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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
RUD MINISTRY

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

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

Minister for Veterans’ Affairs
Minister for Housing and Minister for the Status of Women
Minister for Home Affairs
Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery
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
Assistant Treasurer
Minister for Ageing
Minister for Early Childhood Education, Childcare and Youth and Minister for Sport
Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change
Minister for Employment Participation and Minister Assisting the Prime Minister on Government Service Delivery
Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government
Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water
Parliamentary Secretary for Western and Northern Australia
Parliamentary Secretary for Disabilities and Children’s Services and Parliamentary Secretary for Victorian Bushfire Reconstruction
Parliamentary Secretary for International Development Assistance
Parliamentary Secretary for Pacific Island Affairs
Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Trade
Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion
Parliamentary Secretary for Multicultural Affairs and Settlement Services
Parliamentary Secretary for Employment
Parliamentary Secretary for Health
Parliamentary Secretary for Industry and Innovation

Hon. Alan Griffin MP
Hon. Tanya Plibersek MP
Hon. Brendan O’Connor MP
Hon. Warren Snowdon MP
Hon. Dr Craig Emerson MP
Senator Hon. Nick Sherry
Hon. Justine Elliot MP
Hon. Kate Ellis MP
Hon. Greg Combet AM, MP
Senator Hon. Mark Arbib
Hon. Maxine McKew MP
Hon. Dr Mike Kelly AM, MP
Hon. Gary Gray AO, MP
Hon. Bill Shorten MP
Hon. Bob McMullan MP
Hon. Duncan Kerr SC, MP
Hon. Anthony Byrne MP
Senator Hon. Ursula Stephens
Hon. Laurie Ferguson MP
Hon. Jason Clare MP
Hon. Mark Butler MP
Hon. Richard Marles MP
SHADOW MINISTRY

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

[The above constitute the shadow cabinet]
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<td>Shadow Minister for Financial Services, Superannuation and Corporate Law</td>
<td>The Hon. Chris Pearce MP</td>
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<td>Shadow Assistant Treasurer</td>
<td>The Hon. Tony Smith MP</td>
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<td>Shadow Minister for Sustainable Development and Cities</td>
<td>The Hon. Bruce Billson MP</td>
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<tr>
<td>Shadow Minister for Competition Policy and Consumer Affairs and Deputy Manager of</td>
<td>Mr Luke Hartsuyker MP</td>
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<td>Opposition Business in the House</td>
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<tr>
<td>Shadow Minister for Housing and Local Government</td>
<td>Mr Scott Morrison</td>
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<td>Shadow Minister for Ageing</td>
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<td>Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for</td>
<td>The Hon. Bob Baldwin MP</td>
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<td>Defence</td>
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<td>Shadow Minister for Veterans’ Affairs</td>
<td>Mrs Louise Markus MP</td>
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<td>Shadow Minister for Early Childhood Education, Childcare, Status of Women and Youth</td>
<td>Mrs Sophie Mirabella MP</td>
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<td>Shadow Minister for Justice and Customs</td>
<td>The Hon. Sussan Ley MP</td>
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<td>Shadow Minister for Employment Participation, Training and Sport</td>
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<td>Shadow Parliamentary Secretary for Regional Development</td>
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<td>Shadow Parliamentary Secretary for Justice and Public Security</td>
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<td>Senator the Hon. Richard Colbeck</td>
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<td>Shadow Parliamentary Secretary for Immigration and Citizenship and Shadow Parliamentary Secretary Assisting the Leader in the Senate</td>
<td>Senator Concetta Fierravanti-Wells</td>
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12.30 pm and read prayers.

PRIVILEGE

The PRESIDENT (12.31 pm)—On a matter of privilege, Senator Milne, by letter dated 28 August 2009, has raised a matter of privilege under standing order 81. The matter relates to evidence given by various corporations before the Senate Select Committee on Climate Policy and the Senate Select Committee on Fuel and Energy in relation to the government’s Carbon Pollution Reduction Scheme (CPRS) legislation and its effects on those corporations’ operations. Senator Milne suggests that the evidence given by the corporations may have been false or misleading because of discrepancies between that evidence and disclosures made by the corporations to shareholders, investors and the Australian Stock Exchange. The alleged discrepancies are set out in material provided by Senator Milne and were originally composed by the Australian Conservation Foundation as part of a case before the Australian Competition and Consumer Commission.

Resolution 6 of the Senate’s Privilege Resolutions, setting out acts that may constitute contempts of the Senate, provides in paragraph (12) that:

A witness before the Senate or a committee shall not:

(c) give any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe on reasonable grounds to be true or substantially true in every material particular.

This formulation of one of the well-known contempts clearly indicates that the offence is constituted by a witness knowing that their evidence is false or misleading or not believing that their evidence is true. The offence is constituted by the state of mind of the witness. In its past reports on cases of alleged false or misleading evidence, the Privileges Committee has clearly indicated that this culpable state of mind on the part of the witness is necessary to constitute the offence, and that there must be an intention to give false or misleading evidence.

Resolution 4 of the Senate’s Privilege Resolutions requires that, in determining under standing order 81 whether a motion to refer a matter to the Privileges Committee should have precedence under that standing order, I am to have regard to the following criteria:

(a) the principle that the Senate’s power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Senate and its committees and for senators against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Senate; and

(b) the existence of any remedy other than that power for any act which may be held to be a contempt.

Past presidential rulings have indicated that a matter will be held to meet criterion (a) if it is capable of being held by the Senate to meet that criterion. Criterion (b) is met if there is no readily available other remedy apart from the Senate’s contempt jurisdiction; there is no other remedy for the offence of giving false or misleading evidence.

The suggestion that false or misleading evidence may have been given by the corporations concerned rests upon alleged discrepancies between that evidence and the disclosures to the market made by the corporations. An examination of the comparison between the evidence and the disclosures, composed by the Australian Conservation Foundation...
Foundation, however, indicates that in relation to each listed statement made to the Senate committees there was no disclosure or limited disclosure, or there were differences in tone between the committee evidence and the disclosures. In other words, it is alleged that the corporations have not told their shareholders, investors and the Stock Exchange everything they have told the Senate committees. It is not a case of discrepancies between statements but the absence from one set of statements of material contained in the other.

The cases of alleged false or misleading evidence considered by the Privileges Committee in the past have involved apparent contradictions between evidence and other statements or between evidence and facts or circumstances at variance with that evidence, such a situation indicating that the evidence may have been false or misleading. There has been no case of statements made in evidence being contrasted with silence or partial silence about the same matters in other forums. It is obviously difficult to proceed from such a situation to a conclusion that the evidence may have been false or misleading, much less to a conclusion that the witnesses knew that the evidence was false or misleading and had the necessary culpable intention.

In this light, the matter appears to fall far short of meeting the criteria I am required to consider. On the material so far provided, it would not be capable of being held by the Senate to meet criterion (a). I have therefore decided not to give precedence to a motion to refer the matter to the Privileges Committee.

A decision not to give a matter precedence under standing order 81 does not prevent a senator raising the matter in the Senate under other procedures.

I table the letter from Senator Milne and the attachments.

Senator MILNE (Tasmania) (12.37 pm)—by leave—I move:

That the Senate take note of the statement.

Senator MILNE—Mr President, I thank you for the statement that you have provided to the Senate today and for the consideration that you have given the matter. It is an incredibly important matter. Coming to terms with it and thinking about it highlights a problem we have in Australian democracy and in our regulatory frameworks. This matter was referred to the Australian Competition and Consumer Commission and the commission said that they could not make a decision about it because the evidence provided to the Senate was under parliamentary privilege so they would not be able to deal with it that way. But when we come in here to the Senate what we have is a precedent whereby contempt has been through contradictory statements, rather than a statement being made as true and the absence of one that was not made at all—in other words, omission. And it is very clear that, under the legislation that we have, the Australian Securities and Investments Commission oversees the disclosure obligations that companies have in terms of their businesses. So we have got the ACCC, the Australian Securities and Investments Commission and the parliament, and the companies involved.

When the ACCC made its decision on this matter it said that political statements to the media or to the parliament were comments not made in the course of trade and commerce. But I would argue that by coming to the Senate and giving evidence in relation to the Carbon Pollution Reduction Scheme, particularly as it pertains to the level of compensation that those companies are getting, that does materially go to the issue of trade and commerce because it is going to impact on the trade and commerce of those companies—that is pretty obvious—and that the
statements made in relation to jobs and investment in the industry in the future also go to trade and commerce. So the issue I have here is that, whilst the precedent is there of giving one lot of evidence to the Senate and maybe making a contradictory statement somewhat else, not disclosing to one’s shareholders the dire circumstances that one gives to the Senate is in fact providing two separate views of the world in two separate fora. One of the tests here is: were the companies telling the truth when they came to the Senate?

I respect your reiteration, Mr President, of the Senate resolution providing that witnesses shall not:

… give any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe on reasonable grounds to be true or substantially true in every material particular.

I refer in particular to Xtrata Coal, for example, who made the claim that, if the Carbon Pollution Reduction Scheme is introduced, Xtrata could sack hundreds of Queensland workers and bin a $5 billion project. It claimed that if the CPRS is implemented it will close four mines in New South Wales and scrap plans to invest $7 billion in new coalmining operations in New South Wales and Queensland that would create 4,000 jobs.

Now you would think if the impact of this legislation was going to lead to the closure of mines, to the sacking of that many people and to the binning of a $5 billion investment project and a $7 billion investment in New South Wales and Queensland that the company ought, under the ASIC rules, to disclose that to their shareholders as being a potential risk for the company going forward. The point is that while that claim was made to the Senate Select Committee on Climate Policy, there was no disclosure from Xtrata to its shareholders or to the Stock Exchange that those multibillion-dollar investment projects would be binned if the Carbon Pollution Reduction Scheme went forward.

So we have a difficulty here that the current rules as they apply to the ACCC, to ASIC and to the parliamentary Privileges Committee seem to be in contradiction. When people come before Senate committees it is expected that they will tell the truth, and the whole truth, to those committees. What we have here is a situation where by omission they have not told their shareholders under the obligation they have under the disclosure provisions under ASIC’s jurisdiction. So the question is: to whom are they telling the truth? Are they telling the truth to the people of Australia or are they telling the truth to their shareholders and their investors?

We are also aware that many of these corporations hold private briefings for their institutional shareholders. So at one level they will tell this Senate something; at another level they will have a private briefing with their institutional shareholders, and nobody knows what they tell them; and then they have their disclosure obligations through their company reports, annual general meetings and the like where they tell the whole of their shareholders and the media and the Stock Exchange what is going on. As a result of having examined this matter, I think we have an issue to deal with in this parliament, and that is: how are we going to go forward in the future in holding corporations and witnesses to account in the Senate processes and making sure that the contempt of lying to the Senate or misleading the Senate or misleading the Senate by omission is dealt with? Evidence to parliamentary committees goes to the committees’ reports, which go to the nature of legislation which ultimately appears before this chamber. Members of this parliament actually take seriously and believe what people tell them in the Senate.
committees because they believe it is a contempt if they do not and so they reasonably expect people to tell them the truth. So whilst I respect the ruling you have made in this context, Mr President, I note that you have said this ruling does not preclude taking action under other Senate processes and I will consider how I might do that.

I do think that it raises a very important issue about contempt for the Senate and the role of corporations. I think the ACCC has taken a very narrow view of what constitutes comments made in the course of trade and commerce as opposed to political statements. These were not political statements in the sense of ‘the government or the opposition is better or different’. These were comments that particularly pertained to trade and commerce, the operations of those particular companies. The fact that this has even been raised has certainly started to have an impact. As was noted recently, BlueScope Steel provided new, more detailed information about the likely impact of the government’s emissions trading scheme in their end of the year results. That had not happened until then. Now we are putting some pressure on them to put into writing to their shareholders, under the disclosure provisions, exactly what they are saying. We will certainly be monitoring these companies to look at what they actually do. We will be looking very closely at their profits and investments that they claim will be ‘jeopardised’.

I will also be going to ASIC to have a look at the disclosure provisions and to see whether these companies have been in breach of those disclosure provisions because of their failure to disclose to their shareholders the information that they disclosed to the Senate through the parliamentary system. You could now assume, under this ruling, that when they made those statements to the Senate they were telling the truth. Therefore, if they were truthfully outlining the likely impact on their companies, I feel sure they will have been required, under the ASIC rules, to disclose to their shareholders that truthful statement or impact on the company’s bottom line.

Mr President, I appreciate the consideration that you have given to the matter. I will take your advice and look at what other Senate processes may be employed to take this matter further. But I would also urge the Senate to really start thinking about contempt of Senate processes. While I am on my feet with regard to that, I think the number of times we now see reported in the media the recommendations of Senate committees before they report to the Senate is disturbing. Only yesterday there was a report, yet again, in relation to managed investment schemes, which said what the joint house committee is going to find. That is a contempt of the Senate. The people of Australia have got a right to expect that Senate processes will be respected by the senators in here who participate in those processes, but when we invite witnesses we expect those witnesses to respect the Senate and its processes, to tell the whole truth, not to omit or to exaggerate and not to give the same disclosure to their shareholders that they try to use to influence the Senate.

Senator ABETZ (Tasmania) (12.48 pm)—Mr President, in speaking to the motion briefly, can I indicate the coalition’s full support for your ruling and your determination. It is based on sound reasoning. The decision is based on precedent. As you quite rightly pointed out, the statements that are complained of are in fact not inconsistent; they may be different. But it is a very long bow to draw indeed—as is the wont of the Australian Greens of course—to suggest that there has been a contempt of the Senate. I would have thought that any reading of the documentation provided by the Australian Conservation Foundation to the ACCC
would have disclosed that. That it was brought before you for a ruling or a determination as to whether this was a matter that was deserving of precedence was in fact nothing but a stunt by the Australian Greens. They must have known that from the outset. Clearly, there were no contradictory statements.

Furthermore, there may have been some skerrick of support for the assertion made by the Greens if the submissions, written and oral, had been provided in camera to the Senate. But the submissions were made publicly. As I understand it, they were put up on the Senate committee’s website. The witnesses spoke to the committee in public. A huge degree of reporting was undertaken on the various companies’ submissions et cetera to the inquiry into the CPRS. So there was no suggestion that any of this was done in secret or in an underhand manner. Indeed, everything was quite consistent. There are different requirements in relation to company reporting. If there is a difficulty with company reporting then that is a matter the Greens or the Australian Conservation Foundation, or the two of them in lock step, ought to refer to ASIC or some other organisation. They should not use the forms of the Senate. So, Mr President, the coalition, on whose behalf I speak in relation to this, fully support your determination in this matter.

This has just been an exercise in convoluted self-justification by the Greens. They are trying to justify their stunt. I note with some interest Senator Milne’s concern that certain statements not be exaggerated. She said that things were exaggerated. Those of us who had the opportunity of reading the weekend media would have seen Laurie Oakes’s expose of the Australian Greens quite mischievous exaggeration of an unfortunate oil spill. The Australian Greens senators described an oil slick which later became algae. What was alleged to be 20 kilometres from the coast is now 198 kilometres from the coast. That is an exaggeration of about a factor of 10.

The Australian Greens should come to this debate with clean hands. They said: ‘We never exaggerate. We never do things of that nature.’ Of course, the Australian Greens are well known for their stunts, albeit I do note that Senator Siewert quite properly did admit that what she thought was oil could be algae. Our friends in the media never report those things on the Australian Greens, do they? That is a very interesting observation. Whereas, if somebody like me gets into a spot of bother, I apologise and withdraw—I do all of those things—and the media run with it for ages. That is fine; that is part of the game. But there does seem to be a separate rule for the Australian Greens. They would have to be the most protected species in Australia.

I find it interesting that the media does that for the Australian Greens when they are caught out time and time again with their gross exaggerations. They came into this place and said, ‘A company may have exaggerated or slightly nuanced something,’ when in fact the evidence does not support that. I find that interesting, to use a neutral term. In brief, the opposition fully support the statement you have just made, Mr President. I commend you for it.
Senator Milne—after what appears to be quite an in-depth look at the issue.

From what you have outlined there does not appear to be a problem with privileges issues themselves being raised; there seems to be a problem in relation to the way this is being ventilated in relation to a privilege matter. As has been correctly pointed out, there are a range of opportunities through the Senate, other than the use of privilege, for Senator Milne to deal with this or other matters that she may wish to raise. In short, the government supports the ruling made.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12.55 pm)—Mr President, your ruling is wrong. The outcome of that ruling being wrong is that it will encourage entities which have a particular interest to protect to come before a Senate committee and give compelling evidence—and in this case we are talking about $2.9 billion, which is the cost of the CPRS as put forward by the government, and, as Senator Milne said, the loss of hundreds of jobs—but not do that when it comes to reporting to their shareholders and to the Stock Exchange. That is because there they face the potential of having to justify the statements.

Mr President, what you are doing here is saying that we have a lesser test in the Senate and its committee system than what is required for these companies in other arenas where they very likely have to justify the statements they made. You said:

It is obviously difficult to proceed from such a situation to a conclusion that the evidence may have been false or misleading, much less to a conclusion that the witnesses knew that the evidence was false or misleading and had the necessary… intention.

It is not, with respect, your job to come to that conclusion. It is your job to assess whether there is sufficient doubt about the matter to have it referred to the Privileges Committee for it to come to that conclusion or to dismiss that outcome. If we move to the position where the President in this place makes the judgment before allowing the matter to proceed to the Privileges Committee then we can abolish the Privileges Committee.

I am very alarmed. This is the fulcrum of our democracy. It is very important that the committee system which informs the Senate is not misled by omission or commission. The statements coming from these corporations warranted testing. Where they ought to have been tested—that is, by then proceeding to inform their shareholders directly—they demurred. That prima facie says that in their minds they felt it could not be justified. On that basis alone this matter ought to have gone to the Privileges Committee for assessment.

