknowledge that—but we are trying to remove the emotion from it a little bit and give ourselves a piece of middle ground. It is not perfect but this amendment will allow the university to remove that bulk of costs which they have to pay for now. Unfortunately, now that money is coming from what should be going into research—medical research, research into veterinary issues, economic studies and a myriad of areas. Universities have to do it to prop up their own institutions— institutions which should have the user-pays principle. But the user is the person who desires a piece of paper that says that they went to that facility.

I went to university. I was very fortunate; I got sent away to a private school. But the school did not hand you the bill and say, ‘You can pay for this but you don’t have to pay for that.’ It was, ‘You pay for the lot or go.’ It was extremely important for me and for others that when I left that institution and I went up to university I did not think that the whole world consisted of people who went to the private school that I went to. I realised that there were other people who existed in the world and I should mix with them. There had to be a venue in which to do that, and I have to acknowledge—and this is supported by others—that sport is what did that more than anything else. Sport brought people out.

Sport breaks down the loneliness of so many people at universities, because they get the chance, especially if they are a little bit secluded and living in a personal sort of cave, to come out into a venue that allows them to participate with other people.

I hope that this amendment is given due consideration. Obviously we do not have the
numbers; we are not going to divide on it. There is no point in doing that; that would just further antagonise those participating in the debate we are having here. But I do say, in closing, that like everything else this can later become a trigger. And when it does become a trigger we will be forced into deciding what to do. Surely, this is the most innocuous amendment that could get us out of this position.

Senator WILLIAMS (New South Wales) (9.12 pm)—I will be brief in speaking in support of Senator Joyce. My concern is for regional universities. I relate especially to the University of New England in Armidale, which I live close to. It was the National Party—it was then the Country Party—that established that university and it is a vital facility for people from regional areas as well as city areas. Having discussions with management at the University of New England I discovered that last year they spent $800,000 of their budget to maintain their sporting facilities. Frankly, that is money that they cannot afford.

So the situation is this: if they have a sporting levy they will have the money to maintain those facilities. If we do not have such a levy then the taxpayers will have to pay for it. When I say ‘the taxpayers’ I mean people like shearers or bricklayers who are bending their backs to carry out the hard work that people like Minister Carr have probably never done. They will be the ones paying—those people who have probably never set foot on the campus of a university. They will have to pay for it.

Those who go to university will enjoy the free sporting facilities so long as the university remains viable and does not close down. The big concern is that most of the people who will be paying for it will never set foot on a university campus. That, to me, is not fair.

The bill has some crazy ideas, especially in relation to funding for students. An example is the funding of legal fees for students. Why would you want to fund the legal fees of students when many in the university are studying law and could carry out the service free of charge? That is why I do not like many sections of the bill, but in support of Senator Joyce, I believe that a non political levy would provide urgent funding that is required to keep these facilities going, especially in the regional areas. That is why I support the amendment.

Senator NASH (New South Wales) (9.14 pm)—I rise to make a few remarks in support of my colleagues Senator Joyce and Senator Williams. This whole exercise takes me back to when, quite some time ago now, I attended Mitchell College, as it was then, in Bathurst. I attended that college for the whole experience, not just to get a piece of paper at the end of it that said I had been sitting in front of a computer, pretty well, for the last three years and now I had a degree. Attending university is very much about the whole experience. There has been some commentary about user pays programs and questions like, ‘What about all those students who do not actually use the sporting facilities?’ To an extent, that may be valid, and there may be just a small number of footballers running out onto the paddock or netballers running out onto the court, but from my memory—and I do not think it has changed—there were swarms of people watching those games and swarms of people celebrating with those teams afterwards in a social environment. So it is not just about the users of those sporting facilities; it is about the entire social environment, interaction and experience that that creates for those attending university.

And it is about balance. I have two teenage boys that one day may well decide to head off to university. It is not just about
making sure that they get a piece of paper with some qualifications on it; it is about making sure that they have every opportunity to access the broadest experience possible. They are only two children, but I think that principle applies to all students who are attending university. It is not just about that piece of paper.

I particularly commend our Young Nationals in New South Wales, who have been very strongly supporting, for some time now, an amenities fee. They know it is about fairness and equity, particularly for regional universities and regional students. We know, when we look at the big metropolitan universities, that they have the economy of scale, they have got the capacity to provide services over and above those educational services that students need. We want them to grow up into fully-fledged, developed adults that have a broad view of the world. As my colleague Senator Joyce pointed out earlier, sport is one of the ways to ensure that. It is not just about scoring points and winning the game but about the interaction that that provides on the way through, and it is our regional universities who are least able to provide those facilities under the current arrangements. There is no doubt there is this tyranny of region aspect, where they simply have not got the economies of scale to provide the same services that are provided in metropolitan areas.

We need to make sure that our regional universities can provide the best possible opportunities for students and can attract students in every possible way. One of the main reasons for that is that, when we are looking at ensuring that we have sustainable regional communities, students who go through regional universities are seven times more likely to stay in those regional communities. So it is not just about an amenities fee for universities for playing fields. It is much bigger, much broader, than that—it is about providing universities that students want to attend, where they get every opportunity to strive and attain every possible achievement while they are there.

This is not a perfect amenities fee. There are probably some other areas that deserve consideration. But, for the purposes of this, if we have this amendment on the sporting facilities, this will free up a whole lot of funding for those universities to put into other areas that absolutely need funding, because this is such a significant cost to those universities. I am very pleased to be part of this amendment that has been moved by Senators Joyce and Williams and by me. It is about equity and it is about fairness.

Senator MASON (Queensland) (9.18 pm)—I congratulate Senator Joyce, Senator Williams and Senator Nash on their, as always, eloquent and passionate contributions, particularly with respect to regional Australia. If there is a golden thread that combines the contributions of the opposition over the course of this debate today, it is not so much reliving the debates of the sixties, seventies or eighties; rather, it is that the nature of student life in 2009 is so very different from what it was in the sixties, seventies and eighties. Today’s students are older, they study part-time and they work. The student profile has changed enormously in the last 30 or 40 years.

I enjoyed playing cricket for the ANU when I was there. I was not very good, but I enjoyed it. But I no longer believe that it is appropriate that others subsidise my cricketing failures. I do not think anyone on the opposition believes that. So, while I enjoy the passion, as always, from Senator Joyce, Senator Williams and Senator Nash, the opposition cannot support this amendment.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (9.20 pm)—Before I start, I indicate—I may
have neglected to do this earlier—that Senator Xenophon has asked me to confirm that the details of the matters that he tabled earlier, regarding the monitoring compliance with proposed student services and amenities which were contained in a letter from Minister Kate Ellis, were in fact accurate reflections of commitments made by the government. Those were contained in a letter sent by Minister Ellis to Senator Xenophon. I trust that meets his concerns on that matter.

In regard to the specifics of the National Party amendments we have here before us, the government cannot support them. These amendments will first of all reduce the amount of money that a university can seek from a student—thereby undermining the revenue capacity of the universities—to far below the current compromise arrangements that the government has proposed, from $250 to $125. So it is actually a reduction substantially already being proposed by the government, and then there is a further reduction proposed by the National Party amendments which we cannot support.

The second issue goes to the purpose for which that expenditure can be made. The National Party’s proposition is that we should spend money on sports and recreation—that somehow or other sports and recreation expenditure is not political whereas anything else is political. It is a particularly perverse view of the concept of politics to my mind, particularly when we then hear about the importance of sports to the development of nationalism, national pride, community identity and a number of other measures which are traditionally identified as being very political.

Senator Fifield—Not on this side.

Senator CARR—You do not regard nationalism as being political? I think you know very, very little about history, Senator. I would have thought that this is a very simplistic view of the way in which resources are actually divided in this country.

Senator Fifield—we do not take the North Korean perspective on this.

Senator CARR—Look, I am a very keen supporter of the Footscray Football Club in Melbourne and that is often a very political club, I assert to you. You have to sit in a stadium for a little while and understand what a great Labor tradition it is. I also ask you, though, given the proposition that Senator Mason puts that students are different today from the way they were in previous—

Senator Mason—The student profile is different.

Senator CARR—He says they are older, and their demographics are different. I might ask you to actually look at the equity distribution of the student population in this country over the last 30 years and you will note how little it has changed.

Senator Mason—Gough Whitlam didn’t change it.

Senator CARR—That will be another argument entirely. But to say that student populations are different, I think, needs to be looked at much more carefully. If you say that the students are actually older, then surely issues that go to the questions around legal services, child care, health care, housing, employment, financial services—all of these measures, which are outlined in the government’s student services and amenities fees guidelines, allow for expenditure in these areas—matter. Who is to say that the right of a person to have decent housing—

Senator Fifield—It is allowed now.

Senator CARR—It is not the case. Under Senator Joyce’s proposition they are not allowed.

Senator Fifield—No, but they are allowed now.
Senator CARR—Senator, you are missing the point.

Senator Fifield—No, you are.

Senator CARR—Senator Joyce, we cannot support your amendments. They are far too narrow and we will not be able to support them, given the propositions we have outlined in the student services and amenities fees guidelines.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (9.24 pm)—That is sad, because this really just comes down to the simple proposition that allows you to take away from the universities the greatest cost. When you started wandering off into the myriad other issues, that is where conjecture does arise, but there is no conjecture held, even in this chamber, about what sport is about. If I use the analysis of the childcare centre, it is probably a great idea, but you will start to walk into areas where people say, ‘I didn’t have one of those at high school so why do I need them at university?’ Housing is another issue. What is the role of that? There are medical issues, of course, but a lot of people will say, ‘Well, there is a public hospital.’

The big thing about sport is that somebody has to pay for those facilities. They are in the grounds of the university. Somebody somewhere has to pay for them. Currently the university is not allowed to pay for them, and we are asking people who are only going to be there for three years to think of the holistic view of these facilities over 100 to 150 years. This is what creates the problem. People who are there for a short period of time initially think, ‘I would rather put that money in my pocket,’ and that is a natural belief people have, but the facilities remain and they remain within the confines of the university. This causes the problem. At the moment the university is allowed to pay for them but is not allowed to raise the fee to pay for them. This is a simple way to deal with the largest part of this problem and you can leave the debate on all the other smaller issues to a later time.

Senator XENOPHON (South Australia) (9.26 pm)—I indicate, with a heavy heart, that I will not be able to support Senator Joyce’s amendments.

Senator Joyce—You’re out!

Senator XENOPHON—I agree with many things with Senator Joyce, but this is not one of them. If it was a choice between this bill being defeated completely and having these amendments through, I suppose that would be better than having nothing through, but my concern is that it is simply too narrow in its scope. I do not think it is reasonable that you should confine these fees to people who can play sport. For those who are hopeless at sport, such as me, I think you discriminate against people—

Senator Joyce—Chiropractic cricket?

Senator XENOPHON—‘Chiropractic cricket,’ said Senator Joyce. I think you could say that you are talking to someone who in primary school trained all season to be in the under-12 footy team and got to be orange boy for a match. That is the nature of my sporting prowess.

The TEMPORARY CHAIRMAN (Senator Moore)—That is a very sad story, Senator Xenophon.

Senator XENOPHON—If I could just say, I think it is unfair because it is too narrowly confined. For instance, if you want to participate in the debating society you would be excluded. Advocacy groups, Amnesty International or a film society are things that I think are quite reasonable for the fee. What the government has done is to contain a number of safeguards so we do not see a return to the bad old days that I think the coalition had some genuine concerns about. I just
think it is too narrowly confined and it does
discriminate against those of us who are ab-
solutely hopeless at sports.

**Senator** **JOYCE** *(Queensland—Leader of
the Nationals in the Senate) (9.28 pm)*—I
acknowledge the concerns brought up by
Senator Xenophon—and I will never talk to
him again. I did debating in the debating so-
ciety. What it requires is seven chairs, two
tables and a bell. That is your debating soci-
ety. The drama society requires you to get
the keys to the theatrette. Amnesty Interna-
tional—

**Senator Hanson-Young**—That is too po-

tical for you.

**Senator** **JOYCE**—I was a member of
Amnesty International, by the way.

**Senator Hanson-Young**—Really?

**Senator** **JOYCE**—Yes, absolutely—until
they changed a law on a social issue, which
meant that I retired my membership. But,
with Amnesty International, all you have to
do is meet the hawker on the street corner.
That is what I did. That is how I joined Am-
nesty International. Unfortunately, Amnesty
International did start wandering into the
political realm. All these things are there, but
they are not the major cost. The major cost
item that somehow has got to be covered—
and if it is not passed it will be covered by
the taxpayer—is the sporting facilities. Oth-

erwise, they will just fall into disrepair.

**Senator** **FIELDING** *(Victoria—Leader
of the Family First Party) (9.29 pm)*—
Frankly, Senator Joyce’s proposition is fun-
damentally flawed. He is trying to be half
pregnant. Really, it is a joke to stand here
and say: sport is in, but not arts. Whatever
argument you want to make, you are drawing
a line arbitrarily—frankly, you are going to
be half pregnant. You either want to raise a
fee compulsorily for people who want to use
something or you do not—

**The TEMPORARY CHAIRMAN**
*(Senator Moore)*—Senator Joyce on a point
of order?

**Senator Joyce**—I am querying the term
‘half pregnant’.

**The TEMPORARY CHAIRMAN**—It is
a debating point, Senator Joyce. Senator
Fielding has the right to use the term.

**Senator FIELDING**—Gee, Senator
Joyce, I didn’t think you were that precious,
mate. This is ridiculous. I am sorry, it is ab-
solutely ridiculous. Where do you draw the
line on this thing? It is a compulsory fee,
mate.

**The TEMPORARY CHAIRMAN**—
Senator Fielding, if you could address your
remarks through the chair.

**Senator FIELDING**—There are a lot of
people in Australia who do not play sport.
There are a lot of people who are into the
arts, who are into things other than sport. To
argue the point that sports are worthy of a
compulsory fee, I think, is frankly absurd.
You should either argue for the whole lot to
be in, like Labor are, or none at all. You can-
not do this. Your principle is so ridiculous I
am surprised you are not being laughed out
of this thing. It is just ridiculous to think that
you could say, ‘Sport is in because it’s the
national thing.’ There are plenty of people
who do not follow sport. There are plenty of
people who think the arts are better than
sport. You can argue the next case and the
next case. It is fundamentally flawed, so I
cannot support it.

**Senator HANSON-YOUNG** *(South Aus-
tralia) (9.31 pm)*—The Greens cannot sup-
port this amendment either. The idea of col-
lecting a fee compulsorily and just giving it
to sporting associations and sporting clubs
does not go to the heart of the problems we
are seeing in university campuses across the
country, whether they be in rural and re-

erional areas or in the city. We know that the
introduction of voluntary student unionism has had a devastating effect on student services, advocacy and representation. All you need to do is look at the international student sector. It is in an absolute mess. Why? Because international students have not had the representation that they need, the services they need, access to the information they need and the right to be able to organise themselves and advocate and have a voice. It is not just the sporting associations and the sporting clubs that have suffered under the voluntary student unionism regime that was brought in by the Howard government. It is important for us to be looking more broadly at the need for a holistic, all-round educational experience in university.

I take a lot of the points that Senators Nash, Joyce and Williams raised that going to university is not just about getting a piece of paper after three years, it is not just about sitting in front of a computer screen and hoping you get a pass average, or a high distinction or a credit; it is actually about getting an overall experience and getting some of that hands-on practical experience, whether that be through student media or elsewhere. Many of our top journalists in this country have come through the student media realms in their universities because they have got that hands-on experience. Whether it is debating clubs, film societies, theatre groups—or sporting associations—all of those things add to the overall experience of university life. What all of those different types of clubs do, whether you are involved in one or more of them, is enable students to develop the networks that stay with them for years to come and help them once they leave university in getting into the workforce and making the best of their university experience. Unfortunately, despite the fact that I completely agree that sporting associations need a hand through the student services fee, they are not the only sector of the student community that is in need and we need to be looking at the issue much more broadly.

Senator NASH (New South Wales) (9.33 pm)—I will just make a few remarks about Senator Fielding’s contribution. He obviously spent some time studying the arts when he was at university. Given his attire this evening, it has obviously stayed with him! But he may not have been listening while we were making our remarks earlier. While I understand the obvious enthusiasm and passion in his comments earlier, it is quite simple. I think if Senator Fielding had been listening he would have heard the three Nationals senators make the point that the amendment does not cover all of those fields and is not perfect. But, quite interestingly—and simplistically—if you take the burden of funding off the university in a particular area that is creating the most funding difficulty, it stands to reason that that funding is going to be freed up for those other areas. So we are not saying those other areas should not be accounted for—of course they are very important areas. We recognise that this amendment is not across the whole lot, but we have considered all of those areas and we believe that on balance this is the best way forward.

I take on board Senator Hanson-Young’s remarks. This attitude of, ‘Well, it’s only going to sporting facilities, and not everyone plays sport’, is interesting. Look at local council areas in regional communities. We all get hit with rates for specific things. We are not all using all of those specific things, but those rates are charged for the good of the whole community.

I will finish up with some comments that the minister made earlier about the $250 and reducing the amount. I think a very quick look at the issues that we are talking about, and some very simple mathematics, would show that of course you would not charge $250 simply for the area of sporting facili-
ties—and on a pro rata basis, it certainly does make more sense.

Question negatived.

Senator HANSON-YOUNG (South Australia) (9.36 pm)—I move Greens amendment (1) on sheet 5736:

(1) Schedule 1, item 6, page 6 (lines 14 to 16),
omit subsection 19-67(3).

This amendment goes right to the heart of the Greens’ concerns around this legislation. We do not believe that if a student is going to be charged $250 they should not have the right to advocate as to how that money should be spent. We believe that student services should be run and funded by student organisations. That is the crux of this issue. We believe that in order to have true representation on university campuses there needs to be a return to effective, well-resourced advocacy and representation structures to handle the essential student services. We need to make sure that the money that is collected from each individual student around the country on an annual basis is put towards the services and the representation that students want, and that they have control of it. If students are going to be paying for it they should have a say in how it will be spent.

Since VSU was introduced in 2005, funding has been slashed from crisis support, child care, counselling, sport, advocacy and lots more services. Student fees were used to pay for student facilities, services, welfare and a host of other programs that made university a richer and more diverse experience. Since the VSU legislation has been in place we have seen the detrimental effects it has had on those services and facilities. We have just spent the last 40 minutes talking about the run-down of sporting facilities. We know that some of the money would need to go towards that, if that is what the student groups actually wanted to spend the money on. We have talked about other types of services and activities that students may want to fund through their student services fees.

Ultimately, if we want students to advocate for themselves and have a voice, that voice needs to be independent. They cannot be under the thumb of their university administration or management or under the thumb of their parliaments, where they do not feel that they have the ability, or the right, or the access or the resources to advocate for what they need. For students to participate in the democratic process and advocate for their needs, which are specific to students—whether it be the whole student populace, or international students, or postgraduate students or first-year students wanting to get more information about how to start their university career—we need to ensure that student services that are funded by students are also run by students and that they have the ultimate say in how their money is going to be spent. We cannot simply tax students without representation. We would not accept this at a local council level and we would not accept it at a state government level so why would we accept it on a university campus. When students are being charged money simply because they are enrolled, they must have a say and through the representation of their elected members they must be able to administer how that money is spent. They should be able to decide where their money goes, how much money they should be paying and what types of services they want from it. That is simply what this amendment seeks to do.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (9.39 pm)—The government is opposed to this amendment.

Question negatived.

Senator HANSON-YOUNG (South Australia) (9.40 pm)—I move Greens amendment (2) on sheet 5736:
(2) Schedule 1, item 5, page 5 (after line 16), after subsection (3), insert:

(3A) A higher education provider must consult its student representative body and must not spend an amount paid to the provider as a student services and amenities fee other than in accordance with a decision of that body.

(3B) For the purposes of this section, student representative body means the body of students elected by students to represent their interests to the higher education provider.

I assumed that my first amendment would not be supported. I assumed that the government did not want to allow students to administer their own money and I understand that has been their position for some time. Although I am disappointed and disagree with that, as do many student groups around the country, my second amendment, however, suggests that the institutions need to at least actively engage with their student bodies to consult with them about how the money would be spent. Again, why should students be paying $250 and not have a guaranteed say in how this money will be spent. It is simply left up to the goodwill of the universities to engage with their student bodies on how this money should be spent. In some universities that is going to work really well. In other universities it is not going to work so well. Numerous student groups from around the country have contacted us and said: ‘Our university has already said to us that we are not going to have a say in how this fee is spent when we start collecting it. We will be administering the fee and you will just have to cop it.’ That is not the way to treat students who are going to be forking out $250 of their own money to fund services that they need and that they know other people need. They need to be actively involved in deciding where that money will go. The universities should be compelled to discuss with their students how the money they are putting up will be spent.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (9.42 pm)—The government does not support this amendment. The words used in this amendment are to direct funding.

Senator MASON (Queensland) (9.42 pm)—The opposition does not support this amendment either. While I congratulate Senator Hanson-Young for her advocacy of student participation and student democracy, for the opposition freedom of association means not taking money compulsorily from students for services they will not or cannot use.

Question negatived.

Senator HANSON-YOUNG (South Australia) (9.42 pm)—I move Greens amendment (3) on sheet 5736:

(3) Schedule 1, item 5, page 5 (after line 28), at the end of section 19-38, add:

Accountability of expenditure

(6) Each higher education provider must include in each report it prepares for the purposes of section 19-10 the following information in relation to the period covered by the report:

(a) details of amounts collected as student services and amenities fees during that period;

(b) details of the expenditure of such amounts paid to the provider.

(7) Each higher education provider must provide a copy of that information to the department in the form approved by the Minister.

(8) The department must publish on its website the information it receives under subsection (7).

This amendment relates directly to the issues of compliance and monitoring. I mentioned numerous times throughout my speech on the second reading, as did Senator Xenophon
and others, that, now that the other two Greens amendments have been unsuccessful, if students are not going to be directly involved in how that money they have put forward is being spent, there needs to be some kind of transparency in how universities will spend this money. This amendment is important for ensuring that. There needs to be some mechanism for allowing the student populace, other universities and the government to know how this money is being spent.

For students, $250 from their pockets at the beginning of the year is a lot of money. We completely acknowledge that. We also believe that we need to fund these student services. We need to ensure that there are good quality services and facilities as well as opportunities for students to be represented effectively. To do that we need to ensure that universities are putting money in the right places—that there is some compliance and there is transparency. I think this is an amendment that the coalition could support because of their concerns about not knowing where the money is being spent and that it may perhaps be spent in areas where it should not be.

This is about building transparency into this legislation—not just allowing universities to simply do what they want and not just allowing student groups, to whom perhaps some of the universities give some of that money, to do their activities just as they want to. There would be some mechanism of compliance here and a bit of accounting of how the money is spent on an annual basis. We would like to see that as part of the compliance mechanisms under the Higher Education Act, which already require elements of the university to comply. In order to ensure that the money collected from students is put in the right places, we want to make it explicit that this legislation is part of the compliance mechanisms that universities have to comply with. If it is not, there is transparency so that students, people within the university, the government or the opposition could pick up the phone and say, ‘Hang on a minute, what’s going on here? Why is this money being funnelled into this area?’ I do not think it will happen, but I think it is a good mechanism. We cannot just take money from students without giving them any guarantee of how it is going to be spent and ensuring transparency and compliance. I think it is something that the coalition really should be supporting.

Senator MASON (Queensland) (9.46 pm)—I would like to briefly reply to Senator Hanson-Young’s valuable contribution. Senator Hanson-Young, I have received a copy of a note to Senator Xenophon from the Minister for Youth and Minister for Sport, Ms Ellis, which touches on some of these issues. While I am not satisfied with respect to the entire document, I am satisfied with respect to that issue and so the opposition will not be supporting your amendment.

Senator HANSON-YOUNG (South Australia) (9.46 pm)—Could I get some clarification? The Greens amendment seeks to ensure that there is compliance, that there is transparency and that it is not just referring to the compliance mechanisms that are already listed in the act and which are a given. We are trying to ensure that there is an explicit reference. These things need to be transparent and how the money is spent needs to be published as part of the end-of-year financial reporting mechanisms. Can you explain the coalition’s concerns? My understanding is that they were simply referencing some compliance mechanisms that are already in the act, but my understanding is that we need to be a bit more explicit if we are to say that these that there are new fees and new things the universities
have to do—let’s make it explicit; we need this transparency.

The TEMPORARY CHAIRMAN (Senator Crossin)—Senator Hanson-Young, my understanding is that the letter that Senator Xenophon referred to was tabled earlier, during his speech on the second reading.

Senator HANSON-YOUNG—Well, I do not have it on my table.

Question put:
That the amendment (Senator Hanson-Young’s) be agreed to.

The committee divided. [9.52 pm]
(The Chairman—Senator the Hon. AB Ferguson)

Ayes.......... 6
Noes.......... 41
Majority....... 35

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

NOES
Back, C.J.                  Bernardi, C.
Bilyk, C.L.                Birmingham, S.
Bishop, T.M.               Boswell, R.L.D.
Bushby, D.C.*              Cameron, D.N.
Carr, K.J.                 Collins, J.
Cormann, M.H.P.            Crossin, P.M.
Farrell, D.E.              Feeney, D.
Ferguson, A.B.             Fielding, S.
Fifield, M.P.              Furner, M.L.
Heffernan, W.              Hogg, J.J.
Hurley, A.                 Hutchins, S.P.
Joyce, B.                  Kroger, H.
Ludwig, J.W.               Mason, B.J.
McEwen, A.                 McLucas, J.E.
Moore, C.                   Nash, F.
O’Brien, K.W.K.          Parry, S.
Payne, M.A.                Polley, H.
Pratt, L.C.                 Ryan, S.M.
Stephens, U.               Troeth, J.M.
Trood, R.B.                Williams, J.R.
Wortley, D.              * denotes teller

Question negatived.
Progress reported.

ADJOURNMENT

The PRESIDENT—Order! It being 9.55 pm, I propose the question:
That the Senate do now adjourn.

OzCar

Senator MARK BISHOP (Western Australia) (9.55 pm)—In recent times we have seen considerable discussion especially in the media about the behaviour of public servants. The discussion, as we know, centres on their behaviour in the provision of information directly into the political forum of the parliament. This subject, as we will shortly come to understand, is quite important as it goes to the heart of public sector ethics and the values within the Westminster system of government.

There are, as we all know, a wide range of difficulties of policy posed in this particular area. Those difficulties range from the most trivial matters to matters of consequence and of national security. At the lower end, whereby I refer to more trivial matters, we will recall the pointless prosecution of a public servant some three or four years ago. His crime was divulging the draft contents of a ministerial media campaign on veterans benefits, the contents of which of course were already on the public record.

At the other end of the scale there is what appears to be access to very confidential security information. It led to a media scoop some two weeks ago on the alleged plans of an alleged Islamic terrorist for attacks on Australian defence installations. Of course, none of us can imagine anything more serious. In this instance investigative journalism led to revelations which could have jeopardised a long-planned security operation. But, having said that, I concede that is the very essence and the very nature of journalism.
The point is the means by which such sensitive information came into the particular newspaper’s hands.

Close to this in seriousness were allegations, also to a newspaper, concerning past associations of a former Minister for Defence. The association was alleged to have been with a member of the Chinese community within New South Wales. The minister, of course, has resigned, but the fact remains that the source of the information was said by the newspaper to have come from within the Australian Public Service. This may not have yet been proven, but it remains highly probable given the nature of the information and the newspaper’s own revelations. The investigation revealed nothing. Investigations of this kind within the bureaucracy rarely do, especially within the Department of Defence. We will simply never know the truth of the matter.

The need for secrecy in times of war seems to have no boundary. In between there is a medley of leaks and whistleblowing. These are designed to reveal previously unknown information with, it must be said, a mix of motivation to right a perceived wrong, expose a perceived injustice or just be mischievous—all, of course, in the public interest.

The most recent case, which has occupied so much media time since early June, was the Utegate affair. Ultimately it has brought humiliation to the opposition and its leader. This, however, was entirely self-inflicted. It was no ordinary leak but a calculated and deliberate attempt by a public servant with confessed political affiliations. It was a fraudulent and deliberate misleading of his political brethren opposite for the purposes of political gain. This was not an exercise of righteous indignation over a perceived shortcoming in government nor was it idle gossip. It was a direct engagement of a public servant in the heart of the political process. It was a partisan and juvenile attempt to embarrass the Prime Minister and Treasurer of this country.

We are not so naive in this place that we do not understand the nature of all this. It is a feature of democracy which we are bound to tolerate. In fact, it is a reminder for all those in public office that they should consider themselves living in a fishbowl. Public servants ought to be equally aware, despite the pressures of management and political protection to the contrary. We know that risk management is a very important element within public administration. Often both sides of politics encourage the can-do approach, so risks are taken. However, the end never justifies the means. As we know from Senate estimates, accountability must always be covered off. The facts often have a way of revealing themselves to the embarrassment of ministers and public servants alike. The occasional leak is always a risk to be balanced against other commitments to open government and freedom of information legislation, the purpose of which is to counter political and bureaucratic secrecy.

If people consider confidentiality and these freedoms as contradictions, they may be right. At best it is an ambiguity, but some sensible balance needs to be found. Ministers and public servants need to weigh these risks carefully. The pity is that the motives to conceal and to cover up are, at their heart, protective mechanisms. They may be intended to eliminate trouble more than anything more sinister. Accountability and transparency are often onerous and time-consuming responsibilities.

I will address the motives of whistleblowers and leakers in a moment, but first I say that, now that the facts of the Utegate affair have been revealed, they are another pertinent reminder of the risks within an open
democracy where our public sector values and traditions require constant apolitical behaviour. Just as the deliberate destruction of a minister’s reputation is despicable, so is direct partisan political engagement. In both cases I believe these behaviours are disciplinary offences of a most serious nature. In our democratic system, public servants will have philosophical leanings. Indeed, I expect that in any government agency those leanings are detectable, known and tolerated, all within the traditional bounds of apolitical advising and administration. However, the public interest must always come first. Nevertheless, throughout our history of government we have managed to manage these differences. However, the bottom line is always one of trust, as well as individual and organisational integrity.

In the Utegate affair there was a failure on all three counts at a very high level. The engagement of officials directly in the political process, as in Utegate, is absolutely unforgivable. The real concern, though, is whether this is a new behaviour flowing from the previous deceit of the Howard government. If it is, then I think we are all duty bound to do our utmost to stamp it out. It is something for which government is as accountable as the administration of the Public Service itself.

Behaviour such as leaking and whistleblowing, as unprofessional as they may be, are lesser sins. Whistleblowing, of course, is publicly endorsed, even at the risk that the person might be wrong. The tragedy here is that great harm might be done to the innocent who have little protection. Therefore, the difference between whistleblowing and leaking is very fine. While whistleblowing is presumably open, leaking by nature is covert and mostly anonymous. The motivation, however, is very similar. It is nothing more than the manipulation of information for the purposes of publicity and profile. Governments around the world do it all the time. Any sense of contrived exclusiveness makes it even more attractive. We all play the game, but, once again, some understanding of the dynamics of the game needs to be retained.

Freedom of information and open government are real democratic values standing in contrast to the Orwellian world that some would prefer. We should never assume that confidentiality or secrecy can always prevail. At best it is a dilemma; at worst there is a risk, as we have seen in recent times, that sinister, naive or simply stupid motives will sometimes prevail.

Mining Alliance Program

Senator BACK (Western Australia) (10.05 pm)—On a day when we have discussed education matters, I am pleased to bring before the Senate a program of excellence that I had the occasion to observe in the Pilbara some two weeks ago during a visit examining mining operations: the Mining Alliance Program in place at Newman Senior High School. It is a partnership between Newman Senior High School, BHP Billiton and the local TAFE. The Mining Alliance Program has been funded by BHP Billiton as part of a $1 million program for education throughout the Pilbara region. This program has been allocated $100,000 per annum. It has been directed at students who are likely to go into mining as part of their projected careers and is designed to encourage not only their interest but their future employment prospects. I am pleased to say that the program also aims to pick up Indigenous students.

In the Pilbara, in Western Australia, it has been difficult to attract quality teachers. The program is being used as a catalyst to attract and retain quality teachers at Newman Senior High School, and it is having that effect. The other tremendous benefit that has more recently been reported is the fact that potential employees and families are making in-
queries about working at Newman for BHP Billiton because they know that this program exists and their children will have the opportunity to participate in it. This is a program that is very keenly sought by the students at the school. We met several of them. We also met staff members and the principal. Students do not automatically enrol; they must apply. They must show evidence of diligence in their programs, regular attendance, a desire to achieve and a desire to conclude the course.

By way of background, for those who are not familiar, Mount Newman mine was developed some 40 years ago. In fact, only recently it had its 40th anniversary. The largest of the operations there, at the iron ore operation, is Mount Whaleback, which is the largest open-cut iron ore mine in the world. To give you some idea of the scope and extent of that particular operation, when it was developed some 40 years ago the objective was to export five million tonnes of iron ore a year. In its first year it exceeded that by exporting six million tonnes through the port of Port Hedland, some 250 kilometres to the north. This year, 40 years later, it has exported some 130 million tonnes of iron ore through Port Hedland BHP Billiton operations and is looking to increase that tonnage to some 300 million tonnes a year of iron ore. That figure, of course, does not include the other companies: Rio Tinto, at its operations at Tom Price, Fortescue Metals and others.

What is most pleasing and satisfying about this program is the fact that it is so sought after by the students and so strongly supported by the staff and by BHP itself. I drew attention earlier to the Indigenous education outcomes for the program. There is enormous hope that this will make it an attraction to Aboriginal people. Probably the most significant curriculum component of this course—and it is unique certainly in Western Australia and, I believe, in Australia—is that part of the program actually involves presence at the mine site itself. There are many existing programs in the mining communities in Australia where there is a liaison between industry and the school sector, but this is the only one where the students spend half a day each week on a one-to-one basis with the staff of BHP on site at Mount Whaleback. The students rotate through a number of programs to enhance their understanding of mining operations.

It was put to us by two or three of the students that what they thought most fascinating was the fact that, at long last, they actually got to see where their parents worked and what their parents did in their workplaces. I have no doubt it was with a high degree of pride that the parents were able to have their children on site—obviously in an occupationally safe environment. Whilst the students are only supposed to observe, I have no doubt at all that, such would be their enthusiasm, they probably do get the odd opportunity to get their hands dirty. It is a program that I commend to the Senate. It is one that I think could be adopted in other mining communities. It is certainly working towards the retention of those students and, ultimately, towards people going into this industry much better skilled.

I will conclude my comments with some observations about the activities of some of the mining operations, and I refer now both to Newman and to Port Hedland. Obviously BHP Billiton is the dominant player in that particular area, but it was pleasing to visit the brand-new childcare centre in Newman, funded by BHP Billiton to the tune of some $4½ million dollars. My Victorian colleagues will be interested to know that the facility was actually constructed in Bendigo and was transported across Australia to Newman and reconstructed on site. As of last Wednesday, it is actually operating. An equivalent facil-
ity, again being constructed in Bendigo, will arrive in Port Hedland fairly soon to help address what is a severe shortfall of child-minding facilities.

I mentioned Aboriginal education, but I also want to mention Aboriginal employment. Rio Tinto employs some 610 Indigenous people in its programmes in the Pilbara and I know that BHP Billiton is also very, very proud of its Indigenous employment programs. Most of those employed are local residents and some, as with other employees, are fly-in fly-out. There is tremendous scope over time for significantly increasing employment opportunities—long-term, meaningful employment opportunities—and prospects for Indigenous people.

I conclude by mentioning two people. The first is Mr Fred Stojic, who actually commenced working at Newman for the company when operations first started. He has the rather unusual distinction of being able to claim that he has moved more of Australia than any other single person, having worked for 40 years on the steam shovels, the trucks and the trains. In addition to that, he is recorded as holding a world record of 66,000 tonnes of iron ore moved in one 12-hour shift. I can assure you that record and his presence were widely celebrated by everybody in the community earlier this year.

The other person, by way of conclusion, is Mr Roger Richardson, who has spent 32 years with BHP Billiton and is now shipping superintendent at Port Hedland. He is, uniquely, a third generation Port Hedland resident. That would take his grandfather back to the late 1860s. You need to understand the tonnage that goes out of Port Hedland in a year; it has the highest exporting tonnage of any port in Australia. All of that comes under the responsibility of Roger Richardson—not just for BHP Billiton’s exports but also for those of Fortescue Metals and others as they come on stream. I commend the Mining Alliance Program to the Senate and would be very pleased to provide further information on it to my colleagues should the need arise.

Rudd Government

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (10.14 pm)—I must say I was fascinated tonight to hear that I may be with child, as expressed by Senator Fielding in his declaration that I am half-pregnant. I am trying to work out which half is pregnant. Maybe I am a little ample round the girth these days; I will have to do something about that. However, it was fascinating also to be reproached by a man who looked like he was fresh from his private box after a near-death experience with La traviata. Nonetheless, I do not know whether he was supporting the arts on his way back from the opera or supporting Pot Black on his way to it. Anyway, it is great to have senators come here dressed in theme.

What is interesting tonight is that there is something we must acknowledge—and this is stating the obvious. Senator Fielding has clearly put his cards on the table: he does not support the higher education legislation. We can see what is going to happen: it will be a tied vote. A tied vote is a lost vote. A lost vote is obviously a trigger for a double dissolution. What does that mean? It means this: the premise that an ETS must be passed otherwise there will possibly be a double dissolution is no longer applicable because you have a trigger in any case. I do not know whether that works well for either side. The Labor Party’s position of placing duress on the opposition to pass the ETS is now no longer there because it is no longer the case that they have a gun to our head. They could possibly have two. Therefore, the desire to do whatever it takes to get the ETS through that may have been there among some of us
is no longer there, so it is an interesting proposition on both sides. The premise that might be played by a range of groups that it is absolutely essential to pass the ETS has now been surpassed by the fact that there is now a trigger on the student amenities fee as well. That is a very interesting tactic.

**Senate adjourned at 10.17 pm**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

*Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number*

- Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—
  - AD/A320/232—Rudder Side Shell Skin [F2009L03068]*.
  - AD/A330/103—Main Landing Gear Pin W1 [F2009L03066]*.
  - AD/A330/104—PW4000 Engine—Lower Aft Pylon Fairing Firewall [F2009L03065]*.
  - AD/A330/105—Outboard Flap—Sensor Strut at Flap Track 4 [F2009L03064]*.
  - AD/AMD 50/47 Amdt 1—Crew and Passenger Oxygen Lines [F2009L03120]*.
  - AD/B717/18 Amdt 1—Passenger Oxygen Release System [F2009L03114]*.
  - AD/B737/359—Outboard Landing Light Wire Bundles [F2009L03128]*.
  - AD/BEECH 18/22—Main Landing Gear Drag Legs, Drag Leg Bolts and Retract Slide Assemblies—Inspection [F2009L03062]*.
  - AD/BEECH 23/23—Stabilator Hinge Assembly [F2009L03061]*.
  - AD/BEECH 23/13—Main Nose Landing Gear Shock Absorber [F2009L03060]*.
  - AD/BO 105/28—Tail Rotor Balance Weights [F2009L03112]*.
  - AD/CL-600/116—Air Driven Generator Strut [F2009L03111]*.
  - AD/DAUPHIN/29—Main Rotor Mast [F2009L03047]*.
  - AD/DAUPHIN/30—Baggage Hold Fire Detectors [F2009L03046]*.
  - AD/EMB-120/49—Fuel Quantity Indication System [F2009L03110]*.
  - AD/F406/19—Flap Push Rod Assemblies [F2009L03104]*.
  - AD/GBK 117/5 Amdt 1—Electrical Bonding and Static Dischargers [F2009L03103]*.
  - AD/JBK 117/4 Amdt 1—Landing Gear Electrical Bonding [F2009L03096]*.
  - AD/JBK 117/32 Amdt 1—Tail Rotor Gearbox Bevel Gear [F2009L03005]*.
  - AD/SF340/108 Amdt 2—Hydraulic System Accumulators [F2009L03072]*.
  - AD/S-PUMA/82 Amdt 1—Hydraulic Hoist Cable [F2009L03152]*.
  - AD/TBM 700/52 Amdt 1—Oxygen—Pilot Operating Handbook [F2009L03071]*.
  - AD/VG-RV/1—Elevator Trim Tab [F2009L03020]*.

Part 106—

- AD/ARRIEL/32 Amdt 2—Engine—Module M04 Power Turbine Blades [F2009L03202]*.
- AD/THIELERT/13—Engine/Propeller—Constant Speed Unit—Propeller Control Valve [F2009L03070]*.

Part 107—AD/PR/40—Propeller Backplate Sealant [F2009L03126]*.
Commissioner of Taxation—Public Rulings—
Class Ruling CR 2009/41.
Self Managed Superannuation Funds Product Ruling SMSFPR 2009/1.

Customs Act—
Select Legislative Instrument 2009 No. 199—Customs (Prohibited Imports) Amendment Regulations 2009 (No. 4) [F2009L03130]*.
Tariff Concession Order 0903184 [F2009L02877]*.

Food Standards Australia New Zealand Act—Australia New Zealand Food Standards Code – Amendment No. 111 – 2009 [F2009L03145]*.

Marriage Act—Select Legislative Instrument 2009 No. 200—Marriage Amendment Regulations 2009 (No. 1) [F2009L03119]*.

Migration Act—Select Legislative Instruments 2009 Nos—
202—Migration Amendment Regulations 2009 (No. 9) [F2009L03143]*.
203—Migration Amendment Regulations 2009 (No. 5) Amendment Regulations 2009 (No. 1) [F2009L03139]*.

Private Health Insurance Act—Private Health Insurance (Prostheses) Amendment Rules 2009 (No. 2) [F2009L03198]*.

Remuneration Tribunal Act—

Safety, Rehabilitation and Compensation Act—Safety, Rehabilitation and Compensation (Definition of Employee) Notice 2009 (1) [F2009L03173]*.

Governor-General’s Proclamations—

Migration Amendment (Protection of Identifying Information) Act 2009—Schedule 1—14 September 2009 [F2009L03098]*.

Explanatory statement tabled with legislative instrument.

Unproclaimed Legislation

The following document was tabled pursuant to standing order 139(2):

Unproclaimed legislation—Document providing details of all provisions of Acts which come into effect on proclamation and which have not been proclaimed, including statements of reasons for their non-proclamation and information relating to the timetable for their operation, as at 31 July 2009, dated August 2009.

Departmental and Agency Contracts

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2009—Letter of advice—Veterans’ Affairs portfolio.

Indexed Lists of Files

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2009—Statement of compliance—Australian Trade Commission.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Environment, Heritage and the Arts: Staffing

(Question No. 958)

Senator Ronaldson asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 24 November 2008:

(1) Can details be provided, as of 24 November 2008, of the total number of all staff in:
   (a) the Minister’s office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and
   (b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.

(2) Can details be provided of the aggregate salary and superannuation costs during the 2008 calendar year for all staff in:
   (a) the Minister’s office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and
   (b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.

(3) Can details be provided of the aggregate travel costs during the 2008 calendar year for all staff in:
   (a) the Minister’s office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and
   (b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.

(4) Can details be provided of the aggregate mobile phone costs during the 2008 calendar year for all staff in:
   (a) the Minister’s office whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy; and
   (b) the department whose job description involves: (i) media relations, (ii) media advice, (iii) public relations, (iv) public affairs, (v) communications, and (vi) communications strategy.

(5) Can a breakdown be provided of every review, inquiry and committee which is being conducted in the department that has been announced since 1 December 2007.

(6) (a) How many of the department’s reviews, inquiries and committees are in progress or incomplete as of 24 November 2008; and
   (b) what are their reporting dates.