I am very concerned by the precedent being set here, which is that if the President decides that there is not enough evidence contrary to matters brought before Senate committees then it should not go to the Privileges Committee. We ought to have standards of evidence at least as high as those required by the Stock Exchange or the laws governing companies to be fully open in their disclosure to their shareholders.

Senator Milne’s proposal ought to have been adopted by you, Mr President. We are not going to proceed with challenging this ruling, because it is quite obvious that the government and the opposition will not accommodate that. However, I think it needs very serious contemplation because what is being established here today is that the Senate does not have the strength of determination on whether matters are true or not that pertains under the law in the commercial sector. Is that what we want to see established? I certainly do not. If wild or exaggerated claims or claims that cannot be substan-
tiated are made before a Senate committee, they should be questioned.

I fear your ruling, Mr President, will simply encourage the corporate sector to fox Senate committees, the Senate itself or the parliament in future. Neither Senator Milne nor I want to see that at all encouraged. In fact, if you find the standing orders wanting then we ought to be looking at tightening them to make sure that committees are not subject to foxing by powerful entities with wild and exaggerated claims, including claims of future doom and gloom which cannot be substantiated.

There the matter stands. Senator Milne has indicated that she will look at the options available. But the Greens are making a stand here for everybody who is brought before Senate committees, not least so that the big and powerful corporations, which have a huge impact and lobbying power in this parliament, cannot through thunder and exaggerated claims alter the outcome of committee or Senate deliberations. That should not be entertained. I doubt, Mr President, that this ruling would have been made in the US congress, where there are much fewer rules to prevent Senate committees finding out the whole truth, all the truth—and that includes things that companies might like to omit.

Surely, something that is put to Senate committees with the strength and vigour that these corporations did ought to be something that is put to their shareholders through the proper legal channels. They failed to do that; they did not do that. They clearly did not want to or plan to do it. They must have had reason to fear proceeding down that path. Yet here we are in the Senate today saying, ‘But it’s okay to do to the Senate what can’t be done to the Stock Exchange or to shareholders.’ We demur. We think the ruling is wrong and we will be looking at how the Senate processes can be strengthened to protect the interests of the Senate as the watchdog of the people. That is what is at stake here.

Senator FERGUSON (South Australia) (1.02 pm)—Firstly, Mr President, Senator Bob Brown is quite wrong and your determination is quite right. Senator Brown has said that, because of your determination, this matter will not be allowed to proceed to the Standing Committee of Privileges. That is totally wrong, Senator Brown, and you have been in this place long enough to know that that is wrong. All that the President did in his determination was not give precedence to Senator Milne’s motion. He did not give it precedence. There is nothing to stop Senator Milne, if she wants to, moving her motion through the normal, democratic processes of this chamber. There is absolutely nothing to stop her doing that. And then we will see whether the democratic processes of the chamber work.

You will find, Senator Brown—Senator Abetz having put the coalition’s position—that in fact you are a very small minority in your views about those processes. There are people in this place that believe that the current committee system and the processes of the Senate do work, have worked and will work as they have done for the last 108 or 109 years. Senator Brown comes in here and makes his political statements about democracy, saying, ‘This wouldn’t happen in the US Senate.’ We make our own rules, Senator Brown; we work by those rules.

All the President was asked to do was to give precedence to Senator Milne’s motion. In no way did the President make a ruling that the matter should not be discussed by the Privileges Committee. That is for the Senate to determine, Senator Brown, as you well know, not the President. So the President, after looking at all the evidence that was put before him by Senator Milne in her letter to him, determined that the matter
should not take precedence in the Senate—but that is the only ruling and determination that he has made.

Having read the statement that the President has made to the Senate, I can say that I concur wholeheartedly with his decision. If Senator Milne wishes to take this matter further and try and get the Senate to refer the matter to the Privileges Committee, that is her responsibility—if she chooses to do that. But in no way was the President’s determination wrong. What is wrong is you, Senator Brown, saying that his determination was wrong, because I and, I am sure, all members on this side of the chamber agree that the President’s determination was indeed correct.

Question agreed to.

SAFE WORK AUSTRALIA BILL 2008  
[No. 2]

Second Reading

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

That this bill be now read a second time.

Senator ABETZ (Tasmania) (1.05 pm)—The Senate is considering the Safe Work Australia Bill 2008 [No. 2]. This is the reintroduction of a bill in the same form as it was when previously introduced. At the time, the opposition moved a number of amendments, as did, I think, the Australian Greens and Senator Xenophon. We had this bizarre situation, not only in this chamber but also in the wider Australian body politic, where the Liberal Party, the National Party, Family First, Senator Xenophon, the Australian Greens, the ACTU and the Australian Chamber of Commerce and Industry all agreed—on a unity ticket—on how this safe work legislation could be improved. But Ms Gillard, in one of the most arrogant displays by this Labor government yet witnessed, said, ‘We don’t care what the ACTU think; we don’t care what Senator Xenophon, Senator Fielding, the Greens or the coalition think in relation to this; we know best.’ Somehow they know best. So, in a typical example of Ms Gillard’s ever-growing arrogance, she walked away from the parliament and said, ‘I can fix this in my own way.’ She was going to achieve her ends without the need for the parliamentary process. Of course, pride cometh before a fall.

Ms Gillard has now realised that in that fit of pique, as she stormed out away from the parliament, she could no longer achieve those ends and she is now reintroducing the legislation. I would have thought that that lesson might have invited Ms Gillard to reconsider her position and at least accept one of the amendments moved by the cross-benches and the coalition, just as a sign of good faith that not all wisdom resides only with a government, with Labor.

As I said before, and I will say it again to make the point: when you have the ACTU, ACCI, the Greens, the coalition, Senator Fielding and Senator Xenophon all agreeing on a particular course of action, there is a fair bet there might be a kernel of substance in what is being put forward; there is just a very slight chance. But no; Ms Gillard ‘we know best’ is insisting that this legislation comes before us and will not accept any amendments. One wonders how this has in fact got through the government and Labor’s processes other than, I think, possibly as a need for Labor to give Ms Gillard a bit of confidence boost. She has been humiliated in recent times in relation to her quite outlandish claims on the school funding, Building the Education Revolution, a $1.7 billion shortfall, and she still has yet to explain whether that was a muck-up on her part or whether the program was oversubscribed. We do not know how that occurred. Then, in the other part of her portfolio, employment, we have her huge embarrassment where she continu-
ally told the Australian people that there would be no detriment to Australian workers with award modernisation. Just last week the Australian Industrial Relations Commission blew Ms Gillard out of the water on that and has exposed that as a complete misrepresentation—I was about to say a fraud—of what will actually occur to and for Australian workers. She also made that claim to employers, saying that they would not have any extra costs with award modernisation. When we asked that that be put in the legislation, Labor refused because they knew that it was another promise that they could not live up to.

What we have with Ms Gillard is somebody, who has had this fanfare of publicity, all concerned about her image but incapable of dealing with the substance matters of her portfolio. Having been, as I said, humiliated with the aspects of her education revolution—so-called—and award modernisation—so-called—I dare say that certain people in the Labor caucus said, ‘We’ve got to give her a bit of a confidence boost and bring back the safe work legislation.’ We as a coalition have thought long and hard about what we should do with this legislation. Are we still committed to the amendments that we supported last time around? Absolutely. But we are also absolutely committed to ensuring that we have a nationally consistent system in relation to occupational health and safety. What we now know from Ms Gillard is that if she does not get it all her own way, 100 per cent, we will not have a nationally consistent system, because she will simply not countenance any amendments. Sensible though they be, amendments that have the support across the parties, across the industrial divide of employers and unions—despite all that, she says she will not countenance any amendments. So the coalition has to decide whether or not we keep insisting on those amendments or whether we say a nationally consistent scheme should be paramount.

We have come to the reluctant conclusion that getting a national scheme underway should be the paramount consideration, but it reflects very poorly on Labor that they do business in such an arrogant way, willing to put the nationally consistent system on hold subject to them getting absolutely everything. Can I just remind the Senate of some of the amendments that we supported in relation to the number of people on the committee and who should be represented on the committee. I would have thought that there was not much opposition to the ACTU nominating somebody who would represent the workers’ interests. But the minister will not countenance even that because she and the government want to personally appoint their people. So if the ACTU or ACCI were to put forward people not to Ms Gillard’s liking, she can simply refuse them. This is the arrogance of Labor that is now no longer oozing but gushing out everywhere in relation to their entire decision making on the future of this country. It is not about good, sound policy. It is not about evidence based policy that we heard so much about during the election campaign. It is all about having the power to appoint your mates, the ones that might be compliant and the ones who will be told on the side, ‘You do the government’s bidding on this and there might be something further for you down the road.’ It is interesting that the minister in this place who has control of it is none other than Senator Arbib, who has just brought his caravan from New South Wales right-wing Labor up here to Canberra. All the hallmarks of New South Wales Labor have now been brought into this Senate chamber courtesy of Senator Arbib’s presence.

That is exactly how Labor does business in New South Wales, the discredited government that it is, and those same sorts of
tactics and that same sort of inappropriate approach to public policy making have now been brought into Canberra into the Senate courtesy of the New South Wales Labor Party as represented by Senator Arbib. It is not good policy to ignore the wishes of such a broad cross-section of the community. I think that Senator Siewert and I both thought it quite spooky last time we were debating this legislation that we were on a unity ticket in relation to these matters. Senator Siewert and I both had to do a double-take and re-check our views on these matters. But what it shows to Senator Siewert’s supporters and to coalition supporters is that the Greens are not wrong all the time. Most of the time, yes, but not all of the time. For Greens supporters, it shows that sometimes the coalition might get something right as well.

But when Labor, Senator Arbib and the Labor caravan from Sydney—and let us not forget that it was the New South Wales Right that delivered the numbers to allow Mr Rudd to attain the leadership—bring these sorts of practices to Canberra it is a matter of great regret, and Safe Work Australia will be worse off for these amendments not being passed. But it is quite clear that, if these amendments are insisted upon yet again, Labor will withdraw the legislation yet again and we will not have that nationally consistent approach which we when in government were supporting. We were developing it and this is now, if you like, a further evolution of that, something which we support in principle. So our decision is to support the legislation as is, albeit reluctantly, because we believe that the amendments that were passed last time would have enhanced the legislation, but Labor simply cannot see their way clear for purely political reasons that have nothing to do with a benefit to worker safety in Australia. That is the issue I suppose that concerns us as a coalition the most. Worker safety, Safe Work Australia, can all fly out the window because of Ms Gillard’s arrogance and Labor’s determination to ensure that they can appoint whatever hack they want to these various positions without genuine input from the ACTU and the employer representative organisation, the Australian Chamber of Commerce and Industry.

So whilst the opposition usually says at the end of the second reading speech that we either support the bill or oppose the bill, it is with great reluctance that we support the bill. But I still hope that during the committee stages the government might come to its senses and agree to some of the amendments. It is not over until the final vote but, given the arrogant approach of Ms Gillard, I doubt that there will be a change of heart. But I say to the government: it would be an indication of Labor’s genuineness in this if it were to actually embrace a few of those amendments, especially those amendments which would not impact in any way, shape or form on the COAG agreement in relation to this matter.

Senator SIEWERT (Western Australia) (1.18 pm)—The Australian Greens strongly believed in the position that we took to this debate the last two times that we debated this bill, and we maintain our position. We support the government’s intention of working towards harmonising Australia’s occupational health and safety laws. We support the establishment of Safe Work Australia as a replacement to the Howard government’s Australian Safety and Compensation Council.

However, the Safe Work Australia Bill 2008 [No. 2] has the same significant flaws as the first bill. We believe these must be remedied if Safe Work Australia is to work effectively in the best interests of the community in occupational health and safety matters. We strongly believe that we should be building on best practice in occupational
health and safety in this country and around
the world and ensuring that our occupational
health and safety laws and regulations are
developed and implemented by a body with
genuine tripartism and independence.

On these criteria this legislation, we be-
lieve, is too skewed in favour of govern-
ments to the detriment of other key stake-
holders in occupational health and safety
regulation, that is, employees and employers.
When the first Safe Work Australia bill was
before the parliament the Senate passed
amendments to address these deficiencies by
restoring genuine tripartism in the member-
ship in Safe Work Australia and ensuring an
appropriate level of independence from gov-
ernment in its operation.

I want to briefly discuss these amend-
ments and why we still consider them impor-
tant and why we believe they should be
adopted. Firstly, there is the issue of mem-
bership of Safe Work Australia. The bill in-
explicably reduces the representatives of
employers and employees to two. The previ-
ous national OH&S bodies had three repre-
sentatives from employees and employers.
There is no rationale behind dropping the
members except that it is in the intergovern-
mental agreement, and decreased representa-
tion gives government more control of that
body. The best occupational health and
safety practice has been shown to be
achieved through a genuine tripartite ap-
proach. We believe that this is best realised
through keeping three representatives for
employees and employers on a body such as
Safe Work Australia. Stakeholders have also
told us that there is significant work involved
in adequately consulting employees and em-
ployers on the range of issues that come be-
fore such bodies, and a reduction in numbers
will be to the detriment of managing the
workload.

We are also concerned that the bill gives
the minister particular powers in selecting
the representatives from employees and em-
ployers. They can only come from organisa-
tions authorised by the minister, and the min-
ister can veto a nomination from an author-
ised organisation. It would be possible under
the formulation of this bill that Safe Work
Australia could have no union representation
at all depending on what the government
decided. We have got to remember that while
we are legislating for the bill, it is not just
about this government but also governments
into the future and the approach they may
take. This level of interference is contrary to
principles of a tripartite approach. We note
the minister has no such veto powers over
representatives nominated by the states. The
Senate agreed to amendments to remove this
power when we debated the previous bill.

Another set of amendments removed the
provisions in the bill giving the Workplace
Relations Ministerial Council the power to
change the operational and strategic plans for
Safe Work Australia. The provisions in the
bill granting such a power to the ministerial
council undermine the independence of Safe
Work Australia and, in our belief, give gov-
ernments an inappropriate level of direct in-
fluence over the body. As I mentioned previ-
ously, independence along with the tripartite
approach are internationally acknowledged
as being vital to ensuring effective occupa-
tional health and safety regulation. Similarly,
the Senate supported amendments to remove
the additional voting rights of govern-
ments—that is, Commonwealth, state and
territory—in agreeing to model legislation,
regulations and codes of practice. These pro-
visions are another example of the bill’s pro-
visions favouring governments over key
stakeholders. While we appreciate the gov-
ernments are funding Safe Work Australia
and will ultimately be responsible for im-
plementing the model laws, we see no ra-
tionale for those extra voting rights. The ministerial council still needs to sign off on any proposed model laws. Extra voting rights do take away from the tripartite nature of the body which we see as vital in working towards effective OH&S processes.

It is important to stress that all non-government senators voted in favour of these amendments, as Senator Abetz articulated earlier. I remember that we had a number of comments around feeling like we were in the *Twilight Zone* because we were agreeing on what we considered were very important amendments. It is disappointing that the government is bringing the Safe Work Australia Bill back to parliament with no consideration of the amendments moved in the Senate last time the bill was before this chamber. We are also disappointed that it appears, from what Senator Abetz articulated in his speech on the second reading debate, that the opposition, although still supportive—as I understand from the comments he made—of the idea of the amendments that we tabled in this chamber will be supporting this bill going through without those amendments. We were rather peculiar and scary to see me agreeing with Senator Abetz on industrial relations legislation. I am not sure that it is going to happen again in the future, but how strongly all this side of the chamber felt about these amendments was shown in the opposition, the Greens, Senator Fielding and Senator Xenophon supporting those amendments. When there is such fierce agreement you have to sit down and think that maybe they were reasonable and sensible amendments that addressed what we thought were deficiencies, and we still consider are deficiencies, in the bill. We believe they would have ensured that Safe Work Australia operates in a more effective way to create and maintain what we consider to be essential, which are robust occupational health and safety laws. However, we can read the numbers in the Senate and, if the opposition is going to support this legislation without the amendments, we know that we are going to go down in a screaming heap with any further amendments. Therefore, I do not intend to introduce the amendments and redebate those matters that we previously debated on two occasions. We believe that we had very sensible amendments and we are disappointed that the governments of Australia—both federal and state and territory—refused to engage in what we considered should have been a constructive debate on genuine improvements to this bill. We certainly came to the debate on this bill with a very genuine intention of improving the bill and we listened very closely to the stakeholders in the debate.

I want to take this opportunity to reiterate something that I said in my contribution to the second reading debate, and that is about the role of intergovernmental agreements. We acknowledge that many of the provisions of this bill that we took objection to came from the intergovernmental agreement, but we do not believe that that puts this piece of legislation beyond the normal and appropriate processes of this parliament. Intergovernmental agreements, such as the one dealing with achieving a national harmonised OH&S regulatory system, are important in our Federation, but these agreements can never take away the role of this parliament in making laws. We believe that laws can be improved, particularly when we have taken the trouble to extensively listen to key stakeholder comments that would contribute to achieving a better outcome. Because of that, we argued for these amendments long and hard. We do not believe that it is appropriate that the government hide behind these agreements in parliamentary debate and say, ‘That’s what was agreed with the states and territories and therefore you can’t amend this legislation.’
In this case, we believe the desired outcome is not merely harmonised laws that state and federal governments are happy with but harmonised laws that robustly protect the health and safety of workers. We believe that such laws are best arrived at through a genuine tripartite and independent process, which is why, as I said, we fought so hard for those amendments and got the support of this place twice for them. We welcome this government’s stated commitment to occupational health and safety outcomes and we look forward to this government as soon as possible introducing legislation to rectify the measures of the previous government which we believe lessened the rights of employees and the responsibilities of employers in occupational health and safety matters. The Australian Greens are keeping a close eye on the process towards the harmonisation of occupational health and safety laws across the country. I note that, when legislation developed through that process comes before the Senate, we will be taking our role in the legislative process very seriously and will subject that legislation also to the appropriate level of scrutiny.