(7) In regard to each of the department’s review, inquiry and committee (completed and incomplete as of 24 November 2008) that has or is being conducted during the 2008 calendar year:
   (a) what is the number of departmental staff allocated to each;
   (b) what is the aggregate number of departmental staff allocated to all;
(c) were external consultants engaged to assist in any; if so, which consultants and how much has each consultancy cost (please itemise for each); and

(d) what have been the travel costs associated with those staff involved in each (please itemise for each).

(8) For the 2008 calendar year, what is the total cost of each departmental review, inquiry and committee, including staff wages, consultancy costs, travel and any other associated expenditure (please itemise for each).

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) Number of staff engaged in media/communications as at 24 November 2008
(a) Minister Garrett’s Office (i-vi) One
(b) Department (i-vi) 30

(2) Aggregated salary and superannuation costs 1.1.2008-24.11.2008
(a) The salary range only is provided so as not to identify personal information of individual employees.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Salary Range</th>
<th>Ministerial Staff Allowance</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Media Adviser</td>
<td>$85,500 to $116,400</td>
<td>$17,719</td>
<td>From 17 March 2008 onwards</td>
</tr>
</tbody>
</table>

Depending on their individual circumstances, employees may be eligible to be a member of the CSS, PSS or PSSap. Alternatively, employees under the Commonwealth Members of Parliament Staff Collective Agreement 2006–2009 may have an employer superannuation contribution of 15.4 per cent paid to an eligible superannuation fund of their choice, while employees above the level of Adviser may have an employer superannuation contribution of nine per cent paid to an eligible superannuation fund of their choice. Individual details are not supplied.

(b) $2,133,116.50

(3) Aggregated travel costs 1.1.2008-24.11.2008

(a)

<table>
<thead>
<tr>
<th>Classification</th>
<th>Travel Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Media Adviser</td>
<td>$65,476.45</td>
</tr>
</tbody>
</table>

(b) $50,502.18

(4) Mobile phone expenditure (aggregated costs)

(a) (i) to (vi) May–END November 2008 $3,710.73

(note: Media Adviser’s mobile service was only added to the DEWHA account on 11 April 2008)

(b) (i) to (vi) January –END November 2008 $12,744.78 (excluding GST)

(5) (7) and (8) Departmental review, inquiry, committee information answered in the accompanying table.

(6) As at 24 November 2008 ten (10) reviews were in progress or incomplete.
<table>
<thead>
<tr>
<th>Review Title</th>
<th>Departmental Staff and Costs</th>
<th>Consultant</th>
<th>Cost for CY 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independent Review of the Great Barrier Reef Marine Park Structural Adjustment Program. Expected conclusion date June 2009.</td>
<td>Estimated staff costs $43,000</td>
<td>Mr John Gunn with assistance from Walter Turnbull P/L Consultancy cost $60,000 Travel $5,641 Other $188</td>
<td>$108,829 Estimated final cost $144,500 $79,500 direct cost via contract $65,000 administration support.</td>
</tr>
<tr>
<td>The Independent Expert Review of the East Coast Inshore Fin Fish Fishery. Reported to Minister Garrett on 31 October 2008. The Review informed the Minister’s decisions under the EPBC Act, made on 25 February 2009.</td>
<td>Estimated staff costs $18,800</td>
<td>FRM Consulting $37,975 CSIRO $53,000 approx subject to finalisation. Legal advice $16,088 Travel approx $5,000 Ancillary approx $3,000 including catering for meetings, teleconferencing fees, photocopying, stationary.</td>
<td>$133,900</td>
</tr>
<tr>
<td></td>
<td>No staff resources dedicated to review.</td>
<td>KPMG $91,215</td>
<td>$91,215</td>
</tr>
<tr>
<td></td>
<td>No staff resources dedicated to review.</td>
<td>Fieldwor. $45,371</td>
<td>$45,371</td>
</tr>
<tr>
<td></td>
<td>No staff resources dedicated to review.</td>
<td>PriceWaterhouse-Coopers $75,000</td>
<td>$75,000</td>
</tr>
<tr>
<td>Review Title</td>
<td>Departmental Staff and Costs</td>
<td>Consultant</td>
<td>Cost for CY 2008</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>------------------------------</td>
<td>-----------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Northern Territory Theatre review (Australia Council). Co-commissioned with</td>
<td>No staff resources dedicated to review</td>
<td>Anzarts Institute Ltd (Justin Mcdonnell)</td>
<td>$29,642</td>
</tr>
<tr>
<td>Review of the Cultural Ministers Council. Expected conclusion date</td>
<td>Staff time cannot be specified as</td>
<td>The review is being undertaken</td>
<td></td>
</tr>
<tr>
<td>October 2009.</td>
<td>review work is being underta</td>
<td>internally.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ned in addition to other staff duties</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Review of the Cultural Ministers Council Statistics Working Group.</td>
<td>No costs identified</td>
<td>Consultant yet to be identified.</td>
<td></td>
</tr>
<tr>
<td>Expected conclusion date Mid 2009.</td>
<td></td>
<td>No 2008 costs identified.</td>
<td></td>
</tr>
<tr>
<td>Review of the National Heritage List and review of the Commonwealth</td>
<td>EL2 $2,558</td>
<td>No consultant. Costs associated</td>
<td>$8,870</td>
</tr>
<tr>
<td>Heritage List. Internal five year statutory review by Minister; no Government</td>
<td>EL1 $6,312</td>
<td>with the print production of</td>
<td></td>
</tr>
<tr>
<td>respond required. Completed January 2009.</td>
<td>Aggregated staff costs $8,870</td>
<td>'The National and Commonwealth</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Heritage Lists’ were not paid in</td>
<td></td>
</tr>
<tr>
<td>World Heritage Ministerial Council and Property Governance Council.</td>
<td>EL2 x 4 $8,346</td>
<td>the 2008 calendar year.</td>
<td></td>
</tr>
<tr>
<td>The Government responded in November 2008.</td>
<td>EL1 x 1 $16,546</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Aggregated staff costs $43,042</td>
<td>Bryce McNair as independent</td>
<td></td>
</tr>
<tr>
<td>Review of Land Management Services. Delivered under contractual</td>
<td>No staff wages or travel</td>
<td>facilitator for August 2007 two</td>
<td>$19,058</td>
</tr>
<tr>
<td>arrangements between Director of National Parks and Australia</td>
<td>dedicated to the work.</td>
<td>day consultation with</td>
<td></td>
</tr>
<tr>
<td>Services Pty Ltd. Completed Feb 2008.</td>
<td></td>
<td>World Heritage Advisory Committees</td>
<td></td>
</tr>
<tr>
<td>Cities for Climate Protection (CCP) Evaluation 31 March 2009</td>
<td>APS 5 $1780</td>
<td>in Canberra. Brian Gilligan</td>
<td>$28,190</td>
</tr>
<tr>
<td></td>
<td>APS 6 $884</td>
<td>$16,500 Consultancy expenses</td>
<td></td>
</tr>
<tr>
<td></td>
<td>EL 2 $397</td>
<td>$2,559</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Aggregated staff costs $3,061</td>
<td>Courage Partners, $22,704 for</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>services Travel expenses $2,425</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Final cost CCP will be $78,303</td>
<td></td>
</tr>
</tbody>
</table>
**QUESTIONS ON NOTICE**

**Review Title Departmental Staff and Costs**

<table>
<thead>
<tr>
<th>Review Title</th>
<th>Departmental Staff and Costs</th>
<th>Consultant</th>
<th>Cost for CY 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independent * Review of the Environment Protection and Biodiversity Conservation Act 1999</td>
<td>Estimated staff costs $239,549</td>
<td>Secretariat (employment agency) $4,235 Discussion Paper production $16,584 Domestic Travel $383 International Travel $19,408 Admin and IT support $3,733</td>
<td>$283,891</td>
</tr>
<tr>
<td>Expected conclusion date 31 October 2009</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aggregate Staff Costs Restricted to reported figures</td>
<td>EL2 $11,301</td>
<td></td>
<td>Total All Identifiable Costs CY 2008 $823,966</td>
</tr>
<tr>
<td></td>
<td>EL1 $22,858</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>APS 6 $19,034</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>APS 5 $1,780</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unidentified $300,549</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total $355,522</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* An independent review of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is being undertaken by Dr Allan Hawke. The review is a requirement under section 522A of the EPBC Act. The review will assess the operation of the EPBC Act and the extent to which its objects have been achieved. This is the first review under section 522A of the EPBC Act since the Act commenced in July 2000. The Terms of Reference for the review require the review to be completed by 31 October 2009.

At time of preparing this answer neither the Independent Reviewer nor the Expert Panel Members had provided invoices for their services in 2008.

**Minister for Climate Change and Water and Parliamentary Secretary: Overseas Travel (Question No. 1018)**

Senator Ronaldson asked the Minister for Climate Change and Water, upon notice, on 25 November 2008:

Has the Minister or any associated Parliamentary Secretary travelled overseas on parliamentary or ministerial business since 25 November 2007; if so, for each trip:

(1) What was the purpose.
(2) How many nights were spent overseas.
(3) What were the dates and venues.
(4) How many meetings did the Minister or Parliamentary Secretary attend.
(5) How many Departmental and/or personal ministerial staff accompanied the Minister or Parliamentary Secretary.
(6) What was the aggregate cost.
(7) Can an itemised account be provided of the cost for the following:
   (a) Transportation;
   (b) travel allowance;
   (c) accommodation;
   (d) meals; and


(e) other expenses, paid for the by the Commonwealth in relation to the Minister, Parliamentary Secretary and their staff.

Senator Wong—The answer to the honourable senator’s question is as follows:

Details of Ministerial travel is provided in the report Parliamentarians’ travel costs paid for by the Department of Finance and Deregulation, which is tabled in Parliament biannually. This report gives details of the dates and purpose of the travel, the countries of destination and the costs of the visits.

Further information on ministerial visits is also available on my ministerial web sites and in media releases and media reports.

Information about departmental staff who accompanied me on overseas travels for the period 25 November 2007 to 26 November 2008 is provided in the following table.

<table>
<thead>
<tr>
<th>1. Purpose</th>
<th>2. No Nights (dept staff)</th>
<th>3. Dates and Venues</th>
<th>4. No of meetings attended</th>
<th>5. Number of departmental and/or ministerial staff accompanying Minister</th>
<th>6. Aggregate costs</th>
<th>7. Itemised costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>UNFCCC COP13</td>
<td>Varies 4-15</td>
<td>Bali, Indonesia 12-15 December 2007</td>
<td>Multiple</td>
<td>One Ministerial staff and 15 departmental staff</td>
<td>$143,656*</td>
<td>Airfares: $143,656*</td>
</tr>
<tr>
<td>2nd Major Economies Meeting Australia-China Tour</td>
<td>2</td>
<td>Honolulu, USA 30-31 January 2008</td>
<td>Multiple</td>
<td>One Ministerial staff and three departmental staff</td>
<td>$27,934*</td>
<td>Airfares: $27,934*</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>China, 8-12 April 2008</td>
<td>Multiple</td>
<td>One Ministerial staff and three departmental staff</td>
<td>$27,784*</td>
<td>Airfares: $27,784*</td>
</tr>
<tr>
<td>Australia-PNG Ministerial Forum Environment Ministers</td>
<td>1</td>
<td>Madang, PNG 22-23 April 2008</td>
<td>Multiple</td>
<td>One Ministerial staff and three departmental staff</td>
<td>$6,600*</td>
<td>Airfares: $6,600*</td>
</tr>
<tr>
<td>G8 Environment Ministers</td>
<td>2</td>
<td>Kobe, Japan 24-26 May 2008</td>
<td>Multiple</td>
<td>One Ministerial staff and three departmental staff</td>
<td>$26,351</td>
<td>Accommodation: $1,630 Airfares: $21,686 Allowances: $3,035</td>
</tr>
<tr>
<td>4th Major Economies Meeting</td>
<td>2</td>
<td>Seoul, Korea 19-21 June 2008</td>
<td>Multiple</td>
<td>One Ministerial staff and three departmental staff</td>
<td>$24,477</td>
<td>Accommodation: $3,051 Airfares: $18,621 Allowances: $2,805</td>
</tr>
<tr>
<td>1. Purpose</td>
<td>2. No Nights (dept staff)</td>
<td>3. Dates and Venues</td>
<td>4. No of meetings attended</td>
<td>5. Number of departmental and/or ministerial staff accompanying Minister</td>
<td>6. Aggregate costs</td>
<td>7. Itemised costs</td>
</tr>
<tr>
<td>------------</td>
<td>---------------------------</td>
<td>--------------------</td>
<td>---------------------------</td>
<td>-------------------------------------------------</td>
<td>-----------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>MEM Leaders’ Meeting</td>
<td>1</td>
<td>Tokyo, Japan 9 July 2008</td>
<td>Multiple</td>
<td>One Ministerial staff and one departmental staff</td>
<td>$11,071</td>
<td></td>
</tr>
<tr>
<td>El Calafate Dialogue</td>
<td>4</td>
<td>El Calafate, Argentina 15-18 September 2008</td>
<td>Multiple</td>
<td>One Ministerial staff and one departmental staff</td>
<td>$14,130</td>
<td></td>
</tr>
<tr>
<td>Pre-COP14 Ministerial Meeting and bilateral visit to London</td>
<td>7</td>
<td>Warsaw, Poland 12-14 October 2008</td>
<td>Multiple</td>
<td>One Ministerial staff and three departmental staff</td>
<td>$48,348</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>London, UK 14-18 October 2008</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$330,351</td>
<td></td>
</tr>
</tbody>
</table>

*The aggregate and detailed breakdown of expenditure for departmental staff prior to May 2008 is not available.*

**Special Broadcasting Service**

*Question No. 1493*

**Senator Ludlam** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 5 May 2009:

1. What steps is the Minister taking to end the practice of Special Broadcasting Service (SBS) television (TV) interrupting programs for advertisements in line with statements made by the then Opposition spokesperson for Communications and Information Technology that ‘Labor has opposed and continues to oppose the decision by SBS to introduce in-program advertising’.

2. Has SBS had any discussions with the Minister or his office regarding the dropping of advertisements that interrupt programs; if so: (a) when were the meetings; (b) was any agreement or understanding reached; and (c) what does SBS expect as a result.

3. Given that in February 2008 the Minister supplied estimates from SBS that between $29.3 million and $39.7 million would be required to maintain operations for 2008 if the network were to stop interruption of programs for advertisements, can the Minister verify these estimates as accurate now that accounting for 2008 is available.
Can a list be provided of all programs that SBS TV interrupted for advertisements in 2008 where the program being interrupted was not produced for interruption for commercial breaks, such as British Broadcasting Corporation (BBC) programs and cinema release movies.

What advertising rates were/are charged by SBS for packages of advertising air time on SBS TV depending on time of day, type of program interrupted and other relevant factors for the following years: (a) 2008; and (b) 2009.

In 2008 did SBS offer a lower rate for advertisements that were run in the break between programs as opposed to those run within programs.

In implementing the September 2006 Guidelines for the Placement of Breaks in SBS Television Programs and the SBS Codes of Practice 2006 and given that section 45 of the Special Broadcasting Services Act 1991 specifies that only ‘natural’ breaks are allowed, how does SBS distinguish between the ‘natural’ breaks in programs and those that must be forced into programs that were not produced to cater for advertising breaks.

What percentage of the total advertisements run on SBS TV in 2008, not including station or program promotions, were commercials without a charge to the advertiser.

Has SBS revenue from advertising decreased or is it expected to, as a result of the current economic down turn; if so, by how much.

Does SBS receive approximately 80 per cent of income from the sale of air time due to an advertising agency taking a commission of approximately 20 per cent.

Is it true that SBS raised approximately 10 million from interrupting programs for advertisements in 2007 and that the motoring program Top Gear cost SBS approximately $11 million; if not, what are the correct figures.

What functions of SBS are currently outsourced.

Does SBS have plans to fully automate or outsource its presentation department that is responsible for the timing and switching of programs and commercials to air; if so: (a) what are these plans and timelines involved; and (b) will there be any loss of jobs or redundancies from SBS as a result.

Who or what will determine where commercial breaks are to be positioned, that is, will it be a computer, the program producer or someone else.

When are the monies borrowed by SBS from the Government due to be repaid; and (b) what commercial terms and rates of interest is SBS required to adhere to.

What proportion of programming on SBS TV was in a language other than English during the period deemed as prime time by the Australian Communications and Media Authority (6 pm to 10.30 pm) in April 2009; and (b) how do the proportion of these languages compare to the proportion of languages actually spoken in Australian homes.

Is the Government satisfied that SBS TV is fulfilling its obligation to ‘inform, educate and entertain Australians in their preferred languages’ properly, as required by the SBS charter under the Special Broadcasting Service Act 1991.

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Senator Conroy—The answer to the honourable senator’s question is as follows:

In its report “Strengthening our National Broadcasters” released on 12 May 2009, the Government stated that:

‘Along with the free-to-air commercial broadcasters, SBS’s advertising revenue is likely to be affected over the short term as a result of the global financial downturn.’ (In its Portfolio Budget Statements, SBS is forecasting $68.3 million in revenues from advertising and other sources in 2008-09.)
'A new restriction on in-program advertising would substantially reduce the amount of funding available to SBS to support the provision of high quality and diverse programming. In the current economic climate and considering the competing claims on a limited Federal Budget, it is not proposed to require the SBS to change its current approach to advertising at this time.'

(2) It is not appropriate that SBS disclose the substance of private meetings with the Minister.

(3) SBS estimates that its advertising revenue for the 2008 calendar year would have been $23.4 million if there had been no in-program advertising breaks. SBS’s advertising revenue was approximately $29.2 million higher than that figure.

(4) No. Standard industry practice is that programs distributed for broadcast beyond their original market are delivered to the purchaser unbroken. This allows each purchaser to adapt the program to its broadcasting requirements, whether they are commercial or non-commercial television broadcasters.

Films made for theatrical release are screened in cinemas without commercial breaks. However, the broadcast rights will be negotiated based on the requirements of the purchaser. In the case of a commercial television broadcaster, for example, the licence will provide for the film to be broadcast with commercial breaks. SBS’s policy in respect of films that are longer than 60 minutes is that they will be broadcast with only two breaks.

Some television programs are produced for broadcast on a channel that does not broadcast advertisements, for example the BBC in the UK. However, such programs will be broadcast with commercial breaks when they are sold to other broadcasters or even, in the BBC’s case, broadcast by the BBC in a different market. For example, the BBC’s commercial arm, BBC Worldwide, broadcasts BBC programs with commercial breaks on its overseas channels, such as UKTV on subscription television in Australia.

In other cases, television programs are produced for original broadcast on a commercial television channel. Such programs are also usually sold to other broadcasters without breaks, but in some cases acquired programs are delivered with pre-existing breaks inserted (for example in the form of a fade to black). SBS’s Guidelines for the Placement of Breaks in SBS Television Programs (the Guidelines) state that pre-existing breaks that comply with the Guidelines will be considered to be natural breaks. This means that SBS must consider whether the pre-existing breaks comply with the Guidelines, and this is done on a case-by-case basis.

For content commissioned by SBS for broadcast on SBS TV, SBS strongly recommends that all producers insert the breaks into the programs during post-production, in consultation with the executive producer and taking into account the relevant sections of the Guidelines. This allows producers to maintain the maximum level of control over their programs. If the producer also has to deliver a distribution version of the program to SBS, the producer is required to create another version of the program without breaks.

(5) Advertising rates are based on projected programming, audience and demand. A different rate applies for each half hour slot across each of the seven days of each week in the ratecard period. The ratecard periods range from two to eight weeks long, and the rates are for 30 second spots. Individual transaction details are commercial-in-confidence. See 2008 Rate Card (Attachment A – available from the Senate Table Office) and 2009 Rate Card (Attachment B – available from the Senate Table Office).

(6) No. All spots are charged at the same rate.

(7) Section 45 of the Special Broadcasting Services Act, 1991 (SBS Act) provides that SBS may broadcast advertisements and sponsorship announcements before or after programs and during natural breaks and that run in total for not more than five minutes in any hour of broadcasting. Subsection 45(4) of the SBS Act states that the SBS Board may develop guidelines on other matters.
such as the placement of advertisements and sponsorship announcements. The SBS Guidelines for the Placement of Breaks in SBS Television Programs (Guidelines) set out the principles and policies SBS uses to guide the placement of breaks in SBS television programs.

The Guidelines set out the following matters for consideration when determining natural breaks:

1.1 Natural breaks in drama and comedy
A break may be taken when:
(i) there is an obvious and dramatically significant lapse of time in the action, or
(ii) there is a change of scene, with a significant break in the continuity of action.

1.2 Natural breaks in documentaries and information programs
A break may be taken when:
(i) there is a change of topic, or
(ii) there is a change of method or treatment, or
(iii) recorded inserts occurring in live programs, or
(iv) new participants in a discussion program are introduced.

1.3 Natural breaks in entertainment programs
A break may be taken at the end of an act or at the end of a sequence.

1.4 Natural breaks in programs with prizes
A break may be taken when one competitor leaves the scene and before a new competitor is introduced. Where there is no change of competitor, a break may occur at the end of one complete round of questions.

1.5 Natural breaks in music programs
A break may normally be taken at the end of a musical composition, a set, or between the acts of an extended musical work. Breaks may not be taken between segments of a series of pieces usually heard as a continuous performance.

1.6 Natural breaks in news and current affairs programs
Breaks may be taken between separate reports in news bulletins and program segments in current affairs programs. A program segment may be:
(i) discrete coverage of a particular topic or issue, or
(ii) a report from a particular source or location on an issue, or
(iii) defined by a particular method or treatment, or
(iv) a particular topic in an extended interview.

1.7 Natural breaks in sport
Breaks may be taken during periods where viewers do not miss any significant action of the particular sport being televised either live or delayed.

In sport events where regular pauses in play occur, breaks may be taken during those periods, for example at half time or between races, innings or overs etc.

In coverage of long continuous events, breaks may be taken at points where the focus of coverage of the event shifts from one point to another, for example after a resumption of the current placings in a race and before refocusing on a particular section of the race. Breaks may also be taken before or after cut-away discussion or background film insert sequences.

1.8 Natural breaks in outside broadcasts other than sport
Breaks may be taken where the commentator finishes discussing one item in the program and moves to another.

1.9 Natural breaks in acquired programs

Pre-existing breaks that comply with these Guidelines in programs acquired from overseas suppliers and other sources will be considered to be natural breaks.

Acquired programs which do not include pre-existing breaks may be assessed for natural breaks following the definitions in sections 1.1 to 1.8 of these Guidelines.

1.10 Natural breaks in relays of overseas broadcasts

Where SBS relays a live program feed from an overseas broadcaster, the break pattern of the originating broadcaster may be taken.

(8) None.

(9) SBS TV advertising revenue has decreased as a result of the current economic downturn. The forecast result of $53.8 million for 2008-09 is a decrease of $8 million against budget.

(10) Currently SBS receives 80 per cent of the income from the sale of airtime.

Ten per cent is the customary industry standard deducted by the agencies buying the commercial airtime.

The remainder relates to charges incurred by SBS in outsourcing its sales function. This will cease on June 30, 2009 when SBS brings that function in-house.

(11) It is estimated that SBS did derive approximately $10m in the first full year of operation from advertising revenue from the new advertising policy.

While the cost of Top Gear is commercial-in-confidence, it was a tiny fraction of that amount.

(12) The following functions are currently outsourced:

Web hosting.

Advertising sales (to conclude June 30, 2009).

Production of Australian content on SBS Television other than news and current affairs and sport.

Transmission and distribution.

Internal audit.

(13) No.

(14) Staff in the SBS program preparation team, which includes subtitlers and program presentation staff, determine where commercial breaks are to be positioned based on SBS’s Guidelines for the Placement of Breaks in SBS Television Programs. SBS has no intention of varying this process.

(15) (a) The monies are due to be repaid by June 2014. (b) The loan is a fully amortising loan. Repayments are to be made annually on the anniversary of the drawdown of the loan. The interest rate is fixed at the three year bond rate at the time that the loan was approved (4.291%).

(16) (a) SBS Codes of Practice require the yearly television schedule to achieve a balance between television programs in English and programs in languages other than English.

The balance is reported each year in the SBS Annual Report. The balance for the last three years is set out in the table below.

SBS does not keep records on the basis of the commercial broadcasters’ or ACMA’s definition of prime time or prime viewing hours.

In many cases programming in those languages is not available.

(17) The Government believes that SBS plays a vital role connecting communities and informing and educating Australians. The Government recognises the challenges presented by finite resources and spectrum and considers that SBS ably fulfils its Charter obligations.

The Government’s Report “Strengthening our National Broadcasters” demonstrated strong support for SBS existence and the importance of its role as a multicultural broadcaster.

Australian Defence Force

(Question No. 1494)

Senator Ludlam asked the Minister for Defence, upon notice, on 5 May 2009:

(1) What outreach on careers in the military, does the department conduct in Australian high schools.

(2) Can 17-year-olds be recruited into the military; if so, what safeguards, if any, does the Government maintain to ensure: (a) that the recruitment of children under the age of 18 years is genuinely voluntary; (b) that such recruitment is carried out with the informed consent of the person’s parents or legal guardians; and (c) that such persons are fully informed of the duties involved in such military service.

(3) For each of the years from 2002 to 2008, how many children under the age of 18 years were recruited into Australia’s armed forces.

(4) Since 21 October 2002, the date on which Australia signed the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, how many members of Australia’s armed forces under the age of 18 years have taken part in military operations.

(5) Since 26 September 2006, when Australia ratified the Optional Protocol, how many members of Australia’s armed forces under the age of 18 years have taken part in military operations.

(6) Does the Australian Government intend raising the minimum age of recruitment into its armed forces to 18 years in line with the emerging international trend, as documented in the report, Child soldiers: Global report 2008.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

(1) Defence sponsored career promotion teams periodically visit Australian secondary schools to provide information to potential candidates and influencers, such as School Career Advisers, about Australian Defence Force (ADF) jobs. Defence also sponsors a number of secondary school educational and personal development programs, including the ADF Long Tan Leadership and Teamwork Awards and Defence 2020, which provide general information about the ADF, its roles and its values.

(2) 17 year olds can legally be recruited into the ADF. The following safeguards are provided for their protection:
(a) All recruiting candidates are interviewed on their understanding of their chosen Defence career and their motivation for joining the ADF. Only candidates able to demonstrate a genuine and legitimate interest in pursuing an ADF career are processed through to enlistment.

(b) Unless compelling circumstances prevent the candidate from obtaining both signatures, the written consent of both parents or legal guardian(s) is required for candidates under the age of 18 to join the ADF. To ensure that candidates, parents and guardians have access to enough information to give informed consent, local Defence Force Recruiting Centres, the Defence Service Centre at Cooma, and the Defence internet site at www.defencejobs.gov.au provide printed and electronic information about ADF careers, life in the military, and the duties of ADF members. Defence Force Recruiting Centres also regularly conduct information sessions, where parents and guardians can listen to presentations from Recruiting Centre staff and ask questions about any aspect of the recruitment process and ADF service.

(c) At their selection interview, candidates are questioned on their understanding of the ADF and only candidates who demonstrate a mature, realistic understanding of their future role are processed through to enlistment.

(3) The number of personnel under 18 years of age enlisted into the ADF each calendar year from 2002 is as follows:

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enlistments*</td>
<td>1,134</td>
<td>809</td>
<td>899</td>
<td>778</td>
<td>1,034</td>
<td>1,095</td>
<td>1,316</td>
</tr>
</tbody>
</table>

*Note: Comprises Permanent, Gap Year and Active Reserve enlistments and Continuous Full Time Service engagements.

(4) and (5) Since 21 October 2002, no member of the ADF under the age of 18 has taken part in warlike military operations. Defence policy restricts the employment of personnel under 18 years of age on operations where hostile action is likely. When available, ADF members under 18 years of age routinely participate in operations that do not involve armed hostilities, such as providing aid to the civil community.

(6) No. Current policy allows for a minimum recruitment age of 17 years. Increasing the recruitment age to 18 years would restrict the quality and quantity of available candidates, as many potential recruits, particularly from those States and Territories where students finish school at 17 years of age, would find alternative employment and career paths at the conclusion of their secondary schooling.

Broadband, Communications and the Digital Economy: Statutory Reviews

(Question No. 1523)

Senator Minchin asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 18 May 2009:

With reference to all legislation administered by your portfolio:

(1) (a) How many and which statutory reviews are due to commence and/or conclude in 2009; and (b) what are the specified timelines for the commencement and conclusion of each of these reviews.

(2) (a) How many and which statutory reviews are due to commence and/or conclude in 2010; and (b) what are the specified timelines for the commencement and conclusion of each of these reviews.

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) and (2) As at 18 May 2009, the following reviews specified by legislation were due to commence/conclude in 2009 and 2010.
<table>
<thead>
<tr>
<th>Name of Statutory Review</th>
<th>Statutory Requirement – specified timelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review of the duration of the simulcast period</td>
<td>The Broadcasting Services Act 1992 requires the Minister to cause to be conducted a review of the period during which analog and digital television services are both to be provided, before 1 January 2006. The previous Government did not table a report in relation to this review. The finalisation of a report is subject to the outcomes of a range of policy and regulatory matters being considered by Government.</td>
</tr>
<tr>
<td>Review of the conditions relating to operational separation of Telstra</td>
<td>Section 61A of the Telecommunications Act 1997 provides that before 1 July 2009, the Minister must cause to be conducted a review of the operation of Part 8 of Schedule 1 — operational separation of Telstra. The Act requires a review to be prepared and tabled within 15 sitting days of completion. This is expected to be before the end of 2009. The review commenced on 7 April 2009.</td>
</tr>
<tr>
<td>Review of anti-siphoning provisions</td>
<td>The Broadcasting Services Act 1992 requires the Minister to cause to be conducted a review of the anti-siphoning provisions in the Act before 31 December 2009. A report of the review must be tabled in each House of Parliament within 15 sittings days of that House after the completion of the report.</td>
</tr>
<tr>
<td>Review of the regulation of program standards and captioning on free to air multichannelled television broadcasting services</td>
<td>Clause 60C of Schedule 4 to the Broadcasting Services Act 1992 requires the Minister cause to be conducted a review on captioning and content rules as they apply to commercial digital television multichannels before 1 January 2010. A report of the review must be tabled in each House of Parliament within 15 sittings days of that House after the completion of the report.</td>
</tr>
<tr>
<td>Review of regional radio localism requirements</td>
<td>Section 61CT of the Broadcasting Services Act 1992 requires the Minister to cause to be conducted a review of regional radio localism requirements before 4 April 2010. A report of the review must be tabled in each House of Parliament within 15 sittings days of that House after the completion of the report.</td>
</tr>
<tr>
<td>Review of the Do Not Call Register</td>
<td>The Do Not Call Register Act 2006 requires the Minister to cause to be conducted a review of the legislation and relevant provisions of the Telecommunications Act 1997 before or as soon as practicable after 31 May 2010. A report of the review must be tabled in each House of Parliament within 15 sittings days of that House after the completion of the report.</td>
</tr>
<tr>
<td>Review of Submarine Cable legislation (Schedule 3A Telecommunications Act 1997)</td>
<td>Part 5, Clause 89 of the Telecommunications Act 1997 requires that ACMA is to report to the Minister on the operation of Schedule 3A to the Telecommunications Act 1997 within 5 years of the day it commenced. This requires a report to be provided no later than September 2010. A report of the review must be tabled in each House of Parliament within 15 sittings days of that House after the completion of the report.</td>
</tr>
<tr>
<td>Review of regional digital radio technologies</td>
<td>Section 215A of the Broadcasting Services Act 1992 requires the Minister to cause to be conducted a review of regional digital radio technologies before 1 January 2011. A report of the review must be tabled in each House of Parliament within 15 sittings days of that House after the completion of the report.</td>
</tr>
</tbody>
</table>
Veterans’ Affairs: Statutory Reviews
(Question No. 1535)

Senator Minchin asked the Minister representing the Minister for Veterans’ Affairs, upon notice, on 18 May 2009:

With reference to all legislation administered within your portfolio:

(1) (a) How many and which statutory reviews are due to commence and/or conclude in 2009; and
   (b) what are the specified timelines for the commencement and conclusion of each these reviews.

(2) (a) How many and which statutory reviews are due to commence and/or conclude in 2010; and
   (b) what are the specified timelines for the commencement and conclusion of each these reviews.

Senator Faulkner—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

(1) (a) Nil; and
   (b) n/a.

(2) (a) Nil; and
   (b) n/a.

Employment Participation: Tenders
(Question No. 1591)

Senator Abetz asked the Minister for Employment Participation, upon notice, on 21 May 2009:

(1) Have any successful tenderers for job services contracts subcontracted all or part of their contracts to other providers; if so: (a) how many; and (b) in each case, which contracts or parts of contracts have been subcontracted to other providers.

(2) Can an estimate be provided of how many more job services contracts, or parts of contracts, are likely to be contracted out.

(3) Are contractors obliged to notify or gain approval from the Minister or the department of their intention to subcontract out part of their contracts; if so, what approvals have been given.

(4) Can the following details be provided: (a) an estimate of the average mark down, or the percentage of revenue taken by the primary contractor, on contracts, or parts of contracts, so contracted out; and (b) the percentage mark down for all instances of subcontracting of which it is aware.

(5) (a) Why was the provision which allows for contracts to be subcontracted included in the tender; (b) who recommended the provision; and (c) who approved the provision.

(6) How is the practice of contracting out job services contracts reconciled with the requirement for successful tenderers to have in place ‘sound local strategies to help job seekers and employers and to have strong linkages with other organisations offering services in their community, like training, housing, or community services’.

Senator Arbib—The answer to the honourable senator’s question is as follows:

The Department of Education, Employment and Workplace Relations has advised me that:

(1) (a) The Employment Services Deed 2009-2012 does not allow the complete subcontracting of all services in the Deed. Twenty-eight Job Services Australia providers have had subcontracting arrangements approved by the department involving 77 individual organisations. The organisation contracted to deliver Job Services Australia remains responsible for the delivery of the services by
the approved subcontractors and the services delivered must be consistent with the strategies and proposals contained in the tender response of the contracted entity.

(b) In all but four instances subcontractors have been engaged by the provider to deliver Stream Services and/or work experience activities. The three exceptions are:

- Adco Holdings Pty Ltd who has been subcontracted by Industry Education Networking Pty Ltd to deliver Harvest Labour Services in the Kununurra Area;
- DK and S Banks who has been subcontracted by Sarina Russo Job Access (Australia) Pty Ltd to deliver Harvest Labour Services in the Gayndah and Mundubbera Areas;
- Noosa Country Resort who has been subcontracted by Sarina Russo Job Access (Australia) Pty Ltd to deliver Harvest Labour Services in the Gayndah and Mundubbera Areas, and
- Chandler McLeod who has been subcontracted by BEST Employment Limited to deliver Harvest Labour Services in the Stanthorpe area and by Jobfind Centres Australia Pty Ltd to deliver Harvest Labour Services in the Bundaberg and Darwin areas.

Although the Employment Services Deed does not specify which part of Stream Services the subcontractor will deliver or the Employment Services Area in which the services will be delivered, as at 5 June 2009, it is expected that the following approved subcontractors will deliver services in the Employment Services Areas listed from 1 July 2009.

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<th>Subcontractor Name</th>
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Monday, 17 August 2009
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<td>Sarina Russo Job Access (Australia) Pty Ltd</td>
<td>Noosa Country Retreat Pty Ltd</td>
<td>Gayndah and Mundubbera</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>Provider Name</th>
<th>Subcontractor Name</th>
<th>ESA in which subcontractor providing services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teldraw Pty Limited</td>
<td>Miimali Aboriginal Community Association Incorporated</td>
<td>Nepean</td>
</tr>
<tr>
<td>Westvic Work Force Inc</td>
<td>Brophy Family and Youth Services Inc.</td>
<td>Hampden Western District</td>
</tr>
<tr>
<td>Westvic Work Force Inc</td>
<td>Portland WorkSkills Inc.</td>
<td>Hampden Western District</td>
</tr>
<tr>
<td>Wise Employment Ltd</td>
<td>Australian Education Industry Centre Inc</td>
<td>Bayside Calder Central Western Sydney Darwin Monash Nepean Outer Western Sydney Peninsula Westgate Yarra</td>
</tr>
<tr>
<td>Wise Employment Ltd</td>
<td>Conservation Volunteers Australia</td>
<td>Bayside Calder Central Western Sydney Darwin Monash Nepean Outer Western Sydney Peninsula Westgate Yarra</td>
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<tr>
<td>Wise Employment Ltd</td>
<td>Relationships Australia Northern Territory Incorpo</td>
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<td>Wise Employment Ltd</td>
<td>Conservation Volunteers Australia</td>
<td>Bayside Calder Central Western Sydney Darwin Monash Nepean Outer Western Sydney Peninsula Westgate Yarra</td>
</tr>
</tbody>
</table>
(2) As at 5 June 2009, there have been no further requests for additional sub-contracting arrangements. Job Services Australia providers can request to change their sub-contracting arrangements at any time, however they are first required to seek DEEWR’s approval as per clause 106.3 of the contract.

(3) Contractors are required to obtain written approval from DEEWR prior to sub-contracting any part of its obligations under the contract. As at 5 June 2009, sub-contracting arrangements identified above have been approved by the department.

(4) It is a commercial arrangement between the primary contractor and the sub-contractor as to what the split of income is between both organisations. The organisation contracted to deliver Job Services Australia remains responsible to the Commonwealth for the delivery of the contracted services by the sub-contractor.

(5) The provision for sub-contracting is included in many government services contracts. The provision allows the contractor to sub contract those parts of the service that can be better delivered by another organisation. The provision allows the department to know of and in the case of Job Services Australia contract ensures the department must approve sub-contracting arrangements. This same provision has been included in all Employment Services contracts since 1998 and is an existing arrangement under the current employment services contracts, and reflects standard Commonwealth procurement practice. If the subcontracting provision was not included in the contract and was silent on such arrangements, then contractors would be free to employ subcontracting arrangements at their discretion without first gaining the approval of the Commonwealth. As such, subcontracting provisions are part of the standard provisions that are normally found in many Commonwealth contracts.

The provision was clearly articulated in the Exposure Draft of the Request for Tender that was widely consulted with the industry, stakeholders and the general public prior to the RFT release.

(6) In responding to the Request for Tender, tenderers were required to address selection criteria listed in section 4.9.1 of the RFT. The selection criteria for stream services required tenderers to demonstrate how their understanding of the model and their ability to deliver the full range of stream services tailored to an individual job seeker’s needs and the local circumstances. Selection criteria and the sub criteria were designed specifically to give tenderers the opportunity to demonstrate the effectiveness of local strategies and services and how their experience and expertise translated to the new integrated model. This included how the proposed strategies and experience would operate within the new integrated model and deliver better outcomes for job seekers and employers as well as meet local labour market needs.

For example sub criterion 1.4 required the tenderer to describe their experience in establishing and building community linkages, including partnerships and or practical collaborations with relevant local community support organisations. Criterion 3 required the tenderer to describe and demonstrate their local strategies and collaborative arrangements to achieve outcomes for job seekers and employers. The response from each tenderer was assessed on its merit. Where the tenderer included in the response to the selection criteria an intention to use a sub-contractor, this was taken into account in the assessment of the tender. As per the answer to (1) and (4) above the principle contractor remains contractually obliged to implement strategies included in their tender either directly or through their subcontractors.
Employment Participation: Tenders  
(Question No. 1592)  

Senator Abetz asked the Minister for Employment Participation, upon notice, on 21 May 2009:  

(1) Can the Minister expand on and provide details on the comment made during his press conference of 1 April 2009, in which the Minister said ‘what I say to those unsuccessful tenderers and those staff is we need their skill’, by advising what formal or informal processes may be in place or will be put in place to ensure that the skills of the unsuccessful tenderers and their staff are utilised under the new employment services system, for example, will this include a contractual obligation for all new providers to engage staff who have been displaced as a result of the tender outcome.  

(2) What mechanism will the Government use to monitor the success or otherwise of the new employment services system, including projected and actual increases in unemployment rates.  

(3) What role will Parliament play in monitoring and reviewing the operation of the $4 billion taxpayer funded employment service system, especially in the current and future economic climates of rising and continuing economic unemployment.  

(4) (a) How did the Government and the department come to the view, as stated in the introduction to the new employment services tender document, that the ‘widespread view of employment services stakeholders is that the current Job Network is no longer suited to the Australian economic environment which is characterised by relatively lower unemployment, widespread skills shortages and a growing proportion of job seekers who are highly disadvantaged and long-term unemployed. The problem is not simply finding a job; it is also finding appropriately skilled labour for employers’; and (b) can details be provided on how this ‘widespread view’ was determined, be it anecdotally, by formal survey, consultations with providers, including details of any such processes, dates, attendance lists, formal and informal feedback etc.  

(5) Can copies be provided of all legal advice to the Government and the department advising them of the legal requirement and obligation to re tender the employment services contracts, in particular for the period 2009 to 2012.  

(6) (a) How will unsuccessful tenderers have access to the $3.5 million adjustment fund; (b) how was the figure of $3.5 million determined and over what period of time will this money be accessible; and (c) will the figure of $3.5 million be revised as a result of its adequacy or otherwise in assisting unsuccessful tenderers.  

Senator Arbib—The answer to the honourable senator’s question is as follows:  

(1) As the former Minister for Employment Participation indicated, there is currently a high demand for workers with skills in providing employment services and new job opportunities for staff affected by the outcome of the tender.  

Reports from the industry indicate that there is already movement of staff between providers leading up to the commencement of the new Deed on 1 July 2009. This confirms the demand in the market for experienced employees.  

The Department is working in partnership with industry to implement initiatives to retain workers and their valuable skills. Officers from the Department have been in regular contact, and will continue to be, with each of the existing employment services providers who have been unsuccessful in retaining their current level of work, to ensure they are aware of the full range of services available to them, facilitate solutions and to mitigate the impact on their employees.  

In addition, all staff have access to the training modules for the new services developed by the Department, enabling them to position themselves for employment with another Provider. Eligible
employees who wish to access other skills training can do so through the Productivity Places Pro-
gram.

To assist staff to identify new opportunities quickly, the National Employment Services Association
(NESA) has provided a jobs exchange website for affected staff. Funding for this initiative was
provided by the Australian Government. The website also includes a registry to assist interested
staff to look for vacancies within the sector. Staff are also able to lodge their resume on this web-
site. This is available at: http://www.esconnect.com.au.

(2) Program effectiveness measures for Job Services Australia are stated in the Department of Educa-
tion, Employment and Workplace Relations’ 2009-10 Portfolio Budget Statements (page 143). The
department will report against these measures in its Annual Report. A comprehensive evaluation
strategy will be undertaken to assess the performance of Job Services Australia. The strategy will
consider Job Services Australia’s response to changing labour market conditions.

(3) Job Services Australia is put in place through contracts administered by the Department of Educa-
tion, Employment and Workplace Relations under the executive power of government. These con-
tacts and the performance of Job Services Australia are subject to the normal public accountability
mechanisms of Parliament. This includes the requirement to publish all contracts and to answer
questions from Parliamentary Committees relating to Job Services Australia.

(4) Just after the Government came to office a review of the Job Network was undertaken. In January
2008, Minister O’Connor wrote to employment service providers and other stakeholders seeking
their views about future directions for employment services in Australia. Over 260 submissions
were received.

A discussion paper, The Future of Employment Services in Australia, on the proposed new ar-
rangements was released on 16 May 2008. This was followed by two weeks of public consulta-
tions, between 19 May and 6 June 2008. 57 consultation sessions were conducted in 55 locations
across Australia. In addition to the feedback received and questions asked at these sessions, over
190 submissions were received in response to the discussion paper.

These public consultations involved employment services providers, employers and job seekers
and found a great deal of dissatisfaction with existing employment services. It was a common point
in the feedback that reform was needed to Job Network, with many stakeholders saying that it
lacked the flexibility to provide the right services at the right time to job seekers.