I take this opportunity to indicate the support of the Australian Greens for workers who took to the streets last week to campaign for strong, effective occupational health and safety laws. The Greens, like those workers, do not want to see any deterioration in our occupational health and safety standards as a result of the harmonisation process. Let us not forget that the paramount reason for occupational health and safety legislation is to protect the health and safety of persons undertaking or affected by work. We have a duty in this place to make sure we get those laws right. Robust and effective occupational health and safety laws and practices are vital for the social and economic health of our workplaces and, more importantly, for Australians and their families.

Senator XENOPHON (South Australia) (1.29 pm)—I share Senator Siewert’s disappointment that the government is not prepared to consider the amendments which were passed by all non-government senators a few months ago. However, unlike Senator Siewert, I must be a bit of a masochist because I will again be putting up the amendments.

Senator Siewert—I am.

Senator XENOPHON—She says, ‘I am.’ It is important that the government give constructive reasons as to why these amendments ought not be passed. Just a few hours ago, I went to the launch for Matt Peacock’s book Killer Company: James Hardie Exposed, which is about the disgraceful way that company conducted itself, particularly in relation to a product that has killed thousands of Australians and will kill thousands more, the way there was a cover-up and the way the union movement played an important role. Greg Combet, now a member of the other place, played a key role in holding James Hardie to account. What he did and what people such as Bernie Banton did must not be forgotten. It puts into perspective the importance of effective occupational health and safety laws in this country. Some countries are getting away with their workers and consumers of their products literally being killed because their product is inherently unsafe or they have unsafe work practices. That is why it is important that we have the best possible occupational health and safety laws.

While the intent of the Safe Work Australia Bill 2008 [No. 2] is about establishing an independent statutory body to handle occupational health and safety outcomes and workers compensation arrangements, it does not embrace greater openness and account-
ability for this body. It is disappointing that the government is not prepared to ensure that both the Australian Chamber of Commerce and Industry and the ACTU, the two peak bodies, have a guaranteed say at the table to ensure we get the best possible outcome in relation to this matter. I will be supporting this bill but I support it with a considerable degree of disappointment.

The Minister for Employment and Workplace Relations and Deputy Prime Minister said that she opposed these changes because they would undermine the agreement between the Commonwealth and the states—that is, according to a report in the *Australian Financial Review* on 21 October 2008. The question has to be asked: what sort of agreement is undermined by more accountability, more effectiveness and more independence? It just does not make sense that the government is taking this approach. It does not make sense given the way the Deputy Prime Minister conducted herself during the Work Choices debate. As I said before, I think she did a magnificent job of shepherding a complex piece of legislation through the House. She listened, she consulted, and amendments were made which, I think, made the legislation much better. Even in the award modernisation process, where there have been some problems with respect to some awards, the minister has shown a willingness to intervene and to ensure that there are no adverse outcomes. That is to be commended. So I am disappointed that the minister has not gone down that path in relation to this piece of legislation.

I look forward to the Rudd government bringing forward other legislation on occupational health and safety. I am still a patron of the Asbestos Victims Association of South Australia. I know first-hand from talking to its members and from going to the funerals of people who have died of mesothelioma how important are effective occupational health and safety laws. In my time in state parliament, I moved legislation for industrial manslaughter laws. I believe that is one reform which the Commonwealth ought to undertake. To have industrial manslaughter laws in this country—and the Commonwealth has the constitutional power to do that—would be a great leap forward. I am convinced, when it comes to the disgusting behaviour of James Hardie and its executives, that had we had industrial manslaughter laws where those executives knew they would face a jail term—not just a fine, not just a bean-counting exercise where they would have to pay more compensation for the workers they killed—their conduct would have been very different. I think they would have taken that deadly product off the market much earlier, given that we knew 100 years ago how dangerous asbestos is. It beggars belief, given the mounting evidence, that asbestos was marketed by James Hardie up until 1987.

I welcome these changes—they could have been better—but until the Rudd government bites the bullet and implements industrial manslaughter laws in this country, we will not get the reforms in occupational health and safety that Australian workers deserve to protect them from rogue employers who do not give a damn about the health and safety and the lives of their workers.

**Senator ARBIB** (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (1.35 pm)—I take on board the comments from Senator Abetz, Senator Siewert and Senator Xenophon. I could not agree more with Senator Xenophon in talking about mesothelioma and asbestos and the need for workplace safety. My father was a builder in the 1970s and 1980s and he contracted mesothelioma. I remember as a young boy visiting him many times in hospital. It is a terrible illness. That
is why the Safe Work Australia Bill 2008 [No. 2] is so important in harmonising OH&S laws across the country to ensure that employees in the workplace have the safety they need. Today is the first step, putting in place the body to oversee the national harmonisation, to supervise, monitor and implement the policies. It is a big step in the right direction.

A number of issues have been raised. This has been a difficult and painstaking process. It requires the agreement of every state parliament. I commend Minister Gillard for the work that she has personally been doing in negotiating this legislation with the states to ensure that the body being introduced will have the powers and the regulations it needs to undertake the job. I understand there are some disagreements about which organisations should constitute Safe Work Australia. Obviously, that will be debated and has been debated ad nauseam, as Senator Siewert pointed out. The government understands the concerns. But I again remind the Senate that negotiations have taken place with the states. An intergovernmental agreement has been reached through COAG. These laws will have to go back through the state parliaments, and so to backtrack by making amendments now will, I think, affect future legislation in every state and will place at risk the legislation we are debating today. The government remains firm and will be opposing the amendments. I thank the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator XENOPHON (South Australia) (1.39 pm)—I move amendment (1):
(1) Page 5 (after line 5), after clause 5, insert:

5A Objects

The objects of the Act are to:
(a) achieve healthy and safe workplaces; and
(b) establish a new body, Safe Work Australia, as a genuine tripartite partnership between governments, unions and industry.

My first amendment relates to the objects of the act. It proposes a broader objective than what is currently the case. I know where I stand on this. I do not intend to divide, but this amendment and the subsequent amendment that I will move are both in relation to the membership of the body. I want to get on record what the government’s position is in relation to this. I believe the objects are broader. They are more comprehensive than what is currently in place.

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (1.39 pm)—In terms of the objects, the bill that we are currently debating is not the OH&S Act. This legislation is setting the administrative arrangements for the organisation. When the model laws come to this chamber they will have object clauses, and that is where we believe our clauses will be inserted.

Senator XENOPHON (South Australia) (1.40 pm)—Finally, in relation to the objects that have been set out to achieve healthy and safe workplaces through the tripartite partnership between governments, unions and industries, can the minister indicate that those principles are not matters that the government itself objects to in broad terms?

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (1.40 pm)—That is correct. In broad terms we do not disagree with those.

Question negatived.
Senator XENOPHON (South Australia) (1.41 pm)—My second amendment relates to clause 10, which is about the membership constituting three members nominated by the ACTU and three members nominated by the ACCI. I move amendment (2):

(2) Clause 10, page 9 (lines 9 to 12), omit paragraphs (1)(d) and (e), substitute:

(d) 3 members nominated by the Australian Council of Trade Unions;

(e) 3 members nominated by the Australian Chamber of Commerce and Industry;

This amendment is to ensure that there is a genuine partnership between the peak body of employees and the peak body of employers in this country, given their previous involvement in the administration of occupational health and safety legislation in this country.

The TEMPORARY CHAIRMAN (Senator Hurley)—Senator Xenophon, can I just clarify that you will be moving all of your amendments separately.

Senator XENOPHON (South Australia) (1.41 pm)—I will move this amendment as a test clause. I will not proceed with the other amendments in the event that this amendment fails—and it seems that it will.

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (1.41 pm)—Most of this section of the debate is already on record. The government has, through COAG, negotiated with the states an intergovernmental agreement to ensure that we get the balance right of who is actually on the board of Safe Work Australia. At the same time, flexibility is required for the minister. There may be a number of candidates who would be unacceptable to the government, and I am sure the opposition would say the same about some from the union end. So in terms of the amendment, it is not acceptable to the government. Again, it would require the states to pass this legislation through their own houses of parliament, which may place in jeopardy the legislation.

Senator FIELDING (Victoria—Leader of the Family First Party) (1.42 pm)—It is not often that the Australian Chamber of Commerce and Industry and the Australian Council of Trade Unions come together to lobby senators. I think both bodies went around to all parties in this chamber in relation to this matter. That seemed to make a fair bit of sense to me. The last time that we had this debate we insisted on the change to have three members nominated by the Australian Council of Trade Unions and three members nominated by the Australian Chamber of Commerce and Industry. It does make a lot of sense. It is not about favouring one or the other. It ensures that the two groups, which have worked for years on this issue with various governments of the day, are around the table. It would seem strange not to have them both around the table especially on matters concerning safe work. I will be interested to hear what the minister has to say about why they should not be included. He mentioned before that there will be other groups at the table. The ACCI and the ACTU are peak bodies and are widely acknowledged, and so I will be interested to hear what the minister has to say on the matter.

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (1.44 pm)—More than likely those two groups may be represented around the table, but there are other groups that would also believe that they have a place at the table—groups like the Business Council of Australia and the Australian Industry Group. This amendment would lock those groups out, which is a very good reason why we require flexibility in
terms of who is on the Safe Work Australia board.

Senator ABETZ (Tasmania) (1.44 pm)—For the purposes of the International Labour Organisation, the ACTU is deemed to be a representative and the representative body of the business organisations, and I understand that the Australian Chamber of Commerce and Industry also has a permanent representative there representing the business sector. Could the minister confirm those two matters. The other aspect of what he said in response, I think, to Senator Xenophon was not exactly rigorous and robust because, whilst it may be that you should not have the ACTU or ACCI with a complete say as to who ought to be appointed, I would have thought a nomination by the ACTU and ACCI of a person acceptable to the minister would be an appropriate course of action. For example, if the ACTU were to throw up Kevin Reynolds or Joe McDonald or Craig Johnston or somebody like that, chances are you would get a unity ticket in this place and the minister should exercise her discretion against such an appointment. But to basically allow the minister the power to cherry-pick whom she likes for whatever purposes she may have we believe is unacceptable.

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (1.46 pm)—In response to Senator Abetz, there is nothing in this legislation that contravenes ILO Convention 155. The convention stipulates that consultation must occur with the most representative organisations of employers and workers, and that is exactly what the government has done.

Senator ABETZ (Tasmania) (1.46 pm)—Can the minister advise the Senate of an organisation that is more representative of the Australian workforce than the ACTU?

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (1.47 pm)—As I have said previously, I would expect that the ACTU would be on this body, but in relation to the trade union movement and business groups there may be other organisations that believe they are entitled to a position on this body, and that would be a matter for the minister.

Senator ABETZ (Tasmania) (1.47 pm)—Is it not more the case that the minister might seek to duchess a particular employer organisation and give that employer organisation more credence and credibility so that she can pick and choose the person or organisation that she perceives to be most compliant with the government’s overall agenda? Just for the record, I did not at any stage suggest that this legislation was in breach of ILO conventions. I, in fact, asked whether or not the ACTU and ACCI were recognised as the most representative bodies of employees and employers respectively for representation at the ILO. I think you will find the answer to that is yes. If the ILO can see it, and if Senator Xenophon, Senator Fielding, the Australian Greens, the ACTU, ACCI and the coalition can all see it, it just beggars belief why the Australian Labor Party cannot see it, other than for the one fact that they want to pick and choose, cherry-pick and duchess those that they want to do the government’s bidding.

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (1.49 pm)—I totally reject Senator Abetz’s claim in terms of favouritism. The legislation makes it clear that the minister must appoint members to Safe Work Australia. The legislation also makes it clear that the appointment of members representing the interest of workers and
employers can only be made following nominations by bodies that the minister considers represent the interests of workers and employers across Australia. There are other organisations, depending on the issues, that may be relevant to being on the body. I do not believe, and the government does not believe, that we should be outlawing those bodies or organisations. The flexibility that is required is in the bill.

Question negatived.

The TEMPORARY CHAIRMAN (Senator Hurley)—Senator Xenophon, you are not proceeding with the other two amendments?

Senator XENOPHON (South Australia) (1.50 pm)—As I indicated previously, I will not be proceeding. I thank Senator Fielding for his support, but I think we know where the parties are on this.

The TEMPORARY CHAIRMAN—The question is that the bill stand as printed.

Question agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator ARBIB (New South Wales—Minister for Employment Participation and Minister Assisting the Prime Minister for Government Service Delivery) (1.51 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

HIGHER EDUCATION SUPPORT AMENDMENT (2009 BUDGET MEASURES) BILL 2009

Second Reading

Debate resumed from 19 August, on motion by Senator Chris Evans:

That this bill be now read a second time.

Senator MASON (Queensland) (1.52 pm)—Let me commence by saying that the coalition supports this Higher Education Support Amendment (2009 Budget Measures) Bill 2009, though not without some reservations. This bill essentially contains the government’s response to the Bradley review of higher education, released in December of 2008. The bill does not address all the recommendations of the review but it accords with the broad thrust of Professor Bradley’s vision for Australian universities over the next two decades. The coalition shares much of that vision. We applaud the moves to have the higher education system driven by student demand rather than by government dictate or by universities’ preferences.

We also, in principle, support the aspirations to make university education open to more Australians, including those from backgrounds that are currently under-represented at our universities. As a matter of principle, I think this is a very good thing. Universities will no doubt welcome the appropriation contained in this bill. It is not nearly as much as they would want; it is not nearly as much as the Bradley review recommended, but it will have to do.

The sad thing also is that it provides not nearly as much in realty as the government claims. Minister Gillard claims that the government is providing $5.7 billion of new money for universities. However, out of that $5.7 billion, $3 billion is taken from a massive raid on the Education Investment Fund—a fund that was designed, set up and paid for by the previous government as the Higher Education Endowment Fund. Therefore the real budget spending increases on higher education have been $1.2 billion for research and $1.5 billion for teaching. Of that $1.5 billion for teaching, only an extra $246 million in new funding for teaching measures is in the current financial year. The funding is...
significantly biased towards expenditure in 2013.

So there we have the Labor Party, in the implementation of its policy, once again raiding the piggy bank. There has been lots of spin and not nearly so much substance. But the coalition will not oppose the bill and the extra funding for universities however much it fails, yet again, to live up to the hype of the education revolution.

However the coalition is very concerned about the reforms to the scholarship system, which this bill commences but leaves unfinished to the detriment of many students around Australia. This bill abolishes Commonwealth scholarships, Commonwealth education cost scholarships and Commonwealth accommodation scholarships that help tens of thousands of students, including many from rural and remote areas, realise their dreams of attending university. While there are measures proposed in the budget to replace those scholarships, they are contained in a bill, the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009, which has not yet been introduced. The opposition believes that the Senate consideration of the current bill should be delayed until the government has introduced both bills so they may be considered concurrently—this would have made sense—instead of abolishing scholarships before the replacements are in place.

The opposition notes Ms Gillard’s half-hearted and incomplete back-down in the Youth Allowance fiasco. Ms Gillard has come to her senses, and I should congratulate rural Liberals and my friends in the National Party for their insistent lobbying on this matter. Students who had planned their gap year for 2010 will now remain entitled to seek youth allowance next year. At least they do have some certainty. Sadly, despite all her undoubted charm, Ms Gillard seems to suffer from Labor’s addiction to debt. Her embarrassing and artless description of the blow-out in spending in the Building the Education Revolution by $1.5 billion as merely ‘a bump in the road’—a mere bagatelle!—illustrates just how quickly the expenditure of $1,500 million has become loose change for this government.

I will not detain the Senate on the equally embarrassing fiasco of taxpayer funded signs being erected in schoolyards-cum-polling booths, which the Australian Electoral Commission now confirms are election material and need to be authorised appropriately. There will be further discussion on that, I understand, later today.

So putting aside, firstly, the Youth Allowance fiasco; secondly, the fiscal incompetence of the budget blow-out of $1.5 billion in the Building the Education Revolution; and thirdly, the Australian Electoral Commission’s ruling on blatant electioneering at taxpayer expense in the nation’s schoolyards, the coalition supports this bill for it portrays little of the government’s incompetence so evident elsewhere.

Senator FIELDING (Victoria—Leader of the Family First Party) (1.57 pm)—Today we are here debating the level of financial assistance we should provide to Australian kids so that they can go to university. So how do you think a clever nation would deal with helping their kids get to university? Well, a clever nation would make it easier for thousands of Australian kids so that they can go to university. So how do you think a clever nation would deal with helping their kids get to university? Well, a clever nation would make it easier for their kids to get to university, not harder. But the Rudd government is doing the opposite and making it harder for thousands of our kids to get to university. There is nothing clever about that. This is wrong. The Rudd government should not be making it harder for thousands of kids to get to university even though some other kids will get assistance through scholarships. You should not be robbing Peter to pay Paul.
The Rudd government know they got it wrong; that is why at the last minute they have exempted those kids that have taken a gap year already. But exempting this year’s gap students does nothing to fix the same problem for all those kids taking a gap year in future years. The Rudd government wants an education revolution but it is in danger of encouraging an education revolt by making it harder for our kids to get to university.

Even though the proposed change in this bill will result in more or some kids getting a scholarship, this will come at a huge cost because it will rip away assistance from other kids, and that is wrong and it is un-Australian. Robbing Peter to pay Paul is not an education revolution. So even though, by exempting this year’s gap students, the government have shown that they know they have got the policy wrong, they are now playing wedge politics by only bringing on one of the two bills that affect the level of support our kids get while studying at university.

The Higher Education Support Amendment (2009 Budget Measures) Bill 2009 which is before us now is directly linked to the forthcoming Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009, which deals with, among other things, the controversial and highly unpopular changes to youth allowance. Clearly, these two bills are directly linked and it is ridiculous that we are not debating them together. That is a shame. The Higher Education Support Amendment (2009 Budget Measures) Bill abolishes existing Commonwealth scholarships while the Social and Other Legislation Amendment (Income Support for Students) Bill provides for their replacement. I find it absurd that the government will not debate the two bills together. In fact, not only is the Rudd government not willing to have these two bills debated together; the Rudd government does not even have the guts to put all of its changes before the parliament.