The feedback received included:
- That current Job Network is too inflexible – job seekers are treated the same way regardless of
  their individual needs;
- That employment services are too complex and fragmented. This imposes onerous administration
  and red tape on employment services providers – making it hard for them to focus on helping job
  seekers into sustainable employment;
- That Job Network is outdated and not suited to the current labour market characterized by skills
  shortages and a much higher proportion of job seekers who are highly disadvantaged and long-term
  unemployed;
- That assistance is poorly targeted with the most disadvantaged job seekers not receiving enough
  help’;
- That the system does not encourage or reward providers to meet the needs of employers. At a time
  Australia has an unprecedented skills shortage this is unacceptable; and
- That the compliance system is counterproductive and does not encourage participation.

The Exposure Draft of the purchasing arrangements for the new employment services was released
on 1 August 2008. Consultation sessions on the Exposure Draft were held from 6-14 August 2008
in 35 locations around Australia, with 1,581 people attending. Only minor refinements were made
to the policy that was outlined in the Exposure Draft as a result of these consultations. The follow-
ing feedback from key stakeholders was also received:

National Employment Services Association:
The industry has welcomed many of the principles embraced in the proposed framework and con-
gratulates the Government for considering and reflecting many of its views in the construction of
the proposed model.

Jobs Australia
We consider that the model is well framed to respond to the current characteristics of the labour
market.

(5) The Department advises me that legal advice from the department’s internal legal advisers on the
obligation to re tender the employment services contracts and other matters was provided in early
2008. This advice was subsequently provided to the then Minister for Employment Participation. A
summary of such advice (in so far as it relates to the obligation to tender for employment services
contracts) is provided at Attachment A. (available from the Senate Table Office) Two legal opinions
were also received by the Government from Jobs Australia Ltd. These opinions (the first was ap-
parently a draft opinion) were dated 6 March 2008 and 12 March 2008 (the latter was described as
the final and formal advice). The department is seeking agreement from Jobs Australia to release
these advice. An analysis of both the 6 March and 12 March opinions were prepared by the de-
partment’s internal legal area. As provision of these analysis will disclose the legal advice to Jobs
Australia Ltd, it is appropriate that these not be provided until the views of Jobs Australia Ltd have
been sought on the appropriateness of providing their legal advice as requested.

(6) Eligible organisations were required to submit an application for funding. Applications for funding
opened on Friday 17 April 2009 and closed on Friday 1 May 2009. All successful and unsuccessful
organisations have been notified on the outcome of their funding application. Funding deeds are
currently being executed with successful organisations.

The $3.5 million figure was based on an estimate that around 30 to 40 organisations would be as-
essed as eligible for assistance. Funding is available over the 2008-09 and 2009-10 financial years.

Employment Participation: Tenders
(Question No. 1593)

Senator Abetz asked the Minister for Employment Participation, upon notice, on
21 May 2009:

(1) At what time and on what date were the tender results for the Job Services Australia contract period

(2) Did any tenderers or individuals and companies associated with tenderers for the Job Services Aus-
tralia contract period 2009 to 2012 receive advance notice of the tender results prior to their an-
nouncement and/or publication.

(3) Did any individuals or companies, including those involved in the provision of support services
and goods to employment service providers and the department, receive any advance notice of the
public announcement of the Job Services Australia tender for the contract period 2009 to 2012, in-
cluding the receipt of a complete list of successful tenderers, prior to successful and unsuccessful
tenderers receiving notification of the outcome of the tender process.

(4) Can a list be provided of all successful tenderers for the Job Services Australia contract period
2009 to 2012, including principal contractors, consortia members and subcontractors.

Senator Arbib—The answer to the honourable senator’s question is as follows:
The Department of Education Employment and Workplace Relations advises me that:

(1) The tender results for the Job Services Australia contract period 2009 to 2012 were posted on the Department’s www.workplace.gov.au website on Thursday 2 April 2009.

On 2 April significant technical problems were experienced by the deewr.gov.au site, the Department’s primary website, as well as the workplace.gov.au website. The DEEWR site experienced major outages from about 12pm. The workplace site was available throughout the day. However, there were major problems with the publishing function which were not resolved until later in the day. During this time, the results of the tender intermittently appeared on the website at various times.

DEEWR IT worked closely with Microsoft throughout the day to identify and work on a range of problems associated with the site. As a contingency arrangement, DEEWR web staff built a temporary site and loaded the tender results at approximately 5.50pm. This site was stable by 6.10pm that allowed publishing of the results at 7.00pm.

(2) No advance notice was provided to any tenderers or individuals or company associated with tenderers for the Job Services Australia contract period 2009 to 2012 prior to the announcement on 1 April 2009. Consistent with the department’s standard purchasing processes and previous employment services tenders, the department commenced sending e-mail notifications to tenderers of their tender results for the Job Services Australia contract period 2009 to 2012 on the morning of Thursday 2 April 2009.

(3) Other than those within the portfolio with high level responsibility for the tender, and the independent probity advisor, no.

(4) A list of successful tenderers is available on the workplace website at www.workplace.gov.au. A list of approved subcontractors as at 8 June 2009 is as follows:

| Adco Holdings Pty Ltd aka The Job Shop |
| Albury Wodonga Youth Emergency Services Ltd |
| Anglicare Canberra and Goulburn |
| Aren Education Pty Ltd |
| Australian Education Industry Centre Inc |
| Bay Islands Community Services Inc. |
| Berry Street Victoria Incorporated |
| Bridgeworks Personnel Ltd |
| Bridging the Gap - Job Help Gold Coast Inc. |
| Bridging the Gap Inc |
| Brophy Family and Youth Services Inc. |
| BTC Cooperative Limited |
| CERES Inc |
| Challenge Employment & Training / Challenge Learning Institute |
| Chandler Macleod Group Limited |
| Charmjoy Pty Ltd |
| Choose Foundation Ltd. |
| Community Employment Options |
| Conservation Volunteers Australia |
| Creative Options Pty Ltd |
| Darwin Regional CDEP Inc |
| DK and SA Banks |
| Employment and Training Australia Inc |
| Employee Assistance Services Australia Inc |
| Envite |

QUESTIONS ON NOTICE
Fraser Coast-Training Employment Support Services  
Fremantle Education Centre Inc  
Fremantle Multicultural Centre Inc  
Geelong Ethnic Communities Council Inc  
Gippsland Employment Skills Training Inc  
Gold Coast Skill Centre Inc  
HGT Australia Limited  
Horizon Foundations Inc.  
IMPACT Make Your Mark  
Impact People Pty Ltd  
Inner West Skills Centre  
Jajirdi Consultants  
Julalikara Council Aboriginal Corporation  
Key Training Centre Inc  
Kularri Employment Services Pty Ltd  
Loddon Mallee Housing Services Limited  
Lutheran Church of SA/NT  
Mandurah Hunter Indigenous Business Chamber Incorp  
Marnida Mia Ltd  
Melaleuca Refugee Centre Torture and Trauma Survivor Service NT  
Miimali Aboriginal Community Association Incorporated  
Mt Isa Skills Association Inc  
MWTC Pty Ltd  
Newtrain Inc  
Noosa Country Retreat Pty Ltd  
Northern Rivers Enterprise Development Agency Inc  
Northside Skills Training Project Inc  
Offenders Aid and Rehabilitation Services of South Australia Inc  
Para Worklinks Inc  
Penrith Skills For Jobs Limited  
PEP Employment Services  
Phoenix Consulting  
Portland WorkSkills Inc.  
Quantum Support Services Inc  
Relationships Australia Northern Territory Inc  
St Kilda Youth Service Inc.  
St Vincent de Paul Aged Care and Community Services  
Stepping Stone Clubhouse Inc  
Synod of the Diocese of the Northern Territory Inc  
Taskforce Community Agency Inc  
Thamarrurr Development Corporation Ltd  
The Personnel Group Ltd  
The Roman Catholic Trust Corporation for the Diocese of Cairns  
Waltja Tjutangku Palyapayi Corp  
Wana Ungkunytja Pty Ltd  
Whitelion Incorporated  
Wollongong City Employment Training Inc  
Wunan Foundation  
Wynnum Manly Employment and Training Association
Senator Abetz asked the Minister for Employment Participation, upon notice, on 21 May 2009:

(1) Can copies be provided of any advice received or prepared by the department in relation to the impact or influence of the Australia-United States Free Trade Agreement on the department’s decision to award contracts under the employment service contract agreement for a period of 3 years, rather than the 5 years requested by employment service providers.

(2) Did the department refer to, or examine, any elements, be it general or specific, of the United Kingdom’s employment service model in the framing of the 2009 to 2012 employment services contract model.

(3) Were any elements of the United Kingdom employment service model incorporated into the 2009 to 2012 employment service contract model; if so, can details be provided.

(4) What, if any, direct or indirect involvement did the Prime Minister’s office have in the framing of the tender and the tender process.

(5) What is the current number of highly disadvantaged job seekers.

(6) What forecasting has been undertaken to determine the number of highly disadvantaged job seekers in the 2009 to 2012 employment service contract period.

(7) Can a list be provided of employment service providers and/or delegations of employment service providers who met with the Minister and/or his advisers and personal staff during the period of 1 January 2008 to 31 March 2009.

(8) (a) What advance notice, if any, did overseas employment service providers or agencies receive in relation to the 2009 to 2012 employment service contract tender process; and (b) at what point in the process did they formally express their interest in tendering.

Senator Arbib—The answer to the honourable senator’s question is as follows:

(1) The Department of Education Employment and Workplace Relations advises me that no advice was received or prepared by them in relation to the impact or influence of the Australia-United States Free Trade Agreement on the length of the contract period for Job Services Australia.

(2) and (3) The Government considered a range of international evidence in the development of Job Services Australia. International evidence was used to inform the design of Job Services Australia, alongside widespread industry and stakeholder consultation.

(4) Through the usual Cabinet processes.

(5) As at 22 May 2009, the current number of Job Network highly disadvantaged job seekers is 203 463.

(6) Highly Disadvantaged job seeker is a category used in the Job Network ESC3 (Active Participation Model). This category does not exist in Employment Services Deed 2009-12 (ESD4).

(7) The previous Minister has advised the following:

The Minister met with various representatives of most of the larger employment service providers in some cases on more than one occasion and many smaller providers on various dates. The Minister also attended various conferences and forums hosted by organisations such as NESA, Jobs Australia, Job Futures, Church providers and ACE and was introduced to many providers some of
whom did not identify their organisation. It is not possible to exhaustively identify each employment service provider that the Minister and Ministers staff met in these forums as not every introduction was recorded.

The Minister also met delegations of the organisations referred to in the previous paragraph and these delegations were often attended by a number of employment service providers or their representatives.

(8) (a) No advance notice was given to any potential tenderer of the final Request for Tender document.

(b) The Request for Tender closed on 14 November 2008. It was only at the closing of the tender that the department considers it has received any formal expression of interest in the tender through the receipt of tender submissions.

Defence: Program Funding
(Question Nos 1619 and 1640)

Senator Abetz asked the Minister for Defence, upon notice, on 29 May 2009:

(1) Can a list be provided, by agency, of all infrastructure and/or capital works projects that fall under the responsibility of an agency within the Minister’s portfolio.

(2) For each of the projects in (1) above:

(a) when was it first announced, by whom, and by what method;

(b) if applicable, what program is it funded through;

(c) what is its total expected cost;

(d) what was its original budget;

(e) what is its current budget;

(f) what is the total Federal Government contribution to its cost;

(g) what is the total state government contribution to its cost;

(h) if applicable, what other funding sources are involved and what is their contribution to the project cost;

(i) what was the expected start date of construction;

(j) what is the expected completion date;

(k) and (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;

(l) is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;

(m) why was the project funded; and

(n) what cost benefit or other modelling was done before the project was approved.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

(1) Defence has provided a list of current and approved capital works projects.

(2) (a) and (b) For Defence Infrastructure and Defence Materiel Organisation projects please refer to, Table 1, Attachment A. All Headquarters Joint Operations Command projects listed in Table 2, Attachment A, are funded under operational funding lines. There is no requirement to gazette contracts for goods or services procured and expensed overseas therefore no public announcement was made.
(c), (d) and (e) The estimated cost for Defence Infrastructure and Defence Materiel Organisation projects is the ‘budget’ and all amendments to the budget are noted in the Defence Portfolio Budget Statements 2009–10 (PBS).

Please refer to Table 2, Attachment 1 for the estimated cost for Headquarters Joint Operations Command projects.

(f) For Defence Infrastructure and Defence Materiel Organisation capital works projects the Australian Government’s contribution is 100 per cent of the total cost.

For Headquarters Joint Operations Command projects the budget listed is the Australian Government’s contribution to facilities construction. Some projects (such as the Kabul Accommodation project and the Tarin Kowt Airfield) are components of larger projects coordinated (and paid for) by other coalition partners.

(g) and (h) In all cases of Defence capital works, there is no state or territory contribution;

(i) and (j) Please refer to Table 1 and 2, Attachment A;

(k) and (i) The Department of Defence is the agency responsible for delivery of all Defence capital works projects;

(ii) Not applicable;

(l) Not applicable;

(m) Each Infrastructure Division capital works project was funded to enhance Defence capability. Project Single Leap Phase 2 was funded to remediate Defence living-in accommodation on various bases across Australia.

The Defence Materiel Organisation’s Mulwala Redevelopment Project – JP 2086 Phase 1 was funded as an indigenous military grade propellant and munitions production and is a strategic requirement endorsed by Government.

Each HQJOC works project was funded to support operational capability.

(n) All Defence capital works projects are subject of a comprehensive development phase which culminates in a Detailed Business Case (DBC). The DBC provides the basis for approval of the project.

Prior to inviting formal tenders for Project Single Leap Phase 2, a Public Sector Comparator (PSC) was developed to reflect the cost to Defence of delivering the proposed facilities via traditional direct procurement methods. The PSC includes the capital cost of constructing the facilities and the associated operating and maintenance costs expected to arise over the proposed 30 year operations term. All tenders received will be assessed against this PSC to ensure the proposed delivery by Public Private Partnership will represent value for money for the Commonwealth.

The Mulwala Redevelopment Project – JP 2086 Phase 1 was subject to commercial testing under Public Private Partnership/Private Finance Initiative arrangements. This option was not assessed as representing value for money.

All operations facilities costs are included as part of a net additional cost submission to the National Security Council when proposing changes to capability on operations. They are based on either scoping studies undertaken in location or desktop studies based on previous works in the same location. Procurement complies with the Defence Procurement and Purchasing Manual, bearing in mind limitations such as time, contractor availability and security considerations.
Table 1 Department of Defence current approved capital works projects.

<table>
<thead>
<tr>
<th>Project</th>
<th>Who, how and when announced (first media release / public announcement)</th>
<th>Program Funding</th>
<th>Construction start date</th>
<th>Construction end date</th>
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</thead>
<tbody>
<tr>
<td>INFRASTRUCTURE DIVISION</td>
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<td>NSW/ACT</td>
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<tr>
<td>RAAF Williamtown Redevelopment Stage 1 and Airborne</td>
<td>(capability) Moore; media release 390/00; 20/12/00</td>
<td>MCF/DCP</td>
<td>2003</td>
<td>2009</td>
</tr>
<tr>
<td>Early Warning and Control Works and Multi Role Tanker</td>
<td>(facilities) Hill; PBS 02–03 media release for NSW 211/02; 14/5/2002</td>
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<td>Transport Pavement Works</td>
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<tr>
<td>Randwick Disposal and Rationalisation—Interim Works</td>
<td>Bailey; PBS 03–04 media release for NSW 38/03; 13/5/2003</td>
<td>MCF</td>
<td>2003</td>
<td>2009</td>
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<td>Holsworthy Special Operations Working Accommodation and</td>
<td>(acts) Bailey; PBS 03–04 media release for NSW 38/03; 13/5/2003</td>
<td>MCF</td>
<td>2007</td>
<td>2010</td>
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<tr>
<td>Base Redevelopment Stage 1</td>
<td></td>
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<tr>
<td>Holsworthy 171 Aviation Squadron Relocation</td>
<td>Nelson; media release 16/2/06</td>
<td>MCF</td>
<td>2007</td>
<td>2010</td>
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<td>Majura Field Training Area Camp Blake Kitchen Upgrade</td>
<td>Fitzgibbon/Kelly; PBS 09–10 media release for ACT 084/2009; 12/5/09</td>
<td>MCF</td>
<td>2009</td>
<td>2010</td>
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<td>HMAS Creswell Redevelopment</td>
<td>Nelson; media release 50/07; 31/5/07</td>
<td>MCF</td>
<td>2009</td>
<td>2011</td>
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<td>SA/VIC/TAS</td>
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<td>Watsonia Defence Force School of Signals</td>
<td>Nelson; media release 160/06; 8/12/06</td>
<td>MCF</td>
<td>2008</td>
<td>2011</td>
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<td>Bandiana Joint Logistics Unit Victoria—Warehousing</td>
<td>Nelson/Lindsay; PBS 07–08 media release for VIC B10/2007; 8/5/07</td>
<td>MCF</td>
<td>2009</td>
<td>2010</td>
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<td>Project</td>
<td>Who, how and when announced (first media release / public announcement)</td>
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<td>RAAF Edinburgh Redevelopment Stage 2</td>
<td>Kelly; media release 028/09; 28/5/09</td>
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<td>2009</td>
<td>2011</td>
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<td>Monegeetta Land Engineering Agency Test Services Relocation</td>
<td>Fitzgibbon; PBS 08–09 media release 040/2008; 13/5/08</td>
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<td>2010</td>
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<td>Puckapunyal Redevelopment</td>
<td>Fitzgibbon; PBS 08–09 media release 108/2008; 13/5/08</td>
<td>MCF</td>
<td>2009</td>
<td>2010</td>
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<td>Fort Direction Explosive Storage Upgrade</td>
<td>Kelly; media release 002/09; 16/2/09</td>
<td>MCF</td>
<td>2009</td>
<td>2010</td>
</tr>
<tr>
<td><strong>QLD</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lavarack Barracks Redevelopment Stage 4</td>
<td>Lindsay; media release 06/07; 21/2/07</td>
<td>MCF</td>
<td>2007</td>
<td>2011</td>
</tr>
<tr>
<td>RAAF Amberley Redevelopment Stage 3</td>
<td>Fitzgibbon; PBS 08–09 media release 040/2008; 13/5/09</td>
<td>MCF</td>
<td>2008</td>
<td>2011</td>
</tr>
<tr>
<td>Enoggera Base Redevelopment Stage 1</td>
<td>Fitzgibbon; PBS 08–09 media release 040/2008; 13/5/09</td>
<td>MCF</td>
<td>2008</td>
<td>2010</td>
</tr>
<tr>
<td>RAAF Amberley ELF 1—Trainee Living-In Accommodation</td>
<td>Fitzgibbon/Kelly; PBS 09–10 media release for QLD 082/2009; 12/5/09</td>
<td>MCF</td>
<td>2008</td>
<td>2009</td>
</tr>
<tr>
<td>Darwin Naval Base—Patrol Boat Facilities</td>
<td>Nelson/MacDonald; PBS 06–07 media release for NT 073/06; 9/5/06</td>
<td>MCF</td>
<td>2005</td>
<td>2010</td>
</tr>
<tr>
<td>Project</td>
<td>Who, how and when announced (first media release / public announcement)</td>
<td>Program</td>
<td>Construction start date</td>
<td>Construction end date</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
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</tr>
<tr>
<td>RAAF Pearce—Redevelopment Stage 1</td>
<td>Nelson; media release 045/07; 29/5/07</td>
<td>MCF</td>
<td>2008</td>
<td>2011</td>
</tr>
<tr>
<td>Garden Island Navy Personnel and Training Centre (West) and School of Survivability and Ship Safety (West)</td>
<td>Fitzgibbon/Kelly; PBS 09–10 media release for WA 088/2009; 12/5/09</td>
<td>MCF</td>
<td>2009</td>
<td>2010</td>
</tr>
<tr>
<td>Campbell Barracks Interim Facilities for project REDFIN</td>
<td>(capability) Hill; media release 085/05; 18/5/05 (facilities) Fitzgibbon/Kelly; PBS 09–10 media release for WA 088/2009; 12/5/09</td>
<td>DCP</td>
<td>2009</td>
<td>2009</td>
</tr>
<tr>
<td>RAAF Tindal Redevelopment Stage 5</td>
<td>Nelson; media release 121/07; 10/10/07</td>
<td>MCF</td>
<td>2009</td>
<td>2011</td>
</tr>
<tr>
<td>RAAF Tindal Airborne Early Warning and Control Aircraft Facilities</td>
<td>(capability) Moore; media release 390/00; 20/12/00 (facilities) Fitzgibbon/Kelly; media release 068/08; 25/6/08</td>
<td>DCP</td>
<td>2009</td>
<td>2011</td>
</tr>
<tr>
<td>Robertson Barracks Redevelopment (including Land 907 and HNA elements)</td>
<td>Nelson; media release 058/07; 19/6/07</td>
<td>MCF</td>
<td>2009</td>
<td>2011</td>
</tr>
<tr>
<td>RAAF Darwin Redevelopment Stage 2 Tindal Pavements</td>
<td>Nelson; media release 115/07; 4/10/07</td>
<td>MCF</td>
<td>2009</td>
<td>2011</td>
</tr>
<tr>
<td>OTHER RMAF Australian Defence Force Facilities Rationalisation Multi Role Helicopter Facilities</td>
<td>Nelson; media release 089/07; 16/8/07 (capability) Howard; media conference; 31/8/04 (facilities) Fitzgibbon; media release 074/08; 29/6/08</td>
<td>MCF</td>
<td>2008</td>
<td>2010</td>
</tr>
</tbody>
</table>

**QUESTIONS ON NOTICE**
<table>
<thead>
<tr>
<th>Project</th>
<th>Who, how and when announced (first media release / public announcement)</th>
<th>Program Funding</th>
<th>Construction start date</th>
<th>Construction end date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hardened and Networked Army Facilities</td>
<td>(capability) Hill; media release 201/05; 15/12/05 (facilities) Fitzgibbon/Champion; media release 071/08; 25/6/08</td>
<td>Supp. Gov funding</td>
<td>2008</td>
<td>2011</td>
</tr>
<tr>
<td>Australian Super Hornet Facilities</td>
<td>(capability) Nelson, media release 017/07; 6/03/07 (facilities) Kelly/Neumann; media release 018/08; 28/5/08</td>
<td>DCP</td>
<td>2009</td>
<td>2010</td>
</tr>
<tr>
<td>AIR9000 MRH90 program simulator project</td>
<td>Nelson; media release 012/07; 23/2/07</td>
<td>DCP</td>
<td>2010</td>
<td>2012</td>
</tr>
<tr>
<td>Project Single Leap Phase 2</td>
<td>Phase 2 of a larger project first announced in 2004 as part of the 2004/05 Commonwealth Budget.</td>
<td>Defence</td>
<td>2009</td>
<td>2012</td>
</tr>
</tbody>
</table>
Project | Who, how and when announced (first media release / public announcement) | Program Funding | Construction start date | Construction end date
---|---|---|---|---
**DEFENCE MATERIEL ORGANISATION**
Mulwala Redevelopment Project – JP 2086 Phase 1: | On 20 September 2001, the Hon. John Howard MP, Prime Minister, announced that the Commonwealth Government was committed to the domestic production of propellant and high explosives at Mulwala to meet the requirements of the Australian Defence Force and that the Commonwealth Government was committed to entering into a contract for the modernisation of the Mulwala facility. The announcement was documented as an “Agreement on the Future of Munitions Production at Mulwala” that was signed by the PM and the Mayors of surrounding shires. | The Project is funded from the Approved Major Capital Investment Program, managed by the Defence Materiel Organisation. | September 2008 | Construction is expected to be completed by mid 2010; propellant plant commissioning and qualification of new propellants by late 2011; and military grade propellant production capability operational by early 2012. |

Table 2 Headquarters Joint Operations Command current approved capital works projects.

| Project | Who, how and when announced (first media release / public announcement) | Budget | Program Funding | Construction start date | Construction end date |
---|---|---|---|---|---
**HQ JOINT OPERATIONS COMMAND**
Middle East Rebasining | NA | AU$87.5M | HQJOC | 2009 | 2010 |
Supporting Infrastructure for Operations | NA | AU$81.6M | HQJOC | 2008 | 2010 |
**Broadband, Communications and the Digital Economy: Program Funding**

(Question No. 1624)

Senator Abetz asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 29 May 2009:

(1) Can a list be provided, by agency, of all infrastructure and/or capital works projects that fall under the responsibility of an agency within the Minister’s portfolio.

(2) For each of the projects in (1) above:
   (a) When was it first announced, by whom, and by what method;
   (b) If applicable, what program is it funded through;
   (c) What is its total expected cost;
   (d) What was its original budget;
   (e) What is its current budget;
   (f) What is the total Federal Government contribution to its cost;
   (g) What is the total state government contribution to its cost;
   (h) If applicable, what other funding sources are involved and what is their contribution to the project cost;
   (i) What was the expected start date of construction;
   (j) What is the expected completion date;
   (k) and (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;
   (l) Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;
   (m) Why was the project funded; and
   (n) What cost benefit or other modelling was done before the project was approved?

Senator Conroy—The answer to the honourable senator’s question is as follows:

(1) Yes. For the purposes of answering this question, I have asked agencies in my Portfolio to identify significant infrastructure and capital works projects with a value of $5 million or greater.

(2) The details for each project are as follows (note; all figures exclude GST):

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>ANSWER</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Cooen@qld Project (the Department of Broadband, Communications and the Digital Economy (the Department))</td>
<td></td>
</tr>
<tr>
<td>a When was it first announced, by whom, and by what method;</td>
<td>31 July 2007; by Senator the Hon Helen Coonan, Minister for Communications, Information Technology and Arts; at the Townsville Hospital in Queensland.</td>
</tr>
<tr>
<td>b If applicable, what program is it funded through;</td>
<td>Connect Australia - Clever Networks Program</td>
</tr>
<tr>
<td>c What is its total expected cost;</td>
<td>$11,817,816</td>
</tr>
<tr>
<td>d What was its original budget;</td>
<td>$11,817,816</td>
</tr>
<tr>
<td>e What is its current budget;</td>
<td>$11,817,816</td>
</tr>
<tr>
<td>f What is the total Federal Government contribution to its cost;</td>
<td>$4,998,025</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
QUESTION

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>ANSWER</th>
</tr>
</thead>
<tbody>
<tr>
<td>g</td>
<td>What is the total state government contribution to its cost;</td>
</tr>
<tr>
<td>h</td>
<td>If applicable, what other funding sources are involved and what is their contribution to the project cost; e-Health Research Centre - $45,000</td>
</tr>
<tr>
<td>i</td>
<td>What was the expected start date of construction;</td>
</tr>
<tr>
<td>j</td>
<td>What is the expected completion date; March 2008</td>
</tr>
<tr>
<td>k</td>
<td>(i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government; (i) Queensland Department of Health (ii) Funding released on satisfactory completion of milestones as reported in quarterly activity reports.</td>
</tr>
<tr>
<td>l</td>
<td>Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;</td>
</tr>
<tr>
<td>m</td>
<td>Why was the project funded; and The Cooeeinet@qld project was funded to provide high capacity broadband services and applications to support health care and emergency services in remote North Queensland communities.</td>
</tr>
<tr>
<td>n</td>
<td>What cost benefit or other modelling was done before the project was approved? A competitive process was undertaken to determine funding recipients, which included: a public call for submissions; assessment of submissions according to set selection criteria; independent financial and technical advice; and comments from other agencies.</td>
</tr>
</tbody>
</table>

B) E-Health for Remote Australia (the Department)

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>ANSWER</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>When was it first announced, by whom, and by what method; 30 August 2007; media release by Senator the Hon Helen Coonan, Minister for Communications, Information Technology and the Arts.</td>
</tr>
<tr>
<td>b</td>
<td>If applicable, what program is it funded through; Connect Australia - Clever Networks Program</td>
</tr>
<tr>
<td>c</td>
<td>What is its total expected cost; $ 5,570,246</td>
</tr>
<tr>
<td>d</td>
<td>What was its original budget; $ 5,570,246</td>
</tr>
<tr>
<td>e</td>
<td>What is its current budget; $ 5,570,246</td>
</tr>
<tr>
<td>f</td>
<td>What is the total Federal Government contribution to its cost; $ 2,719,091</td>
</tr>
<tr>
<td>g</td>
<td>What is the total state government contribution to its cost; Nil.</td>
</tr>
<tr>
<td>h</td>
<td>If applicable, what other funding sources are involved and what is their contribution to the project cost; Royal Flying Doctor Service - $2,851,155</td>
</tr>
<tr>
<td>i</td>
<td>What was the expected start date of construction; June 2008</td>
</tr>
<tr>
<td>j</td>
<td>What is the expected completion date; 30 June 2010</td>
</tr>
</tbody>
</table>
QUESTIONS ON NOTICE

k (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;

   (i) Royal Flying Doctor Service of Australia.
   (ii) N/A

l Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;

   Year      Total
   2007-08   $723,636
   2008-09   $2,077,519
   2009-10   $2,769,091

m Why was the project funded; and

   The project will enable the implementation of electronic medical records for Royal Flying Doctor Service patients.

n What cost benefit or other modelling was done before the project was approved?

   A competitive process was undertaken to determine funding recipients, which included: a public call for submissions; assessment of submissions according to set selection criteria; independent financial and technical advice; and comments from other agencies.

C) Enhancement of Telehealth in Western Australia (the Department)

a When was it first announced, by whom, and by what method;

   30 August 2007; media release by Senator the Hon Helen Coonan, Minister for Communications, Information Technology and the Arts.

b If applicable, what program is it funded through;

   Connect Australia - Clever Networks Program

c What is its total expected cost;

   $6,301,200

d What was its original budget;

   $6,301,200

e What is its current budget;

   $6,301,200

f What is the total Federal Government contribution to its cost;

   $3,052,700

g What is the total state government contribution to its cost;

   $3,248,500

h If applicable, what other funding sources are involved and what is their contribution to the project cost;

   N/A

i What was the expected start date of construction;

   May 2008

j What is the expected completion date;

   30 June 2010

k (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;

   (i) Western Australia Country Health Service.
   (ii) Funding released on satisfactory completion of milestones as reported in quarterly activity reports.

l Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;

   Year      Total
   2007-08   $231,200
   2008-09   $5,602,500
   2009-10   $467,500
m Why was the project funded; and This infrastructure project was funded to extend and expand the Department of Health’s IP network infrastructure to deliver improved picture and sound quality to existing Telehealth services and provide interoperability with other broadband modes of communication including electronic medical records, pathology results and radiology images.

n What cost benefit or other modelling was done before the project was approved? A competitive process was undertaken to determine funding recipients, which included: a public call for submissions; assessment of submissions according to set selection criteria; independent financial and technical advice; and comments from other agencies.

D) Hunter New England Clinical Outreach (the Department)

a When was it first announced, by whom, and by what method; 30 August 2007; media release by Senator the Hon Helen Coonan, Minister for Communications, Information Technology and the Arts.

b If applicable, what program is it funded through; Connect Australia - Clever Networks Program

c What is its total expected cost; $ 6,003,094

d What was its original budget; $ 6,003,094

e What is its current budget; $ 6,003,094

f What is the total Federal Government contribution to its cost; $ 3,001,547

g What is the total state government contribution to its cost; $3,001,547

h If applicable, what other funding sources are involved and what is their contribution to the project cost; N/A

i What was the expected start date of construction; March 2008

j What is the expected completion date; 31 March 2010

k (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government; (i) Hunter New England Area Health Service (ii) Funding released on satisfactory completion of milestones as reported in quarterly activity reports.

l Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase; Year Total
2007-08 $854,043
2008-09 $5,149,051

m Why was the project funded; and To provide an additional 23 health facilities in the Hunter New England region of New South Wales with greater access to advanced clinical applications.
**E) The Learning Place Access Enhancement Project (the Department)**

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>n</strong> What cost benefit or other modelling was done before the project was approved?</td>
<td>A competitive process was undertaken to determine funding recipients, which included: a public call for submissions; assessment of submissions according to set selection criteria; independent financial and technical advice; and comments from other agencies.</td>
</tr>
<tr>
<td><strong>a</strong> When was it first announced, by whom, and by what method;</td>
<td>30 July 2007; by Senator the Hon Helen Coonan, Minister for Communications, Information Technology and Arts, at the Edge Hill State School Environmental Centre, Cairns, Queensland.</td>
</tr>
<tr>
<td><strong>b</strong> If applicable, what program is it funded through;</td>
<td>Connect Australia - Clever Networks Program</td>
</tr>
<tr>
<td><strong>c</strong> What is its total expected cost;</td>
<td>$9,998,091 (The cost of infrastructure upgrades has reduced the contribution and funding to this current level)</td>
</tr>
<tr>
<td><strong>d</strong> What was its original budget;</td>
<td>$10,353,806</td>
</tr>
<tr>
<td><strong>e</strong> What is its current budget;</td>
<td>$9,998,091</td>
</tr>
<tr>
<td><strong>f</strong> What is the total Federal Government contribution to its cost;</td>
<td>$4,871,058</td>
</tr>
<tr>
<td><strong>g</strong> What is the total state government contribution to its cost;</td>
<td>$5,127,033</td>
</tr>
<tr>
<td><strong>h</strong> If applicable, what other funding sources are involved and what is their contribution to the project cost;</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>i</strong> What was the expected start date of construction;</td>
<td>November 2007</td>
</tr>
<tr>
<td><strong>j</strong> What is the expected completion date;</td>
<td>31 December 2009</td>
</tr>
</tbody>
</table>
| **k** (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government; | (i) Department of Education, Training and the Arts  
(ii) Funding released on satisfactory completion of milestones as reported in quarterly activity reports |
| **l** Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase | Year | Total |
| | 2007-08 | $3,143,173 |
| | 2008-09 | $4,170,328 |
| | 2009-10 | $2,684,590 |
| **m** Why was the project funded; and | The project will result in 128 schools in rural and remote communities throughout Queensland having enhanced access to online activities and digital resources. |
| **n** What cost benefit or other modelling was done before the project was approved? | A competitive process was undertaken to determine funding recipients, which included: a public call for submissions; assessment of submissions according to set selection criteria; independent financial and technical advice; and comments from other agencies. |
F) Livewire (the Department)

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>ANSWER</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. When was it first announced, by whom, and by what method;</td>
<td>9 November 2007; media release by Senator the Hon Helen Coonan, Minister for Communications, Information Technology and the Arts.</td>
</tr>
<tr>
<td>b. If applicable, what program is it funded through;</td>
<td>Connect Australia - Clever Networks Program</td>
</tr>
<tr>
<td>c. What is its total expected cost;</td>
<td>$14,100,000</td>
</tr>
<tr>
<td>d. What was its original budget;</td>
<td>$14,100,000</td>
</tr>
<tr>
<td>e. What is its current budget;</td>
<td>$14,100,000</td>
</tr>
<tr>
<td>f. What is the total Federal Government contribution to its cost;</td>
<td>$6,900,000</td>
</tr>
<tr>
<td>g. What is the total state government contribution to its cost;</td>
<td>N/A</td>
</tr>
<tr>
<td>h. If applicable, what other funding sources are involved and what is their contribution to the project cost;</td>
<td>Starlight Children’s Foundation/NFPOnline, Life Lounge Pty Ltd and Tiger Spike Pty Ltd have collectively contributed $7,200,000.</td>
</tr>
<tr>
<td>i. What was the expected start date of construction;</td>
<td>June 2008</td>
</tr>
<tr>
<td>j. What is the expected completion date;</td>
<td>31 December 2009</td>
</tr>
<tr>
<td>k. (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;</td>
<td>(i) Starlight Children’s Foundation/NFPOnline. (ii) N/A</td>
</tr>
<tr>
<td>l. Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;</td>
<td>Year</td>
</tr>
<tr>
<td></td>
<td>2007-08</td>
</tr>
<tr>
<td></td>
<td>2008-09</td>
</tr>
<tr>
<td></td>
<td>2009-10</td>
</tr>
<tr>
<td>m. Why was the project funded; and</td>
<td>To provide a virtual forum for young Australians with a chronic illness or disability in a safe and secure online environment</td>
</tr>
</tbody>
</table>
| n. What cost benefit or other modelling was done before the project was approved? | A competitive process was undertaken to determine funding recipients, which included: a public call for submissions; assessment of submissions according to set selection criteria; independent financial and technical advice; and comments from other agencies.

G) STARS (the Department)

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>ANSWER</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. When was it first announced, by whom, and by what method;</td>
<td>6 September 2007; project was formally launched by Senator the Hon Helen Coonan, Minister for Communications, Information Technology and Arts, at Northern Territory Open Education Centre, Rapid Creek.</td>
</tr>
<tr>
<td>b. If applicable, what program is it funded through;</td>
<td>Connect Australia - Clever Networks Program</td>
</tr>
<tr>
<td>c. What is its total expected cost;</td>
<td>$12,033,580</td>
</tr>
<tr>
<td>d. What was its original budget;</td>
<td>$12,033,580</td>
</tr>
<tr>
<td>e. What is its current budget;</td>
<td>$12,033,580</td>
</tr>
</tbody>
</table>
QUESTION ANSWER

f What is the total Federal Government contribution to its cost; $4,505,000

g What is the total state government contribution to its cost; $7,195,080

h If applicable, what other funding sources are involved and what is their contribution to the project cost; Charles Darwin University - $333,500

i What was the expected start date of construction; July 2007

j What is the expected completion date; 31 January 2010

k (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government; (i) Northern Territory Department of Employment and Education (ii) Funding released on satisfactory completion of milestones as reported in quarterly activity reports.

l Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase; 2007-08 $541,870 2008-09 $6,504,770 2009-10 $3,204,940 2010-11 $1,782,000

m Why was the project funded; and The project involves construction of a new satellite network to provide increased bandwidth for delivery of education and e-health services to remote communities and homesteads in the Northern Territory.

n What cost benefit or other modelling was done before the project was approved? A competitive process was undertaken to determine funding recipients, which included: a public call for submissions; assessment of submissions according to set selection criteria; independent financial and technical advice; and comments from other agencies.

H) Cooroy Knowledge Precinct (the Department)

a When was it first announced, by whom, and by what method; 17 September 2007; media release by the Hon Warren Truss, MP, Federal Member for Wide Bay, Leader of the Nationals Party.

b If applicable, what program is it funded through; Connect Australia - Clever Networks Program

c What is its total expected cost; $5,468,122

d What was its original budget; $5,226,122

e What is its current budget; $5,468,122

f What is the total Federal Government contribution to its cost; $1,155,500

g What is the total state government contribution to its cost; N/A

h If applicable, what other funding sources are involved and what is their contribution to the project cost; Noosa Shire Council, Mach Technology and Allegro Pty Ltd are providing a combined contribution totalling $4,312,622.

i What was the expected start date of construction; May 2007
<table>
<thead>
<tr>
<th>QUESTION</th>
<th>ANSWER</th>
</tr>
</thead>
<tbody>
<tr>
<td>j  What is the expected completion date;</td>
<td>31 December 2009</td>
</tr>
<tr>
<td>k  (i) who is responsible for delivering the project, and (ii) if a</td>
<td>(i) Noosa Shire Council</td>
</tr>
<tr>
<td>state government is responsible for delivering the project,</td>
<td>(ii) N/A</td>
</tr>
<tr>
<td>when will the funding be released to the relevant state government;</td>
<td></td>
</tr>
<tr>
<td>l  Is the project to be completed in stages/phases; if so, what is the</td>
<td>Year</td>
</tr>
<tr>
<td>timing and cost of each stage/phase;</td>
<td>2007-08</td>
</tr>
<tr>
<td></td>
<td>2008-09</td>
</tr>
<tr>
<td></td>
<td>2009-10</td>
</tr>
<tr>
<td>m  Why was the project funded; and</td>
<td>This project was funded to upgrade broadband infrastructure and service capabilities in the Noosa region to enhance its economic competitiveness and support the delivery of government services.</td>
</tr>
<tr>
<td>n  What cost benefit or other modelling was done before the project</td>
<td>A competitive process was undertaken to determine funding recipients, which included: a public call for submissions; assessment of submissions according to set selection criteria; independent financial and technical advice; and comments from other agencies.</td>
</tr>
<tr>
<td>was approved?</td>
<td></td>
</tr>
<tr>
<td>i) Maroochy Shire Council Clever Networks project (the Department)</td>
<td></td>
</tr>
<tr>
<td>a  When was it first announced, by whom, and by what method;</td>
<td>7 September 2007; media release by Senator the Hon Helen Coonan, Minister for Communications, Information Technology and the Arts.</td>
</tr>
<tr>
<td>b  If applicable, what program is it funded through;</td>
<td>Connect Australia - Clever Networks Program</td>
</tr>
<tr>
<td>c  What is its total expected cost;</td>
<td>$6,297,941</td>
</tr>
<tr>
<td>d  What was its original budget;</td>
<td>$6,297,941</td>
</tr>
<tr>
<td>e  What is its current budget;</td>
<td>$6,297,941</td>
</tr>
<tr>
<td>f  What is the total Federal Government contribution to its cost;</td>
<td>$2,901,686</td>
</tr>
<tr>
<td>g  What is the total state government contribution to its cost;</td>
<td>N/A</td>
</tr>
<tr>
<td>h  If applicable, what other funding sources are involved and what is</td>
<td>Maroochy Shire Council, Allegro Pty Ltd, Matthew Flinders Anglican College, Caloundra City Council and Reed Property Group co-committed $3,396,255 in cash and in-kind funding to the project.</td>
</tr>
<tr>
<td>their contribution to the project cost;</td>
<td></td>
</tr>
<tr>
<td>i  What was the expected start date of construction;</td>
<td>November 2007</td>
</tr>
<tr>
<td>j  What is the expected completion date;</td>
<td>31 December 2009 (anticipated subject to final approval)</td>
</tr>
<tr>
<td>k  (i) who is responsible for delivering the project, and (ii) if a</td>
<td>(i) Maroochy Shire Council</td>
</tr>
<tr>
<td>state government is responsible for delivering the project,</td>
<td>(ii) N/A</td>
</tr>
<tr>
<td>when will the funding be released to the relevant state government;</td>
<td></td>
</tr>
<tr>
<td>QUESTION</td>
<td>ANSWER</td>
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<tr>
<td>-------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1. Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;</td>
<td>Year</td>
</tr>
<tr>
<td></td>
<td>2006-07</td>
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<td>2007-08</td>
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<td>2008-09</td>
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<tr>
<td></td>
<td>2009-10</td>
</tr>
<tr>
<td>2. Why was the project funded; and</td>
<td>This project was funded to upgrade broadband infrastructure capability in the Maroochy region to enhance its economic competitiveness and support the delivery of government services.</td>
</tr>
<tr>
<td>3. What cost benefit or other modelling was done before the project was approved?</td>
<td>A competitive process was undertaken to determine funding recipients, which included: a public call for submissions; assessment of submissions according to set selection criteria; independent financial and technical advice; and comments from other agencies.</td>
</tr>
<tr>
<td>J) ShiresNet (the Department)</td>
<td>30 August 2007; media release by Senator the Hon Helen Coonan, Minister for Communications, Information Technology and the Arts.</td>
</tr>
<tr>
<td>a  When was it first announced, by whom, and by what method;</td>
<td>Connect Australia - Clever Networks Program</td>
</tr>
<tr>
<td>b  If applicable, what program is it funded through;</td>
<td></td>
</tr>
<tr>
<td>c  What is its total expected cost;</td>
<td>$21,293,525</td>
</tr>
<tr>
<td>d  What was its original budget;</td>
<td>$27,523,545</td>
</tr>
<tr>
<td>e  What is its current budget;</td>
<td>$21,293,525</td>
</tr>
<tr>
<td>f  What is the total Federal Government contribution to its cost;</td>
<td>$6,365,545</td>
</tr>
<tr>
<td>g  What is the total state government contribution to its cost;</td>
<td>$6,329,394</td>
</tr>
<tr>
<td>h  If applicable, what other funding sources are involved and what is their contribution to the project cost;</td>
<td>$8,598,586 (local government)</td>
</tr>
<tr>
<td>i  What was the expected start date of construction;</td>
<td>13 May 2008</td>
</tr>
<tr>
<td>j  What is the expected completion date;</td>
<td>15 April 2010</td>
</tr>
<tr>
<td>k  (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;</td>
<td>(i) Northern Territory of Australia as represented by and acting through the Department of Local Government and Housing (ii) Funding released on satisfactory completion of milestones as reported in quarterly activity reports.</td>
</tr>
<tr>
<td>l  Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;</td>
<td>Year</td>
</tr>
<tr>
<td></td>
<td>2007-08</td>
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<td></td>
<td>2008-09</td>
</tr>
<tr>
<td></td>
<td>2009-10</td>
</tr>
<tr>
<td>m  Why was the project funded; and</td>
<td>To deliver a shared computing and telecommunications management infrastructure and services environment to be owned and operated by the eight new shire councils in the Northern Territory.</td>
</tr>
<tr>
<td>QUESTION</td>
<td>ANSWER</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>n  What cost benefit or other modelling was done before the project was approved?</td>
<td>A competitive process was undertaken to determine funding recipients, which included: a public call for submissions; assessment of submissions according to set selection criteria; independent financial and technical advice; and comments from other agencies.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>K) KnowledgeBank: Next Generation (the Department)</strong></td>
<td></td>
</tr>
<tr>
<td>a  When was it first announced, by whom, and by what method;</td>
<td>9 November 2007; by media release by Senator the Hon Helen Coonan, Minister for Communications, Information Technology and the Arts.</td>
</tr>
<tr>
<td>b  If applicable, what program is it funded through;</td>
<td>Connect Australia - Clever Networks Program</td>
</tr>
<tr>
<td>c  What is its total expected cost;</td>
<td>$7,263,646.60</td>
</tr>
<tr>
<td>d  What was its original budget;</td>
<td>$7,263,646.60</td>
</tr>
<tr>
<td>e  What is its current budget;</td>
<td>$7,263,646.60</td>
</tr>
<tr>
<td>f  What is the total Federal Government contribution to its cost;</td>
<td>$3,361,818.18</td>
</tr>
<tr>
<td>g  What is the total state government contribution to its cost;</td>
<td>$3,901,828.42</td>
</tr>
<tr>
<td>h  If applicable, what other funding sources are involved and what is their contribution to the project cost;</td>
<td>N/A</td>
</tr>
<tr>
<td>i  What was the expected start date of construction;</td>
<td>31 March 2008</td>
</tr>
<tr>
<td>j  What is the expected completion date;</td>
<td>31 December 2009</td>
</tr>
<tr>
<td>k  (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;</td>
<td>(i) Victorian Department of Education and Early Childhood Development (ii) Funding released on satisfactory completion of milestones as reported in quarterly activity reports.</td>
</tr>
</tbody>
</table>
| l  Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase; | Year | Total  
|                                            | 2007-08 | $1,862,121.28  
|                                            | 2008-09 | $2,344,810.65  
|                                            | 2009-10 | $3,056,714.67  |
| M  Why was the project funded; and                                       | To deliver new internet tools and online content within a secure education network controlled by the Victorian Department of Education and Early Childhood Development and accessible only to students, staff and other authorised users within Victoria. |
| N  What cost benefit or other modelling was done before the project was approved? | A competitive process was undertaken to determine funding recipients, which included: a public call for submissions; assessment of submissions according to set selection criteria; independent financial and technical advice; and comments from other agencies. |
**QUESTIONS ON NOTICE**