Debate interrupted.

MINISTERIAL ARRANGEMENTS

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (2.00 pm)—by leave—I wish to advise the Senate that Senator John Faulkner, the Minister for Defence, will be absent from Senate question time today. He is attending the funeral of Flying Officer Michael Herbert in Adelaide. Senator Ludwig will represent Senator Faulkner in his portfolio of defence and veterans affairs and I will cover his representational responsibilities in relation to foreign affairs today.

QUESTIONS WITHOUT NOTICE

Building the Education Revolution Program

Senator RONALDSON (2.00 pm)—My question is addressed to the Special Minister of State, Senator Ludwig. Will the minister confirm that the Labor government has erected signs in schools which breach the Commonwealth Electoral Act? Has the minister sought advice as to whether the signage also breaches any state electoral act?

Senator LUDWIG—I thank Senator Ronaldson for his question. As the Senate would know, successive Australian governments have required projects funded by the Commonwealth to carry signage for the life of the project or program, identifying project details and funding sources. It has always been the convention that signs relating to government projects do not carry an authorisation message. The Nation Building Economic Stimulus Plan signs are used to mark Primary Schools for the 21st Century and science and language centre projects under the Building the Education Revolution program. The signs do carry the Nation Building Economic Stimulus Plan brand which is ap-
plied to all joint programs and information activities and to materials for projects initiated under the plan. The signs and government websites are intended to assist the public.

We have received advice from the Australian Electoral Commission which suggested that authorisations may be necessary for some signs under the Commonwealth Electoral Act, and, in light of the impending Bradfield by-election and out of an abundance of caution, I announced on 3 September that the government will affix authorisations to all signs already in place and ensure future signs are produced with authorisations. Additionally it is necessary for the government to ensure that these signs are not displayed within six metres of the entrance to a polling booth on the day of a federal election or by-election.

We have taken on board the advice from the AEC. When you look at the opposition’s position, I am advised that, under the previous government’s programs, such as Roads to Recovery, around 70,000 recognition signs were erected. Roads to Recovery signs—(Time expired)

Senator RONALDSON—Mr President, I ask a supplementary question. Minister, now that Labor has been caught out clearly and deliberately breaching the Electoral Act for cheap political purposes, will the minister give the Senate an undertaking that the government will not erect any further signs and that the 4,000 already in place will be removed within seven days? Will the minister also apologise to the Senate for misrepresenting the position in relation to the Investing in Our Schools Program in which there was no mandatory requirement for signage at all? Will the minister now apologise for indicating otherwise?

Senator LUDWIG—As the opposition quite well know, this is a matter that has now been determined by me and the AEC have provided that advice. It is one of those areas where, if you look at the previous government’s record—and it surprises me that they should raise it—and if you look at Roads to Recovery signs, they had to remain—

Senator RONALDSON—Mr President, on a point of order: the question clearly asked the minister whether, having been caught out red-handed doing this for cheap political purposes, he would now give an undertaking to the Senate that the 4,000 signs that have been erected will be removed and whether he would give an undertaking to the Senate that no further signs will be erected in the future.

The PRESIDENT—What is the point of order?

Senator Conroy interjecting—

The PRESIDENT—Senator Conroy, I am asking what the point of order is, because I heard an argument—

Senator RONALDSON—Clearly it was on the issue of relevance, Mr President.

The PRESIDENT—There is no point of order. The minister has 33 seconds remaining to answer the question.

Senator LUDWIG—the previous government actually required Roads to Recovery signs to remain on display for a minimum of one year after the completion of the project itself. Similarly, I am advised that there were 6,000 recognition signs erected for black spot projects. This government takes the issue very seriously. What we did was act on the AEC advice and—(Time expired)

Senator RONALDSON—Mr President, I ask a further supplementary question. Given that the minister has now admitted that these signs are $3.8 million of political advertising, why hasn’t this campaign been referred to the Auditor-General for evaluation, as is required by the government’s own communication guidelines?
Senator LUDWIG—The guidelines on campaign advertising apply to advertising information campaigns which involve paid placement of advertisements in the media valued at more than $250,000. The signs in question, it was deemed, do not meet these criteria. The Building the Education Revolution signage was not considered by the inter-departmental committee on communications or by the Australian National Audit Office because the signage was seen as routine advertising for operational activities carried out by a government agency.

Opposition senators interjecting—

The PRESIDENT—Order! Minister, resume your seat. When we have silence we will proceed. Senator Ludwig.

Senator LUDWIG—Thank you, Mr President. Other examples of non-campaign advertising of this type include signage for the Black Spot Program on roads and national highway projects. Of course signage similar to those has been dealt with by this government and others. (Time expired)

Economy

Senator McLUCAS (2.07 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. Can the minister advise the Senate what impact the government’s stimulus package has had on the Australian economy, in particular in relation to support for economic activity and jobs? Can the minister update the Senate on how road and rail projects are being rolled out as part of the economic stimulus plan? What would be the consequences of rolling back these road and rail projects on our economy and on long-term productivity?

Senator CHRIS EVANS—I thank Senator McLucas for her question. The economic stimulus package was needed very much to support growth. Without the fiscal stimulus Australia would now be in recession. This policy stimulus has helped support activity and kept thousands of Australians in jobs who would otherwise have become unemployed. If it were not for the government’s fiscal stimulus, the Australian economy would have contracted by 1.3 per cent over the past year. Instead, as a result of the stimulus, our economy grew by 0.6 per cent. The government stimulus has helped ensure Australia has the strongest growing economy of all the world’s 33 advanced economies. Through our road and rail investments we are supporting jobs today and also building the infrastructure we will need tomorrow. We are investing more in rail in the next 12 months—

Honourable senators interjecting—

The PRESIDENT—Order! Senator Evans, resume your seat. You are entitled to be heard in silence from both sides. Senator Evans.

Senator CHRIS EVANS—Mr President, the opposition do not like being reminded of the facts, but the facts are that we will have invested more in rail in the next 12 months than they did in the previous 12 years. We have doubled the federal roads budget. We have injected $1.2 billion into the Australian Rail Track Corporation to undertake 17 rail projects across the country. Three of these projects have been completed and a further seven are under construction. These stimulus measures are creating jobs and keeping people in employment. The thousands of people working on these projects have been able to support their families as a result of the stimulus. This has been vital for protecting jobs and vital for growing the economy, but also it has been investing in long-term productivity. These rail and road developments will allow us to continue to grow the economy through higher levels of productivity and allow us to enjoy continued economic growth. The stimulus package is working and it will be continued.
Senator McLUCAS—Mr President, I ask a supplementary question. Is the minister aware that there have been some calls for economic stimulus infrastructure projects to be cut around the country? Is the minister aware of any views, perhaps from his own state of Western Australia, on whether stimulus infrastructure projects should be cut? Can the minister inform the Senate of the consequences of cutting infrastructure investment for Australian jobs and Australia’s long-term productivity?

Senator CHRIS EVANS—I thank Senator McLucas—

Honourable senators interjecting—

The PRESIDENT—Order! Minister, resume your seat. Senator Evans, you are entitled to be heard in silence. Senator Evans.

Senator CHRIS EVANS—Senator Cormann’s best mate, the Western Australian Treasurer, Mr Troy Buswell, was on Lateline last Thursday. He is responsible for the state government of Western Australia’s economic response. When asked about the idea of cutting back the stimulus package, the Western Australian Liberal Treasurer said, ‘No, I think it would be far too premature to argue for the Commonwealth to pull back on the stimulatory package.’ So on the occasions when the opposition want to argue for this, they ought to talk to their own state colleagues. They know that the stimulus package is creating and supporting jobs in Western Australia. They know it is essential to the development of Western Australia and long-term productivity gains. I wish the federal opposition here would be more responsible and support this very necessary measure to stimulate the Australian economy. (Time expired)

Senator McLUCAS—Mr President, I ask a further supplementary question. Can the minister please provide details to the Senate about any recent stimulus projects in his own state of Western Australia, what direct support for new local jobs has been provided and what ongoing support for jobs will be created?

Senator CHRIS EVANS—Only last week I had the pleasure to launch the commencement of works for the $12 million Mirrabooka town centre revitalisation project, supported by state government investment as well but with $2.4 million of economic stimulus money from our local community infrastructure program—nation-building investment in that redevelopment. I was very surprised when we were taking the photos and doing the speeches that not only was I joined by the state government representative, the minister, but I was joined by Mr Michael Keenan, a federal frontbencher, as in this photo.

The PRESIDENT—Order! Senator Evans, it is disorderly, and you know it.

Senator CHRIS EVANS—It was good of him to join us. Joe Hockey was on the radio saying, ‘End the stimulus package,’ but here we have in this photo—

The PRESIDENT—Senator Evans, that is disorderly.

Senator CHRIS EVANS—a frontbencher right in front of one of the signs saying, ‘This is a good thing for my electorate.’ What hypocrites—vote against it but turn up for the photo and wear a silly hard hat because you know it is good for the economy! (Time expired)

Honourable senators interjecting—

The PRESIDENT—Order! Debating across the chamber at this time is disorderly. Shouting across the chamber at this time does nothing to improve question time. If you wish to debate the issue and you have a point there is a time at the end of question time to take note of answers.
Building the Education Revolution Program

Senator BARNETT (2.14 pm)—My question is to the Minister Assisting the Prime Minister for Government Service Delivery, Senator Arbib. When will the government remove the wasteful school signs which the Australian Electoral Commission has now determined to be political advertising? Has the minister sought advice as to whether the signage also breaches any state electoral laws?

Senator ARBIB—They would love to see those signs come down, wouldn’t they? They would also love to see an end—

The PRESIDENT—Senator Arbib, address your answer to the chair.

Senator ARBIB—They would love to see the signs come down because they would love to see the infrastructure stop.

Opposition senators interjecting—

The PRESIDENT—Senator Arbib, resume your seat. When we have silence, we will proceed.

Honourable senators interjecting—

The PRESIDENT—When we have silence, we will proceed! As I said, the time for debating these issues is at the end of question time.

Senator ARBIB—Thank you, Mr President. They would love to see the signs come down because they would love to see the infrastructure stopped. In their 12 years in government they neglected schools, they neglected education. We were the only country in the OECD where education funding actually went backwards. This was the Howard government’s commitment to education.

Opposition senators interjecting—

Senator Abetz—What’s on the tape?

The PRESIDENT—Order! Could you draw him back to those questions, please?

Senator ARBIB—What’s in the email?

The PRESIDENT—Order! We are not proceeding very fast through question time today because of the interjections on both sides.

Senator ARBIB—It is good to see that Senator Abetz has his mojo back after spending so much time in solitary and apologising to the Senate. He has his mojo back, and it is great to see. Congratulations, Senator Abetz. Maybe you will get an email today from Jim Byrnes?

Opposition senators interjecting—

Government senators interjecting—

The PRESIDENT—Order! On both sides there needs to be order.

Senator ARBIB—As I was saying, they had 12 years in government, and what happened to education funding? It went backwards. So when the opportunity came to invest money in schools, what did the coalition do? They voted against it. And now here we go again. All they can talk about—

Senator Barnett—Mr President, I rise on a point of order relating to relevance. The minister is three-quarters of the way through his answer and he has specifically not answered either question with respect to when these politically motivated signs will be removed and whether the electoral acts of the states and territories have been breached. Could you draw him back to those questions, please?

The PRESIDENT—Senator Arbib, you have 34 seconds remaining to answer the question.

Senator ARBIB—Thank you, Mr President. I do not accept the premise of the question. Can I just refer to the AEC release which came out on 7 September. The AEC says:

The AEC considers that the measures announced by the Special Minister of State will address the
There it is from the AEC. Case closed.

Can I say this about schools: they voted against the stimulus, they voted against every school getting funding, but—the hypocrisy—they still turn up for the actual presentations! (Time expired)

Honourable senators interjecting—

The PRESIDENT—Order on both sides! Senator Barnett, it is not fair to ask you to ask your question if you cannot be heard over some people who are being disorderly.

Senator BARNETT—Mr President, I ask a supplementary question. Minister, is the Tasmanian State School Parents and Friends president, Jenny Grossmith, right when she describes the government’s expenditure on school signs as ‘wasteful spending’? I refer to the Examiner of 4 September, page 4.

Senator ARBIB—This just shows the depth of the modern Liberal Party, and how desperate they are in trying to create an issue going into the Bradfield by-election. They have nothing, no policies. Where is their education policy? Who would know? Where is their jobs policy? Silence on the other side of the chamber, because they do not have a jobs policy. What do they want to do with the stimulus? They want to stop it; they want to roll it back.

Honourable senators interjecting—

The PRESIDENT—Order! Senator Arbib, resume your seat. Senator Barnett is entitled to hear an answer. Senator Arbib, I draw your attention to the fact that you have 30 seconds remaining to answer the question.

Senator ARBIB—So where is their policy on jobs or education? When they talk about rolling back the stimulus, what they do not tell you is what they would do. Which schools will not get school halls? Which schools will not get libraries? And which schools will not get new classrooms? Because this is what life would be like under the Liberal Party. (Time expired)

Opposition senators interjecting—

The PRESIDENT—When your colleagues cease interjecting, Senator Barnett, I will give you the call.

Senator BARNETT—Mr President, I ask a further supplementary question. Minister, is Leanne Wright, the Australian Education Union Tasmanian president, also correct when she says that the signs should not take precedence over supporting students? Why does the government continue to persist in wasting more than $7 million on these signs and the Julia Gillard memorial plaques?

The PRESIDENT—I think you should refer to someone in the other place by their correct title, Senator Barnett.

Senator BARNETT—The Hon. Julia Gillard memorial plaques, Mr President.

The PRESIDENT—Thank you.

Senator BARNETT—And isn’t this yet further proof that the government’s reckless spending is simply out of control?

Senator ARBIB—This just shows how out of touch the Liberal Party are on education in schools. Neglect on one side, but obviously they are not visiting any schools, because every school that I visit, every principal I speak to, every teacher I speak to—and let me tell you I am speaking to a lot of them—are supportive of what we are doing under the Building the Education Revolution Program. Let me tell you about one school, Berowra Public School, which I went to over a week ago.

Opposition senators interjecting—

The PRESIDENT—Order! Senator Arbib, resume your seat. I am waiting for silence.
Senator ARBIB—I went to Berowra Public School and had a look at their stimulus projects that had just begun. Guess what— they have been trying to get a school hall for 30 years.

Senator Ian Macdonald interjecting—

Senator ARBIB—There were a few Liberal governments there as well, I might remind you, Senator Macdonald. And it is a Rudd Labor government that has delivered for Berowra, a Liberal Party seat. Let’s forget the games that the coalition is playing on education. (Time expired)

Economy

Senator FORSHAW (2.23 pm)—My question is to Senator Sherry, the Assistant Treasurer. Can the Assistant Treasurer inform the Senate about the latest international efforts to help the world recover from the global recession, especially in light of the G20 finance ministers meeting in London over the weekend? How is Australia faring compared to the rest of the world? What is the view of the G20 on winding back stimulus strategies?

Senator SHERRY—Thank you for the question. This is the first parliamentary sitting since the release of the latest national accounts. It is important to highlight that the Australian economy grew by 0.6 per cent in the June quarter and 0.6 per cent for the year. The Australian economy is the best performing advanced economy in the world. It is the only one to record positive growth over the past year. There is no doubt that the Rudd government’s swift and decisive action, including the stimulus package, played a critical part.

Let’s contrast Australia with the rest of the world. In the US, the economy shrunk—it went backwards by 3.9 per cent; in the Euro area, 4.7 per cent; in the UK, 5.5 per cent; and in Japan, 6.4 per cent. If we look at the latest unemployment figures released just a few days ago in the United States, their jobless rate has increased to 9.7 per cent—that is, some 14.9 million people out of work—the highest level in 26 years. It has increased by seven million since the recession hit late in 2007. Australia has avoided this recession, but unfortunately most of the world has not.

The G20 countries—I might say, including many right-of-centre political governments—met in London and they have called for the fiscal stimulus to continue until the job is done. The German finance minister is well known as a particularly conservative finance minister from a right-wing government. He said: Everyone is convinced that we have to support the financial markets by all measures and stimulus packages which are necessary ...

The Australian government agrees. (Time expired)

Senator FORSHAW—Mr President, I ask a supplementary question. I thank the minister for informing us that the Australian economy is the best performing economy. In light of that, can the Assistant Treasurer inform the Senate what would have been the consequences for the Australian economy if the Rudd government had not taken the swift and decisive action of implementing the stimulus package?

Senator SHERRY—At least more than 200,000 Australians unemployed. Without that stimulus package we would have borne the full brunt of the world financial and economic crisis. The Rudd Labor government has taken decisive actions to cushion the Australian economy. But we are certainly not out of the woods yet and it is certainly no time to celebrate, because, despite the fact that the Australian economy is the only advanced economy that grew by 0.6 per cent, you need growth of 3.5 per cent to keep unemployment steady. Certainly, 0.6 per cent is well below 3.5 per cent, so unemployment
will continue to go up here because of the world financial and economic crisis. Unemployment will continue to rise. There are some ongoing challenges. *(Time expired)*

**Senator FORSHAW**—Mr President, I ask a further supplementary question. Can the Assistant Treasurer inform the Senate of other important measures the Rudd government is prepared to take to guide Australia through the global recession? What risks does Australia face from the short-sighted and opportunistic calls to wind back the stimulus at this time?