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>ANSWER</th>
</tr>
</thead>
<tbody>
<tr>
<td>L) High Speed Broadband Infrastructure and Services for Murray Bridge, Berri and Port Pirie (the Department)</td>
<td></td>
</tr>
<tr>
<td>a  When was it first announced, by whom, and by what method;</td>
<td>14 May 2007; media release by Senator the Hon Helen Coonan, Minister for Communications, Information Technology and the Arts.</td>
</tr>
<tr>
<td>b  If applicable, what program is it funded through;</td>
<td>Connect Australia - Clever Networks Program</td>
</tr>
<tr>
<td>c  What is its total expected cost;</td>
<td>$5,039,736</td>
</tr>
<tr>
<td>d  What was its original budget;</td>
<td>$5,039,736</td>
</tr>
<tr>
<td>e  What is its current budget;</td>
<td>$5,039,736</td>
</tr>
<tr>
<td>f  What is the total Federal Government contribution to its cost;</td>
<td>$2,321,110</td>
</tr>
<tr>
<td>g  What is the total state government contribution to its cost;</td>
<td>$1,511,565</td>
</tr>
<tr>
<td>h  If applicable, what other funding sources are involved and what is their contribution to the project cost;</td>
<td>Agile/Internode; SA Water Corporation; SA Murray Darling Basin Natural Resources Management Board; SA Divisions of General Practice; Virtual Private Doctor; SA Postgraduate Medical Educational Association; and Murray Mallee Local Government Association are providing contributions totaling $1,207,061.</td>
</tr>
<tr>
<td>i  What was the expected start date of construction;</td>
<td>20 March 2008</td>
</tr>
<tr>
<td>j  What is the expected completion date;</td>
<td>4 December 2009</td>
</tr>
<tr>
<td>k  (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;</td>
<td>(i) SA Department for Transport, Energy and Infrastructure (ii) Funding released on satisfactory completion of milestones as reported in quarterly activity reports.</td>
</tr>
<tr>
<td>l  Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;</td>
<td>Year</td>
</tr>
<tr>
<td>m  Why was the project funded; and</td>
<td>2008-09</td>
</tr>
<tr>
<td></td>
<td>2009-10</td>
</tr>
<tr>
<td>n  What cost benefit or other modelling was done before the project was approved?</td>
<td>To provide broadband technology which will improve communications between government agency sites (including Aboriginal Health clinics) and leverage broader local business and community benefits in the major South Australian regional centres of Berri, Murray Bridge and Port Pirie.</td>
</tr>
</tbody>
</table>

A competitive process was undertaken to determine funding recipients, which included: a public call for submissions; assessment of submissions according to set selection criteria; independent financial and technical advice; and comments from other agencies.
**M) Connect Care (the Department)**

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>ANSWER</th>
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</thead>
<tbody>
<tr>
<td>a</td>
<td>When was it first announced, by whom, and by what method;</td>
</tr>
<tr>
<td>b</td>
<td>If applicable, what program is it funded through;</td>
</tr>
<tr>
<td>c</td>
<td>What is its total expected cost;</td>
</tr>
<tr>
<td>d</td>
<td>What was its original budget;</td>
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<tr>
<td>e</td>
<td>What is its current budget;</td>
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<tr>
<td>f</td>
<td>What is the total Federal Government contribution to its cost;</td>
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<tr>
<td>g</td>
<td>What is the total state government contribution to its cost;</td>
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<tr>
<td>h</td>
<td>If applicable, what other funding sources are involved and what is their contribution to the project cost;</td>
</tr>
<tr>
<td>i</td>
<td>What was the expected start date of construction;</td>
</tr>
<tr>
<td>j</td>
<td>What is the expected completion date;</td>
</tr>
<tr>
<td>k</td>
<td>(i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;</td>
</tr>
<tr>
<td>l</td>
<td>Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;</td>
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<tr>
<td></td>
<td>2007-08</td>
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<td></td>
<td>2008-09</td>
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<td></td>
<td>2009-10</td>
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<tr>
<td>m</td>
<td>Why was the project funded; and</td>
</tr>
<tr>
<td>n</td>
<td>What cost benefit or other modelling was done before the project was approved?</td>
</tr>
</tbody>
</table>

**N) Emergency Connect WA (the Department)**

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>ANSWER</th>
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</thead>
<tbody>
<tr>
<td>a</td>
<td>When was it first announced, by whom, and by what method;</td>
</tr>
<tr>
<td>b</td>
<td>If applicable, what program is it funded through;</td>
</tr>
<tr>
<td>c</td>
<td>What is its total expected cost;</td>
</tr>
<tr>
<td>d</td>
<td>What was its original budget;</td>
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<tr>
<td>QUESTION</td>
<td>ANSWER</td>
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<tr>
<td>----------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>e What is its current budget;</td>
<td>$31,058,598</td>
</tr>
<tr>
<td>f What is the total Federal Government</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>contribution to its cost;</td>
<td></td>
</tr>
<tr>
<td>g What is the total state government</td>
<td>$5,010,729</td>
</tr>
<tr>
<td>contribution to its cost;</td>
<td></td>
</tr>
<tr>
<td>h If applicable, what other funding sources</td>
<td>$21,047,869 contributions, including from Western Australian government agencies and emergency response services</td>
</tr>
<tr>
<td>are involved and what is their contribution</td>
<td></td>
</tr>
<tr>
<td>to the project cost;</td>
<td></td>
</tr>
<tr>
<td>i What was the expected start date of</td>
<td>16 November 2007</td>
</tr>
<tr>
<td>construction;</td>
<td></td>
</tr>
<tr>
<td>j What is the expected completion date;</td>
<td>31 December 2009</td>
</tr>
<tr>
<td>k (i) who is responsible for delivering the</td>
<td>(i) Western Australian Government as represented by, and acting through, the Department of Industry and Resources.</td>
</tr>
<tr>
<td>project, and (ii) if a state government</td>
<td>(ii) Funding released on satisfactory completion of milestones as reported in quarterly activity reports.</td>
</tr>
<tr>
<td>is responsible for delivering the project,</td>
<td></td>
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<tr>
<td>when will the funding be released to the</td>
<td></td>
</tr>
<tr>
<td>relevant state government;</td>
<td></td>
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<tr>
<td>l Is the project to be completed in stages/</td>
<td>Year</td>
</tr>
<tr>
<td>phases; if so, what is the timing and cost of</td>
<td>2007-08</td>
</tr>
<tr>
<td>each stage/phase;</td>
<td>2008-09</td>
</tr>
<tr>
<td></td>
<td>2009-10</td>
</tr>
<tr>
<td>m Why was the project funded; and</td>
<td>To deliver communications network infrastructure and a common network interface to Western Australian Emergency Service Organisations to enhance their operational capability, expand their network coverage and improve the delivery of emergency services in Western Australia.</td>
</tr>
<tr>
<td>n What cost benefit or other modelling was</td>
<td>A competitive process was undertaken to determine funding recipients, which included: a public call for submissions; assessment of submissions according to set selection criteria; independent financial and technical advice; and comments from other agencies.</td>
</tr>
<tr>
<td>done before the project was approved?</td>
<td></td>
</tr>
<tr>
<td>o) Bush Schools (the Department)</td>
<td></td>
</tr>
<tr>
<td>a When was it first announced, by whom, and</td>
<td>28 August 2007; media release by Senator the Hon Helen Coonan, Minister for Communications, Information Technology and the Arts.</td>
</tr>
<tr>
<td>and by what method;</td>
<td>Connect Australia - Clever Networks Program</td>
</tr>
<tr>
<td>b If applicable, what program is it funded</td>
<td></td>
</tr>
<tr>
<td>through;</td>
<td></td>
</tr>
<tr>
<td>c What is its total expected cost;</td>
<td>$12,138,534</td>
</tr>
<tr>
<td>d What was its original budget;</td>
<td>$12,138,534</td>
</tr>
<tr>
<td>e What is its current budget;</td>
<td>$12,138,534</td>
</tr>
<tr>
<td>f What is the total Federal Government</td>
<td>$4,139,740</td>
</tr>
<tr>
<td>contribution to its cost;</td>
<td></td>
</tr>
<tr>
<td>g What is the total state government</td>
<td>$25,462</td>
</tr>
<tr>
<td>contribution to its cost;</td>
<td></td>
</tr>
<tr>
<td>h If applicable, what other funding sources</td>
<td>$7,973,332 contribution from Catholic Education Office of Western Australia (CEOWA); Association of Independent Schools of WA, and Aboriginal Independent Community Schools.</td>
</tr>
<tr>
<td>are involved and what is their contribution</td>
<td></td>
</tr>
<tr>
<td>to the project cost;</td>
<td></td>
</tr>
</tbody>
</table>
### QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>ANSWER</th>
</tr>
</thead>
<tbody>
<tr>
<td>i</td>
<td>What was the expected start date of construction;</td>
</tr>
<tr>
<td>j</td>
<td>What is the expected completion date;</td>
</tr>
<tr>
<td>k</td>
<td>(i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;</td>
</tr>
<tr>
<td>l</td>
<td>Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;</td>
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<td></td>
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<tr>
<td>m</td>
<td>Why was the project funded; and</td>
</tr>
<tr>
<td>n</td>
<td>What cost benefit or other modelling was done before the project was approved?</td>
</tr>
</tbody>
</table>

### Bush Medivac (the Department)

<p>| a | When was it first announced, by whom, and by what method; | 30 August 2007; media release by Senator the Hon Helen Coonan, Minister for Communications, Information Technology and the Arts. |
| b | If applicable, what program is it funded through; | Connect Australia - Clever Networks Program |
| c | What is its total expected cost; | $21,539,670 |
| d | What was its original budget; | $21,539,670 |
| e | What is its current budget; | $21,539,670 |
| f | What is the total Federal Government contribution to its cost; | $9,279,986 |
| g | What is the total state government contribution to its cost; | $3,730,312 |
| h | If applicable, what other funding sources are involved and what is their contribution to the project cost; | WA Departments of Health, Environment and Conservation, St John Ambulance, Royal Flying Doctor Service, and Surf Life Saving WA combined contribution is $8,529,372. |
| i | What was the expected start date of construction; | August 2008 |
| j | What is the expected completion date; | 30 June 2010 |
| k | (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government; | (i) WA Department of Industry and Resources – Minister for Industry and Enterprise. (ii) Funding released on satisfactory completion of milestones as reported in quarterly activity reports. |
| l | Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase; | Year | Total |
| | | 2007-08 | $250,000 |
| | | 2008-09 | $5,032,808 |</p>
<table>
<thead>
<tr>
<th>QUESTION</th>
<th>ANSWER</th>
</tr>
</thead>
<tbody>
<tr>
<td>m</td>
<td>Why was the project funded; and To improve the communication network used for delivery of services by health and emergency service agencies/ volunteer organisations in rural and remote Western Australia.</td>
</tr>
<tr>
<td>n</td>
<td>What cost benefit or other modelling was done before the project was approved? A competitive process was undertaken to determine funding recipients, which included: a public call for submissions; assessment of submissions according to set selection criteria; independent financial and technical advice; and comments from other agencies.</td>
</tr>
</tbody>
</table>

**Q) Installation of community telephones (the Department)**

| a | When was it first announced, by whom, and by what method; 23 February 2007; media release by Senator the Hon Helen Coonan, Minister for Communications, Information Technology and the Arts; and additional funding announced on 5 March 2009; media release by Senator the Hon Stephen Conroy, Minister for Broadband, Communications and the Digital Economy. |
| b | If applicable, what program is it funded through; Connect Australia – Backing Indigenous Ability Program; and Indigenous Communications Program. |
| c | What is its total expected cost; $21.971m |
| d | What was its original budget; $11.92m |
| e | What is its current budget; $21.971m |
| f | What is the total Federal Government contribution to its cost; All expenditure under the program will be funded by the Commonwealth. |
| g | What is the total state government contribution to its cost; Nil. |
| h | If applicable, what other funding sources are involved and what is their contribution to the project cost; Nil. |
| i | What was the expected start date of construction; Installation of additional community phones commenced in 2008-09. |
| j | What is the expected completion date; 30 June 2013. |
| k | (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government; The Department. |
| l | Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase; The installation of community phones is undertaken on a community by community basis and will be ongoing until June 2013. |
| m | Why was the project funded; and The project provides basic telephone services to remote Indigenous communities which are not eligible to receive public payphone services under the Universal Service Obligation. |
n What cost benefit or other modelling was done before the project was approved?
A trial of community phone services was conducted between 2005 and 2007 where 216 services were installed in 125 remote communities in NT and WA. An evaluation of the trial in December 2006, following the installation of the last community phone, found that the concept was successful and made recommendations to make the phones more robust. These modifications were completed in 2007-08.

R) National Broadband Network (the Department). The rollout of a National Broadband Network for Australia will first commence in Tasmania. The Government will also commence a Regional Backbone Blackspots program as part of the roll-out of the National Broadband Network.

a When was it first announced, by whom, and by what method;
7 April 2009; by the Prime Minister, the Treasurer, the Minister for Finance and Deregulation and the Minister for Broadband, Communications and the Digital Economy. A press conference was held and a media release was issued.

b If applicable, what program is it funded through;
The Government’s contribution to the National Broadband Network will be funded from the Building Australia Fund and Australian Infrastructure Bonds.

c What is its total expected cost;
$43 billion over 8 years, to be funded by the public and private sectors.

d What was its original budget;
$43 billion over 8 years.

e What is its current budget;
As per the 2009-10 Budget Measures, Budget Paper No. 2, the Government’s initial investment will be $4.7 billion over three years.

f What is the total Federal Government contribution to its cost;
To be determined as part of the Government’s consideration of the Implementation Study.

g What is the total state government contribution to its cost;
Unknown at this time.

h If applicable, what other funding sources are involved and what is their contribution to the project cost;
Private sector funding will be sought to invest in the company established to build and operate a new National Broadband Network. Strategies to maximise private sector investment will be investigated as part of the Implementation Study which will report in early 2010.

i What was the expected start date of construction;
Construction of the network will commence in the first half of 2009-10.

j What is the expected completion date;
Rollout is expected to take 8 years.

k (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;
The company established to build and operate a new National Broadband Network will be responsible for delivering the project.
<table>
<thead>
<tr>
<th>QUESTION</th>
<th>ANSWER</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;</td>
</tr>
<tr>
<td>m</td>
<td>Why was the project funded; and</td>
</tr>
<tr>
<td>n</td>
<td>What cost benefit or other modelling was done before the project was approved?</td>
</tr>
<tr>
<td><strong>S) Studio Automation (ABC)</strong></td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>When was it first announced, by whom, and by what method;</td>
</tr>
<tr>
<td>b</td>
<td>If applicable, what program is it funded through;</td>
</tr>
<tr>
<td>c</td>
<td>What is its total expected cost;</td>
</tr>
<tr>
<td>d</td>
<td>What was its original budget;</td>
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<tr>
<td>e</td>
<td>What is its current budget;</td>
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<tr>
<td>f</td>
<td>What is the total Federal Government contribution to its cost;</td>
</tr>
<tr>
<td>g</td>
<td>What is the total state government contribution to its cost;</td>
</tr>
<tr>
<td>h</td>
<td>If applicable, what other funding sources are involved and what is their contribution to the project cost;</td>
</tr>
<tr>
<td>i</td>
<td>What was the expected start date of construction;</td>
</tr>
<tr>
<td>j</td>
<td>What is the expected completion date;</td>
</tr>
<tr>
<td>k</td>
<td>(i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;</td>
</tr>
<tr>
<td>l</td>
<td>Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;</td>
</tr>
<tr>
<td>m</td>
<td>Why was the project funded; and</td>
</tr>
<tr>
<td>n</td>
<td>What cost benefit or other modelling was done before the project was approved?</td>
</tr>
<tr>
<td>QUESTION</td>
<td>ANSWER</td>
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<td>------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>T) Archive Conversion Project (ABC)</strong></td>
<td>Capital projects are approved by ABC Board and are not generally publically announced.</td>
</tr>
<tr>
<td>a When was it first announced, by whom, and by what method;</td>
<td>Funding is through ABC appropriations.</td>
</tr>
<tr>
<td>b If applicable, what program is it funded through;</td>
<td></td>
</tr>
<tr>
<td>c What is its total expected cost;</td>
<td>$10.720m</td>
</tr>
<tr>
<td>d What was its original budget;</td>
<td>$10.720m</td>
</tr>
<tr>
<td>e What is its current budget;</td>
<td>$10.720m</td>
</tr>
<tr>
<td>f What is the total Federal Government contribution to its cost;</td>
<td>Funding is through ABC appropriations.</td>
</tr>
<tr>
<td>g What is the total state government contribution to its cost;</td>
<td>NIL</td>
</tr>
<tr>
<td>h If applicable, what other funding sources are involved and what is their contribution to the project cost;</td>
<td>NIL</td>
</tr>
<tr>
<td>i What was the expected start date of construction;</td>
<td>September 2003</td>
</tr>
<tr>
<td>j What is the expected completion date;</td>
<td>June 2009</td>
</tr>
<tr>
<td>k (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;</td>
<td>ABC</td>
</tr>
<tr>
<td>l Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;</td>
<td>N/A</td>
</tr>
<tr>
<td>m Why was the project funded; and</td>
<td>Capital projects are approved by ABC Board based on organisational needs.</td>
</tr>
<tr>
<td>n What cost benefit or other modelling was done before the project was approved?</td>
<td>All capital projects prior to release of funds are supported by an appropriate level business case.</td>
</tr>
<tr>
<td><strong>U) News &amp; Current Affairs Non Linear editing replacement (ABC)</strong></td>
<td></td>
</tr>
<tr>
<td>a When was it first announced, by whom, and by what method;</td>
<td>Capital projects are approved by ABC Board and are not generally publically announced.</td>
</tr>
<tr>
<td>b If applicable, what program is it funded through;</td>
<td>Funding is through ABC appropriations.</td>
</tr>
<tr>
<td>c What is its total expected cost;</td>
<td>$10.000m</td>
</tr>
<tr>
<td>d What was its original budget;</td>
<td>$10.000m</td>
</tr>
<tr>
<td>e What is its current budget;</td>
<td>$10.000m</td>
</tr>
<tr>
<td>f What is the total Federal Government contribution to its cost;</td>
<td>Funding is through ABC appropriations.</td>
</tr>
<tr>
<td>g What is the total state government contribution to its cost;</td>
<td>NIL</td>
</tr>
<tr>
<td>h If applicable, what other funding sources are involved and what is their contribution to the project cost;</td>
<td>NIL</td>
</tr>
<tr>
<td>i What was the expected start date of construction;</td>
<td>October 2006</td>
</tr>
<tr>
<td>j What is the expected completion date;</td>
<td>August 2009</td>
</tr>
<tr>
<td>QUESTION</td>
<td>ANSWER</td>
</tr>
<tr>
<td>----------</td>
<td>--------</td>
</tr>
<tr>
<td>k (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;</td>
<td>ABC</td>
</tr>
<tr>
<td>l Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;</td>
<td>N/A</td>
</tr>
<tr>
<td>m Why was the project funded; and</td>
<td>Capital projects are approved by ABC Board based on organisational needs.</td>
</tr>
<tr>
<td>n What cost benefit or other modelling was done before the project was approved?</td>
<td>All capital projects prior to release of funds are supported by an appropriate level business case.</td>
</tr>
<tr>
<td>V) Apollo Network (ABC)</td>
<td></td>
</tr>
<tr>
<td>a When was it first announced, by whom, and by what method;</td>
<td>Capital projects are approved by ABC Board and are not generally publically announced.</td>
</tr>
<tr>
<td>b If applicable, what program is it funded through;</td>
<td>Funding is through ABC appropriations.</td>
</tr>
<tr>
<td>c What is its total expected cost;</td>
<td>$8.800m</td>
</tr>
<tr>
<td>d What was its original budget;</td>
<td>$8.800m</td>
</tr>
<tr>
<td>e What is its current budget;</td>
<td>$8.800m</td>
</tr>
<tr>
<td>f What is the total Federal Government contribution to its cost;</td>
<td>Funding is through ABC appropriations.</td>
</tr>
<tr>
<td>g What is the total state government contribution to its cost;</td>
<td>NIL</td>
</tr>
<tr>
<td>h If applicable, what other funding sources are involved and what is their contribution to the project cost;</td>
<td>NIL</td>
</tr>
<tr>
<td>i What was the expected start date of construction;</td>
<td>October 2008</td>
</tr>
<tr>
<td>j What is the expected completion date;</td>
<td>March 2010</td>
</tr>
<tr>
<td>k (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;</td>
<td>ABC</td>
</tr>
<tr>
<td>l Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;</td>
<td>N/A</td>
</tr>
<tr>
<td>m Why was the project funded; and</td>
<td>Capital projects are approved by ABC Board based on organisational needs.</td>
</tr>
<tr>
<td>n What cost benefit or other modelling was done before the project was approved?</td>
<td>All capital projects prior to release of funds are supported by an appropriate level business case.</td>
</tr>
<tr>
<td>W) National Storage and Editing System for Production and News &amp; Current Affairs (ABC)</td>
<td></td>
</tr>
<tr>
<td>a When was it first announced, by whom, and by what method;</td>
<td>Capital projects are approved by ABC Board and are not generally publically announced.</td>
</tr>
<tr>
<td>b If applicable, what program is it funded through;</td>
<td>Funding is through ABC appropriations.</td>
</tr>
<tr>
<td>c What is its total expected cost;</td>
<td>$6.850m</td>
</tr>
<tr>
<td>d What was its original budget;</td>
<td>$6.850m</td>
</tr>
</tbody>
</table>
QUESTION | ANSWER
--- | ---
e | What is its current budget; | $6.850m
f | What is the total Federal Government contribution to its cost; | Funding is through ABC appropriations.
g | What is the total state government contribution to its cost; | NIL
h | If applicable, what other funding sources are involved and what is their contribution to the project cost; | NIL
i | What was the expected start date of construction; | October 2006
j | What is the expected completion date; | June 2009
k | (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government; | ABC
l | Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase; | N/A
m | Why was the project funded; and | Capital projects are approved by ABC Board based on organisational needs.
n | What cost benefit or other modelling was done before the project was approved? | All capital projects prior to release of funds are supported by an appropriate level business case.