**Senator SHERRY**—The Rudd Labor government saw the need to deliver a fiscal stimulus to cushion the Australian economy against the worst recession in 75 years. We acted quickly and decisively, but we did not just act with respect to the short term; we also acted with respect to the medium and longer term investment in the Australian economy. That will be very important—it will be critical—as the Australian economy recovers from the impact of this world financial and economic recession. Seven dollars out of $10 of the stimulus package is invested in infrastructure—in building long-term investment, productive investment—in the Australian economy in areas that were sorely neglected by the former, Liberal government: roads, railways, ports, broadband. So the medium to longer term fiscal stimulus will ensure a stronger Australian economy as the world—*(Time expired)*

**Building the Education Revolution Program**

**Senator RYAN** (2.28 pm)—My question is to the Minister Assisting the Prime Minister for Government Service Delivery, Senator Arbib. Will the minister confirm that Labor-held metropolitan seats received, on average, double the amount each of funding compared to coalition-held metropolitan seats under the science and language centre component of the so-called Building the Education Revolution program?

**Senator ARBIB**—I am very happy to be able to speak about the science and language centres because this is a fantastic part of Building the Education Revolution. When you talk about productivity—the productivity of schools, the productivity of the stimulus package—this is one area in particular which will provide a great deal of productivity for the economy. That is what education does. Again, the Liberal Party neglected education. This government is taking it up.

The government committed itself to deliver 500 science and language centres. We will deliver 537 of those. Senator Ryan would, I am sure, be aware that there was a comprehensive and competitive application process to determine which schools would receive funding under the science and language centre element of the BER. An independent assessment panel was established to assess almost 1,500—

**Senator Fifield**—Name them.

**Senator ARBIB**—I will name them, Senator Fifield. You wait for that; I will name them, all right. An independent assessment panel was established to assess over 1,500 applications against clear criteria. The assessment panel consisted of Steve Carter from the Australian Council of Social Service, Andrew Blair from the Australian Secondary Schools Association, Bill Daniels from the Independent Schools Council of Australia, the Director of the Research Centre for Languages and Cultures, Angela Scarino, and former Chief Scientist—

**The PRESIDENT**—Order! Senator Bob Brown is on his feet.

**Senator Bob Brown**—Mr President, I do not know whether you are unable to hear the interjections down here, but I cannot hear the answer because of those interjections. I ask to be able to hear the answer to this question.
The PRESIDENT—You are entitled to hear the answer to a question, Senator Bob Brown. Sometimes there are interjections from down that end of the chamber which do not reach me, but you are entitled to hear the answer. Senator Arbib, you will be heard in silence.

Senator ARBIB—I can again confirm to Senator Brown that an independent assessment body was set up. The panel consisted of Steve Carter from the Australian Council of Social Service, Andrew Blair from the Australian Secondary Schools Association—(Time expired)

Senator RYAN—Mr President, I ask a supplementary question. The minister was unable to answer that first question, but he may be more able to answer the second given his background and priorities. Will the minister further confirm that Labor-held marginal seats receive almost $1 million more each, on average, than coalition-held marginal seats under the same program?

Senator ARBIB—I cannot confirm that figure, no. But what I can confirm is that it was an independent assessment. The Liberal and National parties may not know what an independent assessment is. Certainly, their record in government shows that there was not much independence in terms of assessing infrastructure. This government, though, took a stand. We did have an independent assessment and also—

Senator Ryan—On a point of order, Mr President, and it is my first: I believe the minister started his answer by saying he cannot confirm that. Shouldn’t that be the conclusion of the answer?

The PRESIDENT—There is no point of order. I cannot tell a minister how to answer a question. Senator Arbib, have you finished the answer to the question that was asked?

Senator ARBIB—As I was saying, Mr President, it was independently assessed. I do want to finish saying who was on the panel. The other members of the panel were the Director of the Research Centre for Languages and Cultures, Angela Scarino, and former Chief Scientist—the actual Chief Scientist—James Peacock. That was the group that was involved in the assessment, and this was done on the basis of disadvantage. That was one of the key criteria: disadvantage. Again, Labor is delivering for schools; Labor is making a more productive country. The Liberal and National parties neglected schools for 12 years. (Time expired)

Senator RYAN—Mr President, I ask a second supplementary question. Given that the minister has mentioned the panel, did the government accept the advice of the department and the panel in the case of each and every project, and will the minister give a commitment to the Senate that no advice from the department was overturned by the minister in the case of allocating funding or otherwise determining projects? Furthermore, will the minister give a commitment that, in considering these applications, applying funding and making announcements regarding these projects, no discussions were had between his office or the department on the one hand and the ALP national secretariat and its staff or any of the respective state ALP secretariats and their staff on the other?

Senator ARBIB—Maybe that is how it used to work under the Liberal Party, but it certainly does not work that way under the Labor Party and the Rudd government. That is an insulting question and it shows the depths—

The PRESIDENT—Order! The time for debating these issues is at the end of question time.

Senator ARBIB—It amazes me that the Liberal and National parties voted against these science and language centres. They voted against disadvantaged schools receiv-
ing the funding, yet they have the absolute hide—

Senator Ryan—Mr President, on a point of order: the minister has had more than half the time allocated to answer the question, and he is not even getting close to being directly relevant to the question, which was: did the government accept the advice of the panel in each and every instance?

Senator Conroy—On the point of order: Minister Arbib’s answer was certainly relevant to the question. I would, however, point out to him that, if he was going to be truly relevant, he would have to name Senator Eggleston, Senator Minchin and all those other Liberal cronies that sat in there carving up—

The PRESIDENT—Senator Conroy, resume your seat. You are debating the issue. There is no point of order. Senator Arbib, you have 27 seconds remaining to answer the question.

Senator ARBIB—What I can confirm is that this was not the regional rorts program that the Liberal and National parties presided over during their term in government, when the money was going out the door. I remember driving down through Bondi, and there it was: Roads to Recovery. There is the highway right along Campbell Parade!

Senator Birmingham—On a point of order, Mr President: with five seconds left on the clock, the minister has time to give a yes or no answer and be directly relevant to the question asked by Senator Ryan, which was: did he accept the advice of the panel in relation to these grants on each and every occasion? If he needs a whiteboard to help answer yes or no, I am sure it can be brought in.

The PRESIDENT—Senator Birmingham, you cannot debate the question. Senator Ludwig, I am going to rule that there is no point of order because I cannot instruct a minister how to answer a question. It is not within my province. The minister is addressing the question, but I cannot tell the minister how to answer the question.

Senator ARBIB—If Senator Ryan had understood, I am not the Minister representing the Minister for Education; that is Senator Carr. He should have answered the question. (Time expired)

Honourable senators interjecting—

The PRESIDENT—Order! When there is silence we will proceed.

Timor Sea Oil Spill

Senator SIEWERT (2.38 pm)—My question is to the Minister representing the Minister for the Environment, Heritage and the Arts, Senator Wong, and concerns the Montara oil spill in the Timor Sea. Could the minister please inform the chamber as to the current size—

Honourable senators interjecting—

The PRESIDENT—Order! I could not hear the start of that question because people immediately broke into disorderly conduct across the chamber. Senator Siewert is entitled to be heard in silence so that the minister can hear her.

Senator SIEWERT—Could the minister inform the chamber as to the current size of the oil slick? On 29 August it was around 3,000 square kilometres. On 30 August it was 6,000 square kilometres.

Honourable senators interjecting—

The PRESIDENT—Order on both sides! Senator Siewert is entitled to be heard and the minister is entitled to hear the question. It is just basic fairness and equity.

Senator SIEWERT—According to the official Australian Maritime Safety Authority figures, on 30 August the size of the slick was 6,000 square kilometres. Could the minister please inform us as to the current size of
the slick? Also, could the minister inform us as to where the minister for the environment got his figure for the amount of oil spilling into the environment of 300 to 400 barrels per day?

Senator WONG—I thank Senator Siewert for her question. In relation to the first issue, which was the size of the slick, the brief with which I have been provided indicates that as of 2 September the oil slick is some 70 nautical miles by 20 nautical miles in size, with approximately 25 per cent of the area covered in patches of oil and sheen. Obviously this is a deeply concerning incident. The lead agency, as the senator is probably aware, is the Australian Maritime Safety Authority. However, obviously this has involved other government agencies, including the Department of the Environment, Water, Heritage and the Arts. I am also advised that the department of the environment is working closely with AMSA and relevant Commonwealth and state agencies to ensure appropriate measures are in place to respond to any impact on wildlife from the spill.

The senator is probably aware that emergency response measures have been in place since the uncontrolled release began on 21 August. It is a matter clearly of great concern to many people and also of great concern to the minister for the environment. For this reason and others, obviously, the department has been fully engaged in responding to the unfolding environmental threat. I can also advise that Minister Garrett has personally flown over the site to consider the extent of the spill firsthand and spoken personally with officers working to monitor and respond to it. Clearly this is an issue of great concern.

The senator also asked about where the minister got information regarding the number of barrels, I think. I do not appear to have that information, so I will pass that on to the minister for the environment and see if I can provide an answer. (Time expired)

Senator SIEWERT—Mr President, I ask a supplementary question. I thank the minister for her answer and thank her for taking the issue around how many barrels of oil are entering the environment per day on notice, seeing that the company has not said publicly how much is entering the environment. Could she also perhaps give us the government’s best estimate of the amount of oil that will be entering the environment during the period of this leak, which is up to eight weeks, according to the company?

Senator WONG—I think the question was a request to take on notice the amount entering the environment. I have indicated that I do not have—

Senator Bob Brown—You don’t know the answer to that question?

The PRESIDENT—Senator Brown!

Senator WONG—If Senator Brown could possibly allow me to finish my answer, I understood that Senator Siewert was asking me to take on notice a bit more detail from the first question. I will do so. I thought the first question—

Senator Bob Brown—But you don’t know now?

Senator WONG—Have you finished, Senator Brown?

The PRESIDENT—Order! Senator Wong, just address your answer to the chair, as you are supposed to.

Senator Siewert—If I could clarify, I was making an assumption that, because the minister could not tell us where the figure of 300 to 400 barrels per day came from, she would not know the full amount entering the environment, so I was giving her the courtesy of putting the question on notice.

Senator WONG—And I am doing the courtesy, if the Leader of the Greens would
allow me to finish my answer, of indicating to the senator that I am happy to take that on notice.

Senator SIEWERT—Mr President, I ask a further supplementary question. I am also concerned about the impact of this spill on the wildlife and the 12 endangered and vulnerable species that the company lists as present in the area. Could the government inform the Senate as to what processes have been put in place to protect these species and can they guarantee that none of these species will be impacted by this spill?

Senator WONG—I can indicate that I have advice in relation to the reports of affected wildlife off the Kimberley coast. I am advised the matter is currently being pursued by the Western Australian Department of Fisheries, as the area in question falls within the state’s jurisdiction. I am further advised that the department—and I assume that that is the Western Australian department—has engaged an expert who coordinated the oiled wildlife response to the Moreton Bay spill earlier in 2009 to undertake a flight over the affected area and to prepare a preliminary wildlife response plan.

I also am advised that a wildlife response plan has been prepared by the department, based on expert advice. The plan details current actions being undertaken using resources provided by the Australian Customs and Border Protection Service command based at Ashmore and Cartier reserves, as well as actions to be undertaken in the event that any oiled wildlife is found. Two experts are travelling to these reserves to undertake on-ground assessment of wildlife, and trained Customs officers—(Time expired)

Workplace Relations

Senator CASH (2.44 pm)—My question is to the Minister representing the Minister for Employment and Workplace Relations, Senator Arbib. Does the government stand by the guarantee given by the Deputy Prime Minister that no worker would be worse off under Labor’s IR changes?

Senator ARBIB—The Rudd government was elected to kill Work Choices and that is exactly what we have done. We have passed three acts: the first stopped hated AWAs and commenced award modernisation; the second created the Fair Work system; and the third dealt with transitional and consequential issues. Interviewed on Sky TV in March last year, the Deputy Prime Minister said: Australian workers are better off now and we have abolished the laws that enabled the making of award-stripping AWAs the most hated bit of Work Choices.

As part of our reforms we are modernising the award system, replacing literally thousands of awards with 130 simple, modern awards. And every step of the way we are protecting the interests of employees and employers. In line with protecting those interests, the AIRC has struck a balance from the diverse arrangements that apply and have developed awards from the existing conditions and community standards with wide application in the relevant industry. The commission is utilising the scheme we laid out in the Fair Work legislation to make sure there is a measured and orderly transition to modern awards. We have provided a full five-year phase-in period so that employers and employees would gradually move from old state awards to a new modern award. The commission is using that period.

Opposition senators interjecting—

The PRESIDENT—Order! Senator Joyce, it seems as if you are the source of some of the interjections that are causing difficulties for people listening at that end of the chamber.

Senator ARBIB—As I was saying, we provided a full five-year phase-in period so that employers and employees would gradu-
ally move from old state awards to a new modern award. The commission is using that period. For employees we took a belt and braces approach to making sure that modern awards would provide them with a fair, comprehensive and secure safety net of employment conditions that they can rely on and to ensure that they are not disadvantaged. (Time expired)

Senator CASH—Mr President, I ask a supplementary question. Is the National Secretary of the Australian Workers Union, Paul Howes, correct when he states that casual employees in the offshore oil and gas industry will have a 75 per cent pay cut as a result of Labor’s so-called award modernisation process?

Senator ARBIB—I am actually amazed that a Liberal Party senator from Western Australia is quoting a trade unionist in a positive sense. The whole world is going to stop! I cannot believe it. They actually care about the workers for once.

Opposition senators interjecting—

The PRESIDENT—Order! When there is silence we will proceed.

Senator ARBIB—It is great to see that the Liberal Party has finally had a conversion on the road to Damascus. They are now the champions of workers in terms of award modernisation! What a load of rubbish. The truth is—

Honourable senators interjecting—

The PRESIDENT—Senator Arbib, resume your seat. When there is silence we will proceed.

Senator ARBIB—Paul Howes, the secretary of the AWU, was talking about potential. What Mr Howes and the government have said is that any worker who believes they are disadvantaged can take out a take-home pay guarantee order through Fair Work Australia. That is what will guarantee them— (Time expired)

Senator CASH—I have a further supplementary question. Given that Labor’s award restructure will leave some workers worse off and at the same time increase costs for small business, and given the concerns expressed about the process by the independent Industrial Relations Commission, will the government now, finally, suspend the award restructure process, as we have been urging for some time?

Senator ARBIB—As I was saying, there are take-home pay orders that can be granted by Fair Work Australia which will put in place guarantees on employee entitlements and conditions. But it quite amazes me that for 12 years the coalition talked about reform—they talked about this reform of simplifying awards, they talked about getting rid of the duplication, they talked about micro-economic reform—but in the end what did they do in this field? Absolutely nothing. They did not take it on. The reform was too hard. They have left it to the Labor Party. They want us to do the hard work.

Opposition senators interjecting—

The PRESIDENT—Senator Joyce, I do not think that I need to point out to you again that it is disorderly to interject constantly throughout question time. There are others around you who might want to listen to the answers in question time. I do not know if you are interested, but there are others who are.

Senator ARBIB—This is a huge reform; it is a massive reform. It has big implications for business. It will reduce costs for business because it will reduce red tape and simplify an extremely difficult system. The coalition has given up on representing small business. They only care about their own interests, and that is getting back into government—that is all they care about. (Time expired)
Economy

Senator CAMERON (2.52 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Can the minister inform the Senate of the outlook for Australian industry? How will this be affected by the continuing global recession? What evidence is there of worldwide recovery? In particular, what are the implications for employment? How does the Australian situation compare with circumstances in other countries, including the United States and countries in Europe? Given that employment impacts are generally felt for some time after changes in economic conditions, is it realistic to assume that no further action is required to support the jobs of Australian workers? Is this the right time for the government to abandon its stimulus strategy?

Senator CARR—I thank Senator Cameron for that question. Senator Cameron, it is abundantly clear—even to those opposite—that the figures speak for themselves. The International Monetary Fund is predicting that the global economy will shrink by 1.4 per cent this year. Yet the coalition tells us that there is no crisis. Thanks to this government’s stimulus package, Australia was the only advanced economy in the world to grow in the year to June—the only one. Yet the coalition tells us that this government’s stimulus package was not needed. Senator Cameron, you know that Australia workers know better. The global recession has already cost Australian jobs. Our unemployment rate stands at 5.8 per cent. This is unacceptably high. But it would be much higher if the government had not acted quickly and aggressively to shield Australia from the worst effects of the downturn.

If we look at what is happening in other parts of the world, we see that unemployment is running at 9.7 per cent in the United States. It is running at 9.5 per cent in the Euro zone. Are these the types of figures that we should expect from the coalition when they say they want to see that happen in Australia? On Saturday, the head of the IMF warned that the rising levels of unemployment represent the third wave of a global recession, following the financial crisis and the economic downturn. He stressed that it was too early to abandon the stimulus measures and he urged governments to go on supporting demand until private demand is strong enough. And this is precisely what this government is doing.

Senator CAMERON—Mr President, I ask a supplementary question. Can the minister inform the Senate how the manufacturing sector in particular has been affected by the global recession? How has the government’s stimulus strategy assisted Australian manufacturers and manufacturing workers? How does the performance of manufacturing in this country compare with what is happening elsewhere? Can we expect to see growth in the manufacturing sector as the world emerges from recession? How important is it for Australia to retain skills and capability in the industry?

Senator Ronaldson—I couldn’t understand a word of that.

Senator CARR—It is a pity that the opposition could not understand a word of that, because we know that manufacturing is still under a lot of pressure. The opposition has not got a clue when it comes to what is happening in the Australian economy. Australia lost eight per cent of its manufacturing workforce between the last cyclical peak in February 2008 and May this year. This is a measure of how hard the global crisis has hit this critical sector. And yet even here the government’s stimulus measures, combined with effective partnerships between companies and workers, have ensured that we are
travelling much better than many other countries. Compare that to the United States, which lost 13 per cent of its manufacturing workforce in the year to June. The Australian Industry Group’s index on the performance of manufacturing rose to 51.7 points in August, which means that the sector is now growing again. \(\text{(Time expired)}\)

**Senator CAMERON**—Mr President, I ask an additional supplementary question. Can the minister inform the Senate what the government’s stimulus strategy has meant to Australian industry? What are the design principles underlying the strategy? Has the timing and scale of the government’s response been appropriate? Would an alternative approach have been more effective?