X) TV Presentation and Playout Project (SBS)
a | When was it first announced, by whom, and by what method; | April 2008; by Director, Technology and Distribution to SBS Board.
b | If applicable, what program is it funded through; | N/A
c | What is its total expected cost; | $9.500m
d | What was its original budget; | $9.500m
e | What is its current budget; | $9.500m
f | What is the total Federal Government contribution to its cost; | From Digital capital appropriation.
g | What is the total state government contribution to its cost; | N/A
h | If applicable, what other funding sources are involved and what is their contribution to the project cost; | N/A
i | What was the expected start date of construction; | N/A
j | What is the expected completion date; | October 2009
k | (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government; | i) Harris Systems and SBS
l | Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase; | Main TV Presentation and Playout: Year Total
| Jul 08 to Mar 09 | $7,300m
### Disaster Recovery TV Presentation and Playout:

**Year** | **Total**  
---|---  
Mar 09 – Oct 09 | $2.200m

**m** Why was the project funded; and  
Replacement of legacy technology.

**n** What cost benefit or other modelling was done before the project was approved?  
Full cost benefit analysis conducted prior to signoff.

### Y) Non Linear Newsroom and Sports System (SBS)

**a** When was it first announced, by whom, and by what method;  
December 2008; by Director, Technology and Distribution to SBS Board.

**b** If applicable, what program is it funded through;  
N/A

**c** What is its total expected cost;  
$7.280m

**d** What was its original budget;  
$7.280m

**e** What is its current budget;  
$7.280m

**f** What is the total Federal Government contribution to its cost;  
From Digital capital appropriation.

**g** What is the total state government contribution to its cost;  
N/A

**h** If applicable, what other funding sources are involved and what is their contribution to the project cost;  
N/A

**i** What was the expected start date of construction;  
August 2009

**j** What is the expected completion date;  
December 2009

**k** (i) who is responsible for delivering the project, and (ii) if a state government is responsible for delivering the project, when will the funding be released to the relevant state government;  
i) Harris Systems and SBS  
ii) N/A

### Refurbish Newsroom Accommodation:

**Is the project to be completed in stages/phases; if so, what is the timing and cost of each stage/phase;**  
Refurbish Newsroom Accommodation:  
**Year** | **Total**  
---|---  
Aug to Dec 09 | $3.780m

### System Installation:

**Year** | **Total**  
---|---  
Aug – May 09 | $3.500m

**m** Why was the project funded; and  
Replace legacy technologies and introduce more efficient production technologies.

**n** What cost benefit or other modelling was done before the project was approved?  
Full cost benefit analysis conducted prior to signoff.

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**Foreign Affairs and Trade: Advertising**  
(Question Nos 1655 and 1656)

**Senator Minchin** asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 3 June 2009:

Since 1 January 2008, has the department or any of its agencies expended any funds on advertising or sponsored links on a search engine such as www.google.com for any government websites administered within the Minister’s portfolio (i.e. websites with ‘.gov.au’ domain names); if so:

(a) which websites have been or are being advertised/sponsored on each search engine;
(b) what was the cost of establishing the advertisement/sponsorship;
(c) what was/is the daily cost of sponsorship;
(d) what was/is the fee that is charged each time an advertised/sponsored site is selected through the search engine;
(e) which words or phrases have been included in the advertisement/sponsorship (i.e. ‘digital television’);
(f) which additional, subcategories or combinations of words have also been included in the advertisement/sponsorship;
(g) how many variables or combinations were entered into the purchase equation;
(h) for how long has the advertisement/sponsorship been running or is intended to run; and
(i) what is the total cost to the department (or the costs to date if the expense is ongoing) of each website advertisement and/or sponsored link.

Senator Faulkner—The Minister for Foreign Affairs and the Minister for Trade have provided the following answer to the honourable senator’s question:

Department of Foreign Affairs and Trade
(a) The Department of Foreign Affairs and Trade has expended funds to advertise the smarttraveler.gov.au website on search engines;
(b) the cost of establishing the advertisement was $171,216.00;
(c) the Australian Government’s master-media placement agency, Universal McCann, have advised that data is not available;
(d) Universal McCann have advised that data is not available;
(e) the following words/phrases have been included in the advertisement:
   - Aussie Travel;
   - Australian Embassy;
   - Countries;
   - Foreign Embassy;
   - High Commission;
   - High Consulate;
   - Information;
   - Register;
   - Travel Advice;
   - Travel Generic;
   - Travel Information;
   - Travel Service;
   - Travel Warning;
   - Travelling Hints;
   - Travelling To;
(f) the subcategories/combination of words used have been included in Appendix 1;
(g) approximately 500 combinations were used;
(h) the advertisement ran from 29/11/2008 – 21/03/2009;
(i) the total cost to the department was $171,216.00.

Austrade
(a) Austrade has expended funds to advertise the following websites via Google AdWords:
(b) There were no establishment costs;
(c) Invest sub site: The daily budget is approximately $300 (as per Google definition, this amount can vary up to 20% plus per day but it will not exceed the monthly budget; Google adjusts the amount during this period and does not charge for “over delivery”);
   - Business Club Australia – Beijing 2008: Maximum spend was set at $200 per day;
   - Women in Global Business: Maximum spend of $25 dollars a day;
Beyond the Financial Crisis: Maximum spend of $30 dollars a day;
(d) Invest sub site: Average cost per click so far is $0.93;
Business Club Australia - Beijing 2008: Average cost per click so far is $1.43;
Women in Global Business: Average cost per click so far is $0.54;
Beyond the Financial Crisis: Average cost per click so far is $0.54;
(e) Invest sub site: Foreign Direct Investment; Financial Services; Clean Energy; Information Communication Technology;
   Business Club Australia – Beijing 2008: Looking to export?; Do business in China;
   Women in Global Business : Women in Global Business; Export opportunities and networking;
   Beyond the Financial Crisis: Global financial crisis; National Breakfast Briefing; Market Opportunities for Businesses;
(f) Invest sub site: A comprehensive keyword research analysis has been carried out to identify suitable keywords. Variables and combinations have been active or paused during the campaign in order to target each sector/country and to optimise cost/benefit. See Appendix 2 for combinations with highest score;
   Business Club Australia – Beijing 2008: See Appendix 2;
   Women in Global Business: See Appendix 2;
   Beyond the Financial Crisis: See Appendix 2;
(g) Invest sub site: Approximately 430;
   Business Club Australia – Beijing 2008: Approximately 87;
   Women in Global Business: Approximately 99;
   Beyond the Financial Crisis: Approximately 42;
(h) Invest sub site: 6 weeks, in May and June 2009;
   Business Club Australia – Beijing 2008: 96 days;
   Women in Global Business: 11 days;
   Beyond the Financial Crisis: 14 days;
(i) Invest sub site: $10,000;
   Business Club Australia – Beijing 2008: $1,530.24;
   Women in Global Business: $13.05;
   Beyond the Financial Crisis: $142.68.

AusAID
(a) – (i) Nil.

Australian Centre for International Agricultural Research (ACIAR)
(a) – (i) Nil.

Export Finance and Insurance Corporation (EFIC)
(a) – (i) Nil.

Appendix 1:
List of subcategories/combination of words included in the smartraveller advertisement aussie travel; australia tourist information; australian travel advice; australian consulate; australian travel tips; travel information australia; smart traveller; travel from australia; travelling australia; australian embassy; travel australia; australian consulate; australian treaty; travelling australia; australian visa; travelling to
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late; Philippines consulate; Bahrain consulate; Mexico consulate; Italy consulate; Saudi Arabia consulate; Armenia consulate; Sri Lanka consulate; Libya consulate; Netherlands consulate; France consulate; Uzbekistan consulate; Kuwait consulate; Ethiopia consulate; Vietnam consulate; Information Angola; Information Macau; Information Bali; Information Myanmar; Information Malaysia; register; travel details registration; government register travel; register travel; Travel Advice Thailand; Travel Advice Egypt; Travel advice; Travel Advice China; Travel Advice Azerbaijan; Travel Advice Philippines; Travel Advice Laos; Travel Advice Bali; Travel Advice Vietnam; Travel Advice Kenya; Travel Advice Fiji; Travel Advice Mexico; Travel Advice Australia; Travel Advice Tonga; Travel Advice Hong Kong; Travel Advice Germany; europe holiday; international holiday; overseas flight; overseas tours; us holiday; europe travel; international travel; travel hints; thailand holiday; vietnam holiday; overseas holiday; travel web; travel insurance; vietnam travel; usa travel; thailand travel; ; us travel; travel; malaysia travel; travel web site; usa holiday; travel tips; travelling hints; overseas travel; travelling tips; travel destination; overseas travel tips; malaysia holiday; online travel; Australian Mission; Terrorist alerts; Severe Weather; travel bulletins; travel alerts; travel advisories; contaminated dairy ; products; drug trafficking; transport safety; Subscribe; food safety; visa application; passport applications; avian bird flu; overseas natural disasters; international scams; bird flu; overseas travel; Travel Information Thailand; Travel Information Canada; Travel Information Bali; Travel Information Vietnam; Travel information; Travel Information Vanuatu; Travel Information Laos; overseas travels; travel planner; overseas embassy; overseas travel warnings; travel immunization; global travel; travel advisory; Airport Security; Deep Vein Thrombosis; vaccination; work overseas; affair department foreign; travel health; travelling; overseas; Travel Entry Requirements; travel advisor; overseas travellers; terrorism; travel world; responsible travel; travel tip; passport; working overseas; travel site; travel injection; consulate; travel safety; foreign affairs; safe travel; travelling international; dfat; travel visa; travel advice; travel guide; world wide travel; Travel Service; travel info; travel information; world travel guide; passport information; travel vaccination; travel with child; government ; travel advice; foreign affairs and trade; travel research; overseas travel advice; dept foreign affairs; travelling outside australia; embassy; travel warning; treaty; Travel Warning Algeria; Travel Warning China; Travel Warning Thailand; Travel Warning Philippines; Travel Warning Bali; Travel Warning South Africa; Travel Warning Namibia; Travel Warning Italy; Travel Warning; Travelling Hints; Travelling to Serbia; Travelling to Israel; Travelling to Hong Kong; Travelling to Kyrgyzstan; Travelling to Lebanon; Travelling to Singapore; Travelling to Canada; Travelling to Cambodia; Travelling to Nigeria; Travelling to Croatia; Travelling to Romania; Travelling to Thailand; Travelling to Spain; Travelling to Fiji; Travelling to Papua New Guinea; Travelling to Peru; Travelling to Sweden; Travelling to Indonesia; Travelling to France; Travelling to New Caledonia; Travelling to Italy; Travelling to Mexico; Travelling to South Africa; Travelling to Vietnam; Travelling to Bali; Travelling To; Travelling to New Zealand; Travelling to Japan; Travelling to Sierra Leone; Travelling to Costa Rica; Travelling to Greece; Travelling to Ecuador; Travelling to Malta; Travelling to Germany; Travelling to United Kingdom; Travelling to Colombia; Travelling to Philippines; Travelling to Saudi Arabia; Travelling to Vanuatu; Travelling to Russia; Travelling to Nepal; Travelling to Morocco; Travelling to Chile; Travelling to Portugal; Travelling to Egypt; Travelling to China; Travelling to East Timor; Travelling to Malaysia; aussie travel; Australia consulate; australia tourist information; australian consulate; Australian embassy; australian travel advice; australian travel tips; australian treaty; australian visa; smart traveller; travel australia; travel from australia; travel information Australia; traveling australia; travelling australia; travelling to turkey; Australian Embassy Austria; Australian Embassy Bali; Australian Embassy Bolivia; Australian Embassy Brazil; Australian Embassy Bulgaria; Australian Embassy Burma; Australian Embassy Cambodia; Australian Embassy Canada; Australian Embassy Chile; Australian Embassy China; Australian Embassy Croatia; Australian Embassy Cyprus; Australian Embassy Denmark; Australian Embassy Egypt; Australian Embassy Ethiopia; Australian Embassy Fiji; Australian Embassy Finland; Australian Embassy France; Australian Embassy Germany; Australian Embassy Ghana; Australian Embassy Greece; Australian Embassy India; Australian Embassy Indonesia; Australian Embassy Iraq; Australian Embassy Israel; Australian Emb-
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asset management; asset management global; asset management market; asset management system; banking asset management; banking financial services; business finance; capital asset management; commercial insurance; finance industry; finance management; financial assets; financial investment; financial investment management; financial investments; financial management; financial market; financial market; financial markets; financial markets; financial products; financial sector; financial services; financial services; financial services industry; financial services market; financial system; foreign financial; fund investment; fund management; funds investments; funds management; insurance financial services; insurance industry; insurance investment management; insurance sector; international finance; investing funds; investment financial services; investment fund; investment funds; investment funds; investment management; investment management companies; investments management; managed funds; offshore funds; structured product; structured products.

Clean Energy:
alternate energy; alternative energy; alternative energy solar; alternative energy sources; alternative power; clean energy; clean technology; climate change effects; energia solar; energy efficient; energy efficiency; energy efficient; energy resources; energy sources; energy technology; green energy; renewable energy; renewable energy sources; renewable resources; solar electric; solar electricity; solar energy; solar energy panels; solar heat; solar heater; solar heating systems; solar panel; solar panels; solar power; solar power system; solar power systems; solar technology; solar water; solar water heating; wind electricity; wind energy; wind farm; wind farms; wind generator; wind generators; wind power; wind power generation; wind renewable energy; wind turbine; wind turbines; windmill; windmill power; windmills; windpower.

Information Communication Technology:
business information technology; business technologies; business technology; communication technology; communications technology; computer and technology; computer technologies; computer technology; computers information technology; computers technology; computing technology; development finance; development financing; development technologies; future technologies; future technology; future technology; ict; ict communication; ict education; ict industry; ict technology; information and technology; information communication technology; information technologies; information technology; information technology companies; information technology industry; information technology industry; information technology infrastructure; information technology market; information technology strategy; information technology trends; it businesses; it development; it finance; it industry; it information; it information technology; it infrastructure; it investment; it sector; it technologies; it technology; technological development; technologies development; technology development; technology implementation; technology industry.

Business Club Australia – Beijing 2008
agricultural exports to China; Australia export to China; Australia exports to China; Australian; export to China; Australian exports to China; Australia’s exports to China; business development coaching; business development service; business development services; business expansion; business matching; business networking; business trade shows; China economy; China export; China trade; China trade shows; Chins business; cotton export to China; exhibition; export events; export from Australia to China; export goods to China; export products to China; export to Asia; export to Canada; export to China; Export to China; export to China; export to USA; exporters to China; exporting to China; exports from Australia to China; exports to China; exports to China; find clients; find customers; find new customers; finding customers; food export to China; food exports to chin; get customers; get more customers; get new customers; grow business; grow your business; how to export to China; how to export wine to China; how to find customers; how to get customers; improve sales; India China; India export; industry trade shows; international business development; international trade shows; Japan export; major exports to China; new customers; product export to China; prospecting;
small business growth; soybean exports to China; successful business; Taiwan export; technology export to China; Thailand export; top exports to China; trade events; trade export; trade fairs; trade show; trade shows; trade with China; trade with China; trade shows; what does Australia export to China; what to export to China; why export to China; wine export to China; wine exports to China; wood export to China.

Women in Global Business
Sydney Event:

business events; business international network; business network international; business networking; business networking events; business networking international; business networking opportunities; business networking Sydney; business networking; business networks; business opportunities; business opportunity; business seminars; expand your business; export events; export import business opportunities; export opportunities; exporting; exporting; exporting goods; exporting products; government assistance; government small business assistance; home business opportunities; home business opportunity; import export business; importing and exporting; international business; international business opportunities; international business resources; internet business opportunity; networking for business; networking for small business; online business opportunities for women; professional networking; small business network; small business networking; small business opportunities; small business opportunity; women business networking; women networking; womens business networking; women's business networking; womens networking; women's networking.

Adelaide Event:

business Adelaide; business events Adelaide; business international network Adelaide; business network Adelaide; business networking events Adelaide; business networking international Adelaide; business networking opportunities Adelaide; business networking sydney Adelaide; business networks Adelaide; business opportunities Adelaide; business opportunity Adelaide; business seminars Adelaide; business womens network Adelaide; business networking Adelaide; business networking events Adelaide; business networking international Adelaide; business networking opportunities Adelaide; business networking sydney Adelaide; business networks Adelaide; business opportunities Adelaide; business opportunity Adelaide; business seminars Adelaide; business womens network Adelaide; business networking Adelaide; Expand your business Adelaide; export events Adelaide; export import business opportunities Adelaide; export opportunities Adelaide; exporting Adelaide; exporting goods Adelaide; exporting products Adelaide; government assistance Adelaide; government small business assistance Adelaide; import export business Adelaide; importing and exporting Adelaide; international business Adelaide; international business opportunities Adelaide; international business resources Adelaide; international business opportunities for women; networking for business Adelaide; networking for small business Adelaide; online business opportunities for women Adelaide; professional networking Adelaide; small business network Adelaide; small business networking Adelaide; small business networking breakfast Adelaide; small business opportunities Adelaide; small business opportunity Adelaide; women business networking Adelaide; women networking Adelaide; women networking groups Adelaide; women's business networking Adelaide; womens business networking Adelaide; womens networking Adelaide; women's networking Adelaide.

Beyond the Financial Crisis

Business opportunities; Business opportunities Global Crisis; economic meltdown; economic meltdown Global Crisis; Expand your business; Expand your business Global Crisis; Export Agents; Export Agents Global Crisis; export opportunities; export opportunities Global Crisis; Exporting; Exporting Global Crisis; financial briefings; financial briefings Global Crisis; financial crisis; financial crisis Global Crisis; financial crisis opportunities; financial crisis opportunities Global Crisis; financial crisis update; financial crisis update Global Crisis; financial insights; financial insights Global Crisis; financial seminars; financial seminars Global Crisis; Financial services seminars; Financial services seminars Global Crisis; financial update; financial update Global Crisis; Global economic downturn; Global economic downturn Global Crisis; global economic meltdown; global economic meltdown Global Crisis;
global financial crisis; global financial crisis Global Crisis; Make more money; Make more money Global Crisis; opportunities in the global financial crisis; opportunities in the global financial crisis Global Crisis; the global financial crisis; the global financial crisis Global Crisis.