**Senator CARR**—Australia’s stimulus strategy has worked. It has been timely, targeted and incredibly effective. It has helped keep the lights on in thousands of businesses and it has helped keep thousands of workers in jobs. We are entitled to know which part of that picture the coalition does not support. What are those opposite really about in terms of measures that they are prepared to support? They say that Australia did not need a stimulus package. We now see that even the coalition must be beginning to understand that action was needed. They have said that the government has done too much. They are now trying to tell us that the government has been spending too much. They have been opposed to action all along, and we now see a divided opposition. \(\text{(Time expired)}\)

**Workplace Relations**

**Senator BIRMINGHAM** (2.59 pm)—My question is to the Minister representing the Minister for Employment and Workplace Relations, Senator Arbib. Given the minister, in response to Senator Cash, refused to confirm the statements of the Deputy Prime Minister that no worker would be worse off under the award modernisation process, does the minister at least stand by the statements of the Deputy Prime Minister that, under the award modernisation process, no costs for employers will increase?

**Senator ARBIB**—I finished by talking about the reform that award modernisation will bring and the benefits it will bring to business, especially small business. This has been a complaint that Australian businesses have had for many decades. They have talked about the thousands of awards, the criss-cross all over the country, the duplication and the red tape and they have requested a simpler system. That is what award modernisation is about. That is what we are attempting to do: the more than 2,400 awards coming down to under 150. That is going to bring absolute benefits to employers. As Senator Fisher knows because she has asked these questions many times, we have been working with industry and business to ensure that this is done in an orderly and responsible fashion.

**Honourable senators interjecting—**

**The PRESIDENT**—Order! Wait a minute, Senator Arbib. Because of the noise around you, people cannot hear your answer. You may continue now. I draw your attention to the question. You have 46 seconds remaining.

**Senator ARBIB**—We have been working with employers—big business, small business and medium-sized business—to ensure that this is done in a very responsible and methodical fashion, because these issues are extremely complex. I assume that is why the Liberal Party decided not to deal with them for their 12 years in government. They claim to be the champions of reform. They claim to be the champions of microeconomic reform but when they had the chance to act they failed. We have provided a full five-year phase-in period so that employers and employees would gradually move from old state
awards to a new modern award. I am happy to say that the AIRC has adopted— (Time expired)

Senator BIRMINGHAM—Mr President, I ask a supplementary question, given the minister would not confirm that there would be no increased cost to employers. Is the minister aware of representations from agricultural and country show societies, whose core trading times are almost exclusively on weekends, that the government’s award rationalisation has the potential to effectively destroy hundreds of shows, thousands of jobs and millions in turnover for them? Will the government take the same action to protect agricultural and country shows by recognising core trading times, as it did for the restaurant and catering sector?

Senator ARBIB—I am glad that Senator Birmingham has actually mentioned the restaurant and catering industry, because the government did work cooperatively with that organisation to ensure that the award modernisation process worked for that sector. We have had numerous discussions—

Opposition senators interjecting—

The PRESIDENT—Order! I need to hear the answer.

Senator ARBIB—They do not like actually hearing the answers today. They are off on their own game plan. We have been working with the horticultural sector and we have also been working with the agricultural show sector to ensure that the award modernisation program does not adversely affect their operations. That will be work that we will continue. We are doing this in a manner that is providing balance and fairness for workers and employers. That is what award modernisation is about, and there will be savings for businesses at every level. (Time expired)

Senator BIRMINGHAM—Mr President, I ask a further supplementary question. I note the minister’s last words that there will be savings for businesses at every level. Will he give an assurance and match the Deputy Prime Minister’s earlier commitment that no business will face increased costs? And, if he will not give that assurance, how many other industries or groups, like the agricultural and country show sectors, will be disadvantaged by award rationalisation? Will the minister stand by the words and the assurances of the Deputy Prime Minister?

Senator Sherry interjecting—

The PRESIDENT—Senator Sherry, it is difficult to hear the questioner when you are shouting. Senator Birmingham, repeat the last part of that question.

Senator BIRMINGHAM—The last part of the question was very clear. Will the minister stand by the words of the Deputy Prime Minister that no business will be worse off?

Senator ARBIB—As I have said in my answer, the government is working closely with business and the horticultural and agricultural sectors to ensure that award modernisation proceeds smoothly, to ensure that costs are minimised and that employees benefit from the process. This is a reform that has taken too long to get to and this government is proud of the work that we are doing: 2,500 awards down to fewer than 150. That is a reform that is worthwhile. That is in the interest of the country, business and employees. This will add to the productive capacity of this country. I am proud of what the Deputy Prime Minister is doing. I am proud of the reform. Again, Labor is acting on something that the coalition thought for 12 years was too hard.

Senator Chris Evans—Mr President, I ask that further questions be placed on the Notice Paper.
QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS

Indigenous Communities

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (3.06 pm)—I seek leave to incorporate into Hansard a further response to an answer I gave to a question from Senator Payne on 18 August regarding the SIHIP.

Leave granted.

The answer read as follows—

Additional response to the part of question taken on notice from Senator Payne on August 18, 2009

‘The construction of the first house under SIHIP is likely to be completed on Groote Eylandt by the end of 2009, barring an early start to the wet season, or other unexpected events.’

Swine Influenza

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (3.06 pm)—I have a response to Senator Xenophon, who asked me, as Minister representing the Minister for Health and Ageing, a question during Senate question time on 13 August 2009 which went to what contingencies have been put in place by the government in relation to ensuring the health of those 300,000 Australians who would be allergic to the CSL vaccine. I seek leave to incorporate the answer in Hansard.

Leave granted.

The answer read as follows—

SENATOR XENOPHON asked the Minister representing the Minister for Health and Ageing, during Senate Question Time on 13 August 2009:

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

SENIOR LUDWIG—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

The Pandemic HINI Influenza Vaccine (Panvax HIN1 Vaccine) is manufactured by CSL Limited using the same process as their seasonal influenza vaccines. The production process involves inoculating the virus into hens’ eggs and extracting the virus for inactivation and purification for vaccine production. All seasonal influenza vaccines currently used in Australia use egg-based production methods. Such methods have been in use for over 50 years and have an excellent safety record.

As traces of egg-derived protein can remain after purification, people who have very severe (anaphylactic) sensitivity to eggs should not be given Panvax HIN1. People with milder forms of egg allergy may be able to be vaccinated safely and should discuss the risks and benefits of having Panvax H1N1 Vaccine with their doctor.

Flinders Medical Centre is one of a number of researchers and vaccine companies using new technologies to develop non-egg based vaccines. None of these vaccines are registered for use in Australia and no vaccine company has applied for registration for use in this country.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Workplace Relations

Senator FISHER (South Australia) (3.07 pm)—I move:

That the Senate take note of the answers given by the Minister for Employment Participation (Senator Arbib) to questions without notice asked by Senators Cash and Birmingham today relating to the award modernisation program.

The government made a promise; it promised the Australian people that its workplace relations reforms would not jeopardise jobs.

The government promised the Australian people that its award overhaul would not increase costs for employers and would not disadvantage workers. The government made this promise repeatedly. The government requested the Australian Industrial Relations Commission to implement its promise. The
government did this repeatedly in the face of warnings from experts—its very own experts in the sense of their being the experts who helped to advise the government about the implementation of its workplace reform programs. Professor Andrew Stewart, for example, has been warning the government publicly in committees of the Senate of the ‘shortcomings’ and ‘tensions’ inherent in its promise. Professor Stewart has said very clearly that ‘standardisation’ or ‘averaging’ inevitably means disadvantage somewhere.

In the face of these warnings the government has persisted in repeating its promise. The problem with its promise is that the government’s award overhaul is forcing ‘one size fits all’ and it is a fit that bodes badly for many. They are forcing wine-grape-growing farmers to face the same award faced by wine retailers. They are forcing country shows to be covered by the same award that covers Luna Park. They are forcing country and metro delis to be covered by the same award that would apply to Coles and Woolies. I have not seen a petrol bowser at my metro deli!

The government’s workplace award overhaul is foisting penalties on industries that have little choice, little control, in their working hours. The government, the Deputy Prime Minister, does not control when a zucchini ripens and needs picking, when a lettuce goes limp, when customers want to go to restaurants and cafes and when people want to go to country shows. The Deputy Prime Minister is working that out, so she has intervened to give some industries assistance: the restaurant and cafe sector, the horticultural sector and others. The government knows that other industries face the same challenges and they deserve the same deputy prime ministerial intervention to ensure that the government’s promise is kept.

What of the promise? The small business minister, Craig Emerson, told the press last week, ‘The commission is ensuring that any cost increases are minimised’—concession: there will be cost increases!—‘for businesses so that they are phased in over that five-year period.’ Well, Minister, come on! Delayed jobs death is still jobs death. A promise broken in five years is still a promise broken. The Prime Minister tries to say, ‘Oh, it was not a promise; it was an objective.’ Well, Prime Minister, an objective is a goal, and the Prime Minister knows the government has kicked an own goal.

They did this in the face of their own experts telling them there was tension inherent in their promise. They kept on repeating it and now it is incumbent upon the government to keep it. Delaying jobs destruction for five years is still jobs destruction. The Deputy Prime Minister must immediately intervene to help those other industries that are facing the same cost challenges as the industries that she has already intervened to help. Country shows, arguably, got to first base in the commission on Friday. The commission recognised that country shows can have their own award, but they, like restaurants and cafes and like horticulture and call centres, have only got to first base. There is a long way to go before those industries get home, and there is a long way to go before the government keeps its promise that its bungled award overhaul will not cost jobs, will not increase costs for employers and will not disadvantage workers. The government should suspend its bungled award overhaul until it can work out how to keep its promise.

Senator HUTCHINS (New South Wales)
(3.12 pm)—It is interesting to follow Senator Fisher, who used to work in the office of Minister Peter Reith—

Senator Fisher—And proud of it!
Senator HUTCHINS—So you should be. We, too, are very glad that you worked there because in the end you assisted us in having one of the most magnificent electoral victories we have had in modern history. Thank you very much, Senator Fisher, and all of you other coalition characters. You would think, from what you were telling us here today, that you had some sympathy for those workers you were talking about. There is no way in the world that these people have any sympathy for those workers that Senator Fisher referred to.

There is a lady who worked in a firm named Spotlight in Coffs Harbour, New South Wales, who was a member of her union and had been a lifelong Liberal voter. As a result of the changes effected by Senator Fisher’s government, that lady never voted Liberal again. In fact, she was one of the people who were in our election campaigns saying that we would tear up and destroy Australian workplace agreements. That is exactly what we did. But, Senator Fisher, don’t come in here and say you have got any sympathy for these people who may be underpaid or low paid. You have no sympathy for them at all because we have seen you in action—

Senator Fisher—Have you told them about their jobs?

The DEPUTY PRESIDENT—Order! Senator Hutchins, would you please address the chair. And, Senator Fisher, you were heard in silence and I think Senator Hutchins should be afforded the same courtesy.

Senator HUTCHINS—As I was saying, regarding Senator Fisher in her previous role: we know exactly where she came from. We knew that the coalition wanted individual workplace agreements. We knew that they really wanted to have them as they were: stripped down to a minimum number of guarantees. They really wanted to make sure that the workplace was solely and wholly controlled by the employer so that he or she—the employer—could do exactly what they wanted to do with the wages and conditions and the benefits of those workers.

The coalition might have far more honourable men and women on that side who might have a bit of credibility when they get up and speak on these issues, but certainly not Senator Fisher—not someone who was cloned in Minister Reith’s office, not someone who was responsible for some of the most destructive and debilitating actions by a coalition government in industrial relations since the Great Depression. So don’t come in here, Senator Fisher, and cry crocodile tears on behalf of these people, because you don’t believe it. Mr Deputy President, she does not believe it. She does not believe anything other than that the power in the workplace should be in the hands of the employer, not the employee. She does not believe in a compulsory arbitration system. She did not argue that at all in her earlier contribution. She does not believe in any of that. And, as I said, she does not believe in any of the other things that she was carrying on about in relation to low-paid people.

We went to the last election saying we would abolish Australian workplace agreements, and we did. There has been a great sigh of relief in the community, from men and women who have been put in positions where they have had to accept what the boss showed them or they would get it in the neck. That has changed. At the moment we are in the process, as we said when we went to an election on this, of a five-year phase-in period. We also said that we would have these transitional arrangements, and that they would go through Fair Work Australia. We could not have been any clearer when we went to the last election. The Prime Minister, when he was Leader of the Opposition, made it very clear what our industrial relations
policy was. When men and women went and voted they knew exactly what they were voting for. The trade unions who negotiated with the then Labor opposition knew exactly what they were prepared for. So no-one can come into this place and cry crocodile tears, like Mr Reith’s clone did, and suggest—

The DEPUTY PRESIDENT—Order! I think you should be careful with what you are saying, Senator.

Senator HUTCHINS—Well, Senator Fisher. Senator Fisher argued that this would not bring anything new to the people involved. We are introducing a system that we believe will be fair for the employee and the employer. We have done this with a significant amount of consultation. We are trying to reduce the number of awards. This is not easy—indeed, Senator Fisher highlighted some of the difficulties—but it will be done, because that is exactly what we said we would do. We said, when we went to the election, that this was our policy. And just like that lady in Spotlight in Coffs Harbour, who voted Labor for the first time in her life, there are many hundreds of thousands more people who did that—and I would like to thank you very much for that, Senator Fisher. (Time expired)

Senator BIRMINGHAM (South Australia) (3.17 pm)—I rise to continue this debate taking note of the answers given by Senator Arbib. I do so following Senator Hutchins, who I know spent an inordinate amount of time talking about what Senator Fisher, my good friend and colleague, may or may not believe. He wanted to spend a lot of time talking about how the government had represented this policy to the Australian people. Well, let’s talk about what people might believe, and how the government may have represented this policy to the Australian people—because indeed the Australian people now know that they cannot believe the word of this government. This government went to the last election promising, as of course it did on so many other issues, some type of magic pudding formula with its award modernisation process. It was telling people, in clear and black-and-white terms, in words from the Deputy Prime Minister—the then deputy Labor leader, the Hon. Julia Gillard, no less—that no worker would be worse off and that no employer would face increased costs. This was the formula. This was what the Australian people were told in the lead-up to the last election. This is what they were told about award modernisation. These are the facts that Senator Hutchins so glibly overlooks.

Look at what the Australian Industrial Relations Commission came out and said, when it reached one of the first stages of this process last week. It said:

... it is clear that some award conditions will increase leading to cost increases and others will decrease leading to potential disadvantage for employees ...

There we have it, in the commission’s own words. In less than one sentence it has shown to be false two promises made by this government about its award modernisation process—shown to be false the fact that there would be no increased costs to employers; shown to be false the fact that no employee would be worse off. So Senator Hutchins should not dare come in here and talk to the coalition about what we may or may not believe on this side, because we know that when we went to the last election with our industrial relations policies in place we were representing an honest and true system to the Australian people. The other side were representing a con job. That is what the Australian people got from the industrial relations system that this government is trying to implement.
So, what will we get from award modernisation? What do Australian industries face? Let us look at what some of the stakeholders believe to be the case. The retail sector predicts increased labour costs of up to 22 per cent—a threat to 1½ million retail workers around Australia. Those on the other side want to talk about jobs. I have 1.5 million of them here in the retail sector that are under threat from this process. The fast food and takeaway sector believe it could cost them more than $600 million, with thousands more jobs at stake. The Pharmacy Guild, and the pharmacy sector, can see thousands of jobs at stake from a 10 to 20 per cent increase in costs. Aged-care associations, particularly in my home state—and your home state, Mr Deputy President—of South Australia, see significant cost pressures as a result of the award modernisation process. Those aged-care businesses will face an increase in costs of between 10 and 20 per cent. They have come to see me. They have talked to me about their concerns—and the concerns are that it will impact directly on the care given to older Australians in those aged-care facilities, that it will hit their bottom line, that it will hit their costs and that as a result they will not be able to deliver the same quality of care to older Australians, because of this government’s breach of its promise. And we see the hospitality sector facing increased costs.

Senator Arbib likes to come in here and say: ‘We’re working with industry and employer groups. We’re working with them to go through these issues.’ Well, they have to be dragged kicking and screaming to the table every time. When it came to the hospitality industry, it took story after story on the front page of the Australian and other newspapers and intense lobbying from the Restaurant and Catering Industry Association before the government would agree to recognise that, lo and behold, the core trading times of the restaurant and catering sector happen to be evenings and weekends. Blow me down! Like you couldn’t see that one coming! The agricultural and country shows sector, after-hours pharmacies and all of these businesses with core trading times that are not nine to five Monday to Friday are the challenges this government needs to face up to. It needs to recognise that it has misled the Australian public and change this policy.

Senator BILYK (Tasmania) (3.22 pm)—The opposition harped on about the industrial relations changes for at least two rounds of estimates and they have started up again this week. The Rudd government was elected on the back of killing off Work Choices, which the Australian people no longer wanted. The Rudd government is trying to implement a modern national economy, and we can no longer afford to have thousands and thousands of complex and outmoded industrial instruments that stop at state borders. That is why, just as the standard rail gauge was, award modernisation is an important national reform.

But of course those hypocrites on the other side, who spent years not worrying—

The DEPUTY PRESIDENT—Order! Senator Bilyk, you must withdraw the term ‘hypocrites’. It is unparliamentary.

Senator BILYK—I withdraw the term. Those on the other side, for the many years that they were in government, did not care about working Australians—the same working Australians I represented in my previous employment. I saw, day after day, the impact of their government’s choices on those working Australians, the working men and women of Australia, who voted for the Rudd government because they had had enough of the now opposition’s industrial relations system.

Those opposite are just grandstanding again. They come into this chamber and they grandstand and talk as though they care
about people. They do not; they care about themselves. We have seen how they treat workers. We watched the implementation of balaclavas and dogs on the wharves. We have seen that sort of thing. The rest of Australia has seen it. They have no support for workers. They do not even accept the need for the stimulus package, which is the greatest way to increase the standards for Australian workers because the basis of it is increasing employment.

Our modern awards will simplify and significantly reduce more than 2,400 state and federal awards and instruments into around 130 streamlined, simple modern awards that are easy to find and apply. This will provide much-needed simplicity for employers operating across state boundaries. It is a reform that employers have been arguing for, long and loud, over decades, and we are doing something about it. Overwhelmingly, the task of award modernisation has been a major success, managed by the AIRC—which we know those on the other side do not agree with professionalism and expertise. It is a fairly major task to reduce all these awards and to bring Australia into the present.

As indicated in the past, the minister is prepared to intervene in the award modernisation process. Where that is required, she will do that. Mr Turnbull, who voted five times in parliament against the infrastructure stimulus plan and who is the Leader of the Opposition, does not support working people. It is a baseline standard of the opposition that they do not support working people. If they did, as I said before, they would support this government in the plan to build roads, schools, rail and hospitals and in regard to national broadband, in which my home state of Tasmania is leading the way. It has had a significant effect there and in other areas.

I want to point out two major projects for Braddon that were just announced last week: the restoration of the tall ship the Julie Burgess and the establishment of four community infrastructure construction and maintenance teams. These are jobs for ordinary working Australians. These are jobs that will not only help save the economy but give ordinary people the chance to work under a new streamlined approach. That approach is absolutely necessary to ensure that we move into the future in a balanced way that is fair for employees, employers and businesses both large and small—which also tend to be forgotten by those members on the other side all too often.

Senator HUMPHRIES (Australian Capital Territory) (3.28 pm)—I rise and speak in this debate as a representative of the party which Senator Bilyk says does not care about the conditions of working Australians but which, in government, over 12 or 13 years was able to deliver real increases, of almost 20 per cent, in the take-home pay of working Australians. That is an increase in the take-home pay, after inflation, of Australian workers, particularly those at the lowest level of the socioeconomic scale. That was where we demonstrated how much we regard the needs and interests of Australian workers.

It is clear from this debate tonight and from question time that Senator Bilyk, Senator Hutchins, Minister Arbib and, for that matter, Minister Gillard and the Prime Minister are unable to face the bleeding obvious: Labor is in the process, as we speak, of breaking a clear promise it made to the Australian people at the last election, which was that they would implement an award modernisation program throughout Australia without disadvantaging either employers or employees. We can see that; every employer organisation in Australia can see that; a number of unions can see that, and have said so publicly; the media can see that, and they
are reporting it; and the Australian Industrial Relations Commission can see that. But, apparently, Labor members opposite and in the other place cannot see it—or, at least, they do not have the decency to come into this place or elsewhere and say so in as many words. I am prepared to say so, as are my colleagues on this side of the chamber.

Labor cannot honour that promise. It is a complete farce, and the process of implementing industrial relations reform is giving flesh to that broken promise in a way which is damaging the interests of employment in Australia. What do I mean by that? It is obvious that, as they fail to preserve the conditions of employees, they are damaging those employees’ conditions in the workplace and, as they impose higher costs on employers, which they are also in the process of doing, they are reducing the prospects of those employers to offer employment in the future and diminishing the opportunity for unemployment in Australia to be reduced.

I am quite prepared to take the Prime Minister at his word on these matters. Only last week the Prime Minister was very explicitly asked on radio about the promise that he made: that there would be neither employers nor employees disadvantaged by the award modernisation program. I want to quote to the Senate what the Prime Minister had to say in response to the question: ‘So, does your promise still stand?’ The Prime Minister said:

So you see if in the determination in large part responsive but made independently of government submissions to the AIRC, firstly a long term transition process because we are acutely conscious of the impact of the global economic recession both on employers and employees; but secondly the specific provisions also to assist with any ups or downs in the process; and thirdly a capacity to review those on the way through.

What does that mean? Is that ‘Yes’, ‘No’, ‘Maybe’ or ‘I am having a good day and I am thinking about what I am going to have for dinner tonight’? This was the Prime Minister of Australia asked to confirm his commitment to the Australian people, to workers in Australia, that there would be no-one worse off as a result of his award modernisation program—and he could not do it. He went on to be asked the same question, in almost exactly the same words, twice more by the journalist and gave answers, similarly mystifying and similarly opaque, which I dare not quote to the Senate in case people fall asleep.

The fact is, as we have heard amply demonstrated on this side of the chamber, that Labor cannot honour this promise. It is a complete farce. As they are going about grappling with the falsity of the promise that they have made, they are doing real damage to the prospects of employment in a whole range of sectors across the Australian community.

I have been talking, as have Senator Birmingham and Senator Fisher, to Australian employers about what is happening in their particular sectors. I spoke last week to the Pharmacy Guild, who talked about how the capacity for students to work on a part-time or casual basis within that industry is being squeezed out by the award modernisation process. The guild has gone to the Industrial Relations Commission to ask them to fix these problems. They are not being fixed. There are serious concerns and these awards begin in a few weeks time. We are not seeing responsiveness to these problems and, as a result, Australian workers and employers will suffer.

Question agreed to.

**Timor Sea Oil Spill**

Senator SIEWERT (Western Australia) (3.33 pm)—I move:

That the Senate take note of the answer given by the Minister for Climate Change and Water (Senator Wong) to a question without notice...
asked by Senator Siewert today relating to the Montara oil spill in the Timor Sea.

For a start, Minister Wong said the size of the spill was now 20 nautical miles by 70 nautical miles. I understood from the Minister for the Environment, Heritage and the Arts, Minister Garrett, that the size is 25 nautical miles by 70 nautical miles, so I am going to seek clarification on that. But, if it is in fact 25 by 70 nautical miles, that equates to nearly 6,000 square kilometres. That is bigger than the city of Perth, so we are talking about a significant area.

Also, I would like to point out that that is the area of the main body of the slick. It does not take into account those areas of oil that have moved away from the main body of the slick. Minister Wong also said that Minister Garrett had made a flight over the area. As of yesterday morning, that had not been reported in the media nor, when I last checked, on his website.

I also asked for details about the amount of oil that is entering into the environment per day. This is a very important question because this spill is going to go on, according to the company, for eight weeks. That is a significant amount of oil that is going to be entering the environment. The company, to date, has said very little about anything to do with this accident and oil spill. The company keeps refusing to say how much oil per day is entering the marine environment. So I was extremely interested to hear Minister Garrett, over the weekend, say that the figure is between 300 and 400 barrels per day. To my knowledge that is the first time that anybody has actually said how much oil is entering the environment.

According to the company’s own figures, that area would be producing between 3,000 and 9,000 barrels of oil per day. If you take the very conservative figure for that well—3,000 barrels per day, which is similar to other wells in that area—that is nearly half a million litres of oil entering the marine environment. We have been desperate to obtain the calculation from the company, from the government, from AMSA or from the Sydney Ports Corporation, who also apparently have an involvement in coordinating the cleanup of this spill. We have been desperate to find out how much oil is entering the marine environment and how much is expected to enter over the next eight weeks. To date we have not been told. That is why it is so important that the minister for the environment, if he has figures, explains his reference to 300 to 400 barrels per day—explains how he came by those figures because they are not published anywhere.

This brings me to the next point about trying to obtain information about this spill. In the days after it first happened, we were told the spill was about 30 kilometres by 15 kilometres. Then we were told it was 30 by 30 kilometres. It was not until the day after I flew over the site that the Minister for Resources, Minister Ferguson, came out and said that the size of the spill was around 15 nautical miles by 60 nautical miles, which is just under 3,000 square kilometres. The next day there was an update by AMSA on their website to say that it was 20, and then later 25, by 70 nautical miles which is getting close to 6,000 square kilometres.

You can understand why people are very concerned about (a) the size of the slick increasing and (b) what impact this is going to have on the marine environment. The company’s own environment plan lists 12 endangered and threatened species, including the whaleshark, the Christmas Island frigate bird, the humpback whale, the flat-backed turtle, the hawksbill turtle, the loggerhead turtle, the green turtle, the specific Ridley turtle, Abbott’s booby and the blue whale. As you can tell from that list, these are all very important species and of course that list does
not mention all the other species that use the area such as seawitch and seafans and the other marine biodiversity in it, including sea snakes, sea squirts, lace coral and soft coral. All these are located there. As I said, you can understand why I believe people are justifiably concerned. I would like to hear Minister Garrett’s report of his flight over the area and what impact he thinks it is having. We are now starting to get reports from fishers in the area who are identifying the effects on turtles and sea snakes in the area. Like the general public, the fishers have had a hard time finding out information about the extent of the spill, the exclusion zone and what dispersants have been used. It was not until a number of days down the track that we could actually find out from the authorities what dispersant was being used. I understand it is called Slickgone. We do not know what impact that is having on the marine environment. Minister Wong articulated in her response that the government is finally putting in place a wildlife response plan—and this accident happened three weeks ago. (Time expired)

Question agreed to.

PETITIONS

The Clerk—Petitions have been lodged for presentation as follows:

Professional Indemnity Insurance
To the Honourable President and members of the Senate in Parliament assembled:
The petition of the undersigned shows that with planned national registration of all health professionals to take effect on July 1st 2010 midwives in private practice will be unable to seek registration on the basis of their inability to obtain professional indemnity insurance. We ask that the senate bring this issue to the parliament’s attention and make a speedy redress to assist midwives in private practice to obtain professional indemnity insurance. We also ask that all women maintain the right to choose where and with whom they birth their babies.

by Senator Fielding (from 124 citizens)

Professional Indemnity Insurance
To the Honourable President and members of the Senate in Parliament assembled: Planned national registration of all health professionals to take effect on July 1st 2010 will mean that midwives in private practice will be unable to seek registration on the basis of their inability to obtain professional indemnity insurance. One of the consequences of this is that home birth will no longer be legal.

We the undersigned, ask that the senate bring this issue to the parliament’s attention and make a speedy redress to assist midwives in private practice to obtain professional indemnity insurance. We also ask that all women maintain the right to choose where and with whom they birth their babies.

by Senator Siewert (from 14,534 citizens)

Petitions received.

NOTICES

Withdrawal

Senator WORTLEY (South Australia) (3.38 pm)—Pursuant to notice given on the last day of sitting, I now withdraw Business of the Senate notice of motion No. 1 standing in my name for today.

Presentation

Senator Polley to move on the next day of sitting:

That the time for the presentation of the report of the Finance and Public Administration Legislation Committee on the Parliamentary Superannuation Amendment (Removal of Excessive Super) Bill 2009 be extended to 17 September 2009.

Senator Lundy to move on the next day of sitting:

That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sitting of the Senate, from 11.15 am to 1.30 pm:
(a) on Wednesday, 9 September 2009, to take evidence for the committee’s inquiry into the role of the Auditor-General in monitoring compliance with the ‘Guidelines on Campaign Advertising’; and 

(b) on Wednesday, 16 September 2009, to take evidence for the committee’s inquiry into the review of the Auditor-General Act 1997.

Senator Bernardi to move on the next day of sitting:
That the time for the presentation of the report of the Finance and Public Administration References Committee on the relationship between the Central Land Council and Centrecorp Aboriginal Investment Corporation Pty Ltd be extended to 26 November 2009.

Senator Hanson-Young to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) 8 September is United Nations International Literacy Day,
(ii) literacy is integral to individual empowerment, civic and social development and global peace and harmony, and
(iii) in the international literacy decade, much work is still needed to realise the goal of increasing global literacy rates by 50 per cent by 2015;
(b) recognises that:
(i) one in five adults worldwide are not literate and two-thirds of these are women,
(ii) 75 million children are not enrolled in school, and
(iii) in Australia, there is an enormous gap in the English literacy rates of Indigenous and non-Indigenous people; and
(c) calls on the Government to continue to work with the United Nations in pursuit of its goal to increase literacy across the globe and in Indigenous communities throughout Australia.

Senator Hanson-Young to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) 1 September 2009 marked Equal Pay Day, almost 40 years after women formally achieved the right to equal pay, and
(ii) women have to work more than 2 months more to earn the same as men in an ordinary year;
(b) recognises that:
(i) women working full-time in Australia continue to earn, on average, approximately 17 per cent less than men, and
(ii) not only do women earn less than men on average, they can expect on average half the superannuation of men in retirement; and
(c) calls on the Rudd Government to work towards the abolition of unequal pay, through a genuine commitment to the true valuing of women’s work and creating real choices and opportunities for women in the workplace.

Senator Siewert to move on the next day of sitting:
That the Senate—
(a) notes that Monday, 7 September 2009 is National Threatened Species Day;
(b) acknowledges the significance of the date which is the anniversary of the death of the last known thylacine (Tasmanian tiger) in captivity in 1936 at Hobart’s Beaumaris Zoo;
(c) expresses:
(i) concern at the continuing decline of Australia’s biodiversity and the increasing levels of threat and endangerment faced by Australia’s endemic species, with 125 endemic species now listed as critically endangered, and
(ii) alarm at accelerating levels of species threat in northern Australia, as noted by a meeting of wildlife experts in Darwin.
in February 2009 that reported on a ‘new and potentially catastrophic wave of mammalian extinctions’;
(d) notes that Australia leads the world in mammalian extinctions, with 40 species lost over the past 200 years; and
(e) calls on the Government to increase funding for the listing and protection of threatened species, habitats and communities and the preparation and implementation of management plans.

Senator Bob Brown to move on the next day of sitting:
(1) That the following matter be referred to the Economics References Committee for inquiry and report by 16 September 2009:
The economic stimulus initiatives announced by the Government since October 2008.
(2) That the Senate directs the:
(a) Secretary of the Treasury, accompanied by any other officials he considers appropriate, to appear before the committee for the purpose of giving evidence on the matter; and
(b) committee to hold a public meeting to take evidence from those witnesses on Friday, 11 September 2009, in the form of a full update on the economic stimulus initiatives, which addresses:
(i) the efficacy of the spending measures to date,
(ii) the anticipated costs and benefits of continuing the spending measures,
(iii) consequent change in the stimulus ‘roll out’ that ought to be entertained given the changed economic circumstances,
(iv) an evaluation of the environmental impacts of the spending to date, and
(v) other related matters.

COMMITTEES
Environment, Communications and the Arts Legislation Committee
Meeting
Senator O’BRIEN (Tasmania) (3.40 pm)—by leave—On behalf of the chair of the Environment, Communications and the Arts Legislation Committee, Senator McEwen, I move:
That the Environment, Communications and the Arts Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 4 pm, to take evidence for the committee’s inquiry into the Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2009.
Question agreed to.

LEAVE OF ABSENCE
Senator PARRY (Tasmania) (3.41 pm)—by leave—I move:
That leave of absence be granted to Senator Boyce for the period from Monday, 7 September to Friday, 18 September this year on account of personal reasons.
Question agreed to.

NOTICES
Postponement
The following items of business were postponed:
Business of the Senate notice of motion no. 2 standing in the name of Senator Fierravanti-Wells for today, proposing the disallowance of the Migration Amendment Regulations 2009 (No. 6), postponed till 8 September 2009.
General business notice of motion no. 508 standing in the name of Senator Humphries for today, relating to former child migrants and children harmed by institutional care, postponed till 26 October 2009.
General business notice of motion no. 527 standing in the name of Senator Xenophon for today, proposing the introduction of the

General business notice of motion no. 531 standing in the name of Senator Ludlam for today, proposing a reference to the Joint Standing Committee on Foreign Affairs, Defence and Trade, postponed till 10 September 2009.

SPECIAL BROADCASTING SERVICE AMENDMENT (PROHIBITION OF DISRUPTIVE ADVERTISING) BILL 2009

First Reading

Senator LUDLAM (Western Australia) (3.42 pm)—I move:

That the following bill be introduced: A Bill for an Act to prohibit disruptive advertising during SBS television programs, and for related purposes.

Question agreed to.

Senator LUDLAM (Western Australia) (3.42 pm)—I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator LUDLAM (Western Australia) (3.42 pm)—I move:

That this bill be now read a second time.

I table an explanatory memorandum relating to the bill. I seek leave to have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

Established in the 1970s, Australia’s Special Broadcasting Service was the first multicultural broadcaster established in the world. Today SBS continues to be an important cultural institution that Australians can be proud of; SBS radio transmits in a different language every hour and 7 million viewers watching SBS TV in over 60 languages every week.

From the outset, SBS was a publicly funded broadcaster and advertising was not permitted.

In 1991 a Labor Government introduced the Special Broadcasting Service Act, under which SBS became a corporation with a board and a charter. Under the Act advertising that run during periods before programs commence, after programs end or during natural program breaks for a maximum of five minutes was permitted.

The Special Broadcasting Service (Prohibition of Disruptive Advertising) Amendment Bill 2009 will prohibit the interruption of programs by advertisements and station promotions on SBS television. The bill puts the prohibition into effect by amending Section 45(2)(a) of the Special Broadcasting Service Act (1991) to omit the phrase ‘or during natural program breaks’.

First introduced by the Democrats in 2008, the Bill does not prevent SBS from generating advertising revenue nor from running advertisements and station promotions between programs. The Bill has been taken up by the Greens due to the ongoing and widespread concern about the dangers associated with expanding advertising on a public broadcaster. SBS has been criticised for inserting in-program advertising and station promotions in these programs at points where there is no real break, scheduled or ‘natural’.

When in Opposition, Labor opposed the decision by SBS to introduce in-program advertising. On 14 November 2007, under the heading Labor’s SBS Policy, ALP campaign headquarters sent emails to concerned SBS viewers stating “Labor has opposed and continues to oppose the decision by SBS to introduce in-program advertising.” The day before the election, under the heading Labor’s SBS Policy, Kevin Rudd signed an email to concerned constituents that stated, “Labor has opposed and continues to oppose the decision by SBS to introduce in-program advertising.”

This Bill would allow the government to deliver on its election position.

SBS is unique but while its radio and television services are broadcast in more languages than any other network in the world its character is under threat from the shortfall in public funding. Australia already has a myriad of commercial radio and television alternatives. To ensure SBS remains a
global leader in public broadcasting it must be protected from the creeping commercialisation that is now evident.

Senator LUDLAM—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

AFGHANISTAN

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.43 pm)—I move:

That the Senate—

(a) notes that:

(i) Australian Defence Force (ADF) personnel have been deployed in Afghanistan since 2001,

(ii) the Minister for Defence (Senator Faulkner) recently announced a further increase in the number of Australian troops in that country, and

(iii) there is speculation that the deployment of ADF personnel in Afghanistan may be extended for a further 5 years; and

(b) calls on the Government to debate the options for Australian troops in Afghanistan, including their return to Australia.

Senator LUDWIG (Queensland—Special Minister of State and Cabinet Secretary) (3.43 pm)—by leave—I thank Senator Brown for the motion regarding Australia’s commitment to Afghanistan but the government will not be supporting the motion. Senator Faulkner has proposed that the Senate note that:

(i) Australian Defence Force … personnel have been deployed in Afghanistan since 2001, Australia first deployed forces in late 2001 and these were subsequently withdrawn in late 2002. During 2003 Australia separately deployed one Australian Defence Force officer in support of the United Nations mission as well as one de-mining expert. It was not until 2005 that a substantial Australian force was redeployed to Afghanistan as part of the United Nations mandated International Security Assistance Force. As such, the motion is misleading as Australian defence personnel have not been continuously deployed in Afghanistan since 2001.

The motion states that the Minister for Defence recently announced a further increase in the number of Australian troops. Senator Faulkner has made no such announcement. In April this year the Prime Minister did announce an increase in Australia’s commitment in Afghanistan to support our two fundamental interests: deny sanctuary to terrorists who have threatened and killed Australian citizens and to support our enduring commitment to the United States under the ANZUS Treaty, which was formally invoked at the time of the September 11 attacks.

I would also note that the speculation referred to in the motion is media speculation. As the Prime Minister noted, Australia has increased its contribution to Afghanistan, not as a blank cheque, but with the explicit objective of training Afghan forces. This is so that responsibility for security in Oruzgan province can in time be handed over to Afghans themselves. The Australian government has no interest in Australian forces being in Afghanistan for a day longer than is necessary.

Lastly, I note that the Senate already has the opportunity to debate Australia’s troop presence in Afghanistan. Senator Faulkner made a statement to parliament on Afghanistan on 12 August. This was to ensure that the Australian parliament and the Australian people are properly informed and are able to make considered judgements about our involvement in the International Security Assistance Force in Afghanistan. The statement was open to debate and we welcomed the bipartisan support.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.46
Isn’t that extraordinary, Mr Deputy President, that the government does not want to support a motion for a debate that it should host about the deployment of our Defence Force personnel in Afghanistan? We have seen the rising death toll of Australians who are committed to this nation’s interest, going at the behest of the government—not the parliament, but at the behest of this and the previous government—to Afghanistan. What the Greens are calling for in this motion is a proper parliamentary debate. We owe that to our Defence Force personnel as well as to this nation.

The minister quibbles about matters that are in the preamble to the proposed resolution that there be a debate. They are of course the matters that ought to be debated. For example, he noted that Defence Force personnel were in Afghanistan in 2001 and withdrawn in 2002. That is because the deputy sheriff, former Prime Minister Howard, withdrew Defence Force personnel because the Bush administration did so then to invade Baghdad. The invasion of Iraq was a monumental error in terms of Afghanistan, for which our Defence Force personnel should not now be paying. It is absolutely essential in this democracy that we debate the deployment of personnel. Senator Ludlum has a bill before the House, which ought to be passed in my judgment, but in the absence of the parliament debating the deployment of troops, and that being a matter that is determined by the Prime Minister, we should at least have an honest, full-ranging and open debate in this chamber.

Senator FIELDING (Victoria—Leader of the Family First Party) (3.48 pm)—by leave—The chamber would not know this, but I have been speaking to Minister Faulkner and the previous minister for defence about some sort of delegation going to Afghanistan. I am deadset serious about this because this is a good opportunity. We should have a debate. I do not think the debate should be focused on saying that they should be returned, but I do think we should have a debate. This is a very serious issue. People are putting their lives at risk in Afghanistan. We have gone there for the right reasons, but we just need to make sure we know where we are currently at with this whole war and what is happening. I do not want to have a debate that leads to people saying, ‘I’m biased; just bring them home,’ or ‘I’m biased; just keep them there.’ We need to have a fair dinkum debate, and I call on the government to look at some sort of cross-party delegation to look at this issue in the Senate so that all parties can have a genuine look at it. Then we can have a decent debate rather than doing it on an ad hoc basis through a notice of motion and through bills. We should genuinely look at this as a cross-party issue in the Senate and look into this issue in some detail. It is very important, and I am on the record with the previous minister for defence, and this one, about some sort of cross-party delegation. Rather than shoving it off to some other way of doing it, we should do it seriously, and this chamber should seriously debate it.

Question put:

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

The Senate divided. [3.54 pm]

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

Ayes………….. 6
Noes…………. 40
Majority…….. 34

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

NOES
Back, C.J. Barnett, G.
Bernardi, C.  Bilyk, C.L.  
Birmingham, S.  Bishop, T.M.  
Cameron, D.N.  Bushby, D.C.  
Colbeck, R.  Collins, J.  
Cormann, M.H.P.  Crossin, P.M.  
Farrell, D.E.  Feeney, D.  
Ferguson, A.B.  Fisher, M.J.  
Fifield, M.P.  Fielding, S.  
Forshaw, M.G.  Furner, M.L.  
Humphries, G.  Hurley, A.  
Hutchins, S.P.  Joyce, B.  
Ludwig, J.W.  Marshall, G.  
Moore, C.  Nash, F.  
O’Brien, K.W.K.  Parry, S. *  
Payne, M.A.  Polley, H.  
Pratt, L.C.  Ronaldson, M.  
Sterle, G.  Troeth, J.M.  
Williams, J.R.  Wortley, D.  

* denotes teller

Question negatived.

MATTERS OF PUBLIC IMPORTANCE
Building the Education Revolution Program

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

The waste of taxpayers’ money spent on the Building the Education Revolution program, particularly the spending on the blatantly political signage at each school that has received funds under the program.

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

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

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

Senator RONALDSON (Victoria) (3.58 pm)—I am pleased to have the opportunity to speak today on this matter of public importance. I am particularly unimpressed with the reason that we are speaking today. A press release was put out this morning by the Australian Electoral Commission in relation to the government’s school signs scandal.

What the AEC very clearly articulated—and, quite frankly, I cannot remember this happening in some 16 years of my being in both this place and the other place—is where the government has actually breached the provisions of the Commonwealth Electoral Act.

The AEC said in relation to section 328 that the signs were in clear breach of the requirements of the act. The AEC actually went on further and said that, if those signs were there on a polling day, they would be in breach of section 340 of the Electoral Act.

We need to go back and have a look at the history of the Labor Party in relation to the Electoral Act in order to put this in some sort of context, to put this in the context of it being a deliberate act by the federal Labor government to breach the provisions of the Commonwealth Electoral Act. It beggars belief that, given the nature of this program, they would not have sought some advice in relation to it. But you have only got to go back to former senator Graham Richardson, who was the architect of the modern Electoral Act, and the comments he made in his autobiography, where he said that the current act—the one we are dealing with now—was put in place to maximise the political advantage that Labor could obtain. We have seen no clearer example of that than this signs-in-schools scandal. Some 4,000-plus schools have already got these signs up. By the time the program finishes, there will be over 8,000 political signs in schools throughout this country. Eight thousand political signs! Who could possibly use children and their parents as pawns in a political game?
Opposition senators—The Labor Party.

Senator RONALDSON—Exactly. What government could go into an election campaign full of hyperbole about political advertising and then come out after the election and get busted for doing something like this?

Senator Cash—Rudd Labor.

Senator RONALDSON—Rudd Labor. Absolutely! The issue here is that the Labor Party has been caught red-handed. This is a political stunt; this is a political scam. Why is it that, during question time, the Special Minister of State, Senator Ludwig, refused to answer my questions and those of my colleagues on this matter? Why was it that the Special Minister of State refused to say whether he had sought advice as to whether these signs also breached state electoral acts? Senator Arbib was also asked that question, and I suspect that those following me are going to have some comments to make on this.

In 22 months, a government that was elected, supposedly, on the back of openness and transparency has already revealed itself as one of the most deceitful governments that we have seen in this country’s history. This is a blatant politicisation of schools. This is a blatant attempt to ensure that, twice a day between now and the run-up to the election campaign, parents will go into those schools and see those signs. Now that the government has been caught out red-handed, what is it going to do? Apparently it is going to put up authorisation stickers—stickers required on political material—

Senator Cormann—Funded by taxpayers.

Senator RONALDSON—Funded by taxpayers. It is going to put up over 8,000 stickers. Are we going to see the minister or Senator Arbib walking around in six months time with sticky tongues, having stuck these things on? Are we going to see an army of public servants out there putting these stickers on? On polling day, are we going to see the farcical situation where bags or some sort of coverage need to be put on to avoid breaching further provisions of the Commonwealth Electoral Act?

There is only one solution to this blatant politicisation of schools. There is only one solution to this deliberate attempt by the Prime Minister and the Deputy Prime Minister to politicise a government program; these signs must be removed. There is no excuse for these signs not to be removed. It is a farcical situation when the government believes it can get around this pork-barrelling exercise by putting stickers on those signs.

During question time, the minister spoke foolishly. I say that as someone who has actually got some time for the minister, but he has been badly briefed. In relation to the Investing in Our Schools Program, guess what we did not require the schools to do? Guess what we did not mandate? We did not mandate signs in schools talking about the Investing in Our Schools Program.

Senator Cormann—For two years.

Senator RONALDSON—For two years. We did not mandate that. We said that, if schools were going to put out material or put up signs, then they should acknowledge the Commonwealth government. Did we mandate that? No, we did not. I refer honourable senators to appendix 4 on page 19 of the guidelines, which makes it quite clear that we did not require schools to do so.

I cannot, in living memory, remember a government being caught out red-handed like this government has been. There had been no excuse delivered by the Prime Minister or the Deputy Prime Minister up until today. There was no legitimate excuse given by the Special Minister of State or by Senator Arbib, who was tasked with the job of doing the dirty work of the government in relation...
to this sort of political advertising. The mantra of this government is: ‘Send out the one with the best reputation to get down and dirty and do whatever is required to win the election again.’

You only need to look at abuses of the Commonwealth Electoral Act by the Labor Party. They have form in relation to this—serious form. You have the fake Labor enrolments in Queensland, where a number of ALP operatives ended up in jail. You have the Shepherdson inquiry, where a number of ALP members were forced to resign. You have the Christian Zahra and Gino Mandarino false enrolments. Gino Mandarino and Mike Kaiser, who were both found guilty of false enrolment, are now back working as Labor staffers. This is how seriously federal Labor takes this sort of matter. I am looking forward to my friend Senator Feeney’s defence of this program when he stands up, because there is no defence. He knows that the only legitimate way to get out of this is to pull these signs down—8,000 bits of Labor propaganda using kids and their parents and teachers and school communities as pawns in a cheap political game.

The community are, quite rightly, absolutely outraged about this. They will be even more outraged when they read tomorrow morning that the government has been caught red-handed. No-one should underestimate the significance of the Australian Electoral Commission putting out a press release saying that a government of the day has breached the Commonwealth Electoral Act. There is no greater crime for a government than to do so. This government must immediately undertake to pull every one of those signs down within the next seven days.

Senator FEENEY (Victoria) (4.08 pm)—I am delighted to rise to speak to this matter of public importance. I should say that congratulations are in order for Senator Ronaldson, because clearly this is an issue that he has worked diligently on. He is doing his level best to attract publicity to this cause. I guess it is a feature of contemporary politics that matters like these attract the interests of the media and the press. The business of the opposition is to gain the occasional headline and it is good to see Senator Ronaldson returning to core business. But I think the Senate, and indeed all of the participants in this debate, would be well served by us having a more considered and more factually based discussion about what has actually transpired and what will transpire into the future. One thing is clearly true: when describing government propaganda and when describing how taxpayers’ money can be best deployed to a partisan task, no-one is better qualified than the Liberal Party. They have a record on these matters which, frankly, is second to none. Indeed, the dictators of North Korea and 1970s Romania would struggle in a competition with the Liberal Party as to who can best deploy taxpayers’ funds to their own advancement.

Having made that bold assertion, let me set about the task of making the argument out, because this is an entertaining subject for those of us who are interested. There was a fascinating political study in 2005 by Peter van Onselen, who I think even those opposite would have to concede is by no means a left-wing commentator. That study was described as ‘John Howard’s PR state’. It is a fascinating read, because what we see in John Howard’s PR state is a political scientist going through the task in a measured and considered way of discovering how the Liberal Party in office was able to deploy hundreds of millions of dollars of taxpayers’ funds to build the power of incumbency for a conservative government. It is a fascinating study. I intend to take the Senate to the details in a moment, but the other interesting thing is that we can see that Labor in power
over the last 18 months has set about keeping its promises, realising its mandate and systematically dismantling the pillars that sustained John Howard’s PR state.

This debate proves an old truism. Labor has made important changes and introduced new standards of transparency and honesty in how taxpayers’ money can be used and, most specifically, not used to a political task. But are the media or the opposition interested in talking about the hundreds of million dollars saved on television advertising or the staff positions that no longer exist or the entitlements to individual MPs that have been changed? Of course they are not. What they are interested in now is signage. The Liberal Party have moved on to their next political bandwagon, and for that I do congratulate Senator Ronaldson. He understands a tabloid headline when he sniffs one, and on this occasion he probably has one. But the important point is that, despite the fury and the noise, Labor in fact has a very strong record in this area—and the Liberal Party, I might say, have a very strong record in this area too. Never before in the history of our Commonwealth were so many taxpayer dollars deployed so ruthlessly and, indeed, so effectively to a political task.

When one looks at John Howard’s PR state, the first pillar is government advertising. The second pillar of John Howard’s PR state was an institution called the Government Members Secretariat. The third pillar of John Howard’s PR state was members’ entitlements. The fourth pillar of John Howard’s PR state was the implementation of a fundraising regime that did its level best to protect Liberal Party donors from transparency. These were the four bases upon which the Liberal Party built its electoral machine and this machine operated for 11 years in this country. In this matter of public importance, we have an important debate being presented to this Senate—but, ironically, it is being put forward by those who know most about the subject and have most to hide. This is a subject that goes far beyond signs or stickers. What we in fact have here is an important public policy debate where the other side’s runs are on the board, and I would like to take you to them.

Firstly, let us talk about that feature of John Howard’s PR state, promotional advertising, because senators opposite do not come to this debate with clean hands. They may think everybody has forgotten about their record in this regard, but I can assure them that that is not the case and I will do my level best in the next few moments to remind the Senate and to remind the people of Australia about the literally hundreds of millions of dollars that those opposite destroyed, flushed down the toilet, by spending on television to support their partisan politics. Between 1998 and 2001 the Howard government spent $420 million supporting its GST policy—a tax which had not yet then been approved by the parliament.

Senator Cormann—You don’t get it. Your government broke the law!

Senator FEENEY—I encourage members opposite to participate in this debate in, dare I say it, a reasoned and considered manner, because in between your rhetoric and your interjections, you are completely failing to address the issues at hand.

Senator Cormann—Your government is in breach of the l-a-w law!

Senator FEENEY—Acting Deputy President, you look as if you are on the cusp of saying something.

The ACTING DEPUTY PRESIDENT (Senator Bernardi)—I was, Senator Feeney. I was going to ask you to address the chair and I was going to remind Senator Cormann that interjecting is disorderly.
Senator FEENEY—Entertaining but disorderly. Between 1998 and 2001 the Howard government spent $420 million promoting the GST, a tax which had not yet then been approved by the parliament. Some $36 million was spent on the ‘Unchain My Heart’ advertisements which were, of course nothing more than Liberal Party propaganda paid for by the taxpayer. The entire nation was deluged for months by highly political television ads full of dubious claims about the taxation system then being proposed by the government.

As no doubt you are aware, Mr Acting Deputy President, I was during that time a campaign director for the Labor Party, so political advertising is something I know a little about. There can be no doubt whatever that the purpose of those television advertisements was not to promote in a non-partisan manner, it was not to inform in a non-partisan manner, but rather it was to elevate the policies and the politics of the government of the day. Hundreds of millions of dollars were spent on a political task. When we look behind the curtain of how these ads came into being and by what mechanism the government funded them, we see some interesting things. The Government Communications Unit, as it was then called, was a structure that operated from the Prime Minister’s office. It operated in a manner which was all about coordinating a whole-of-government communications strategy. But it was not being coordinated by Treasury; this was not a procurement mechanism. This was a group of Liberal Party politicians using the Government Communications Unit to deploy hundreds of millions of dollars of taxpayers’ funds for a political task. It was an outrageous thing and it has been the subject of long and difficult debates.

Between 2004 and 2007 the Howard government spent a figure variously estimated at between $114 million and $120 million promoting its Work Choices legislation. It does remind me of that old adage, Senator Ronaldson, that nothing kills a poor product like good advertising. In the 15 weeks before the calling of the 2007 election, the Howard government spent $61 million promoting Work Choices and the so-called fairness test, or more than $4 million a week on Work Choices advertising in total. Seldom has so much money been spent on so many ads for so little political return. I do not want to dwell on the fact that they were not effective, but rather the fact that here we had a government that had established a structure that took command of the public purse and deployed it for political gain on a level and by a standard that had never been seen in this country before and, thanks to this government, will never be seen in this country again.

As well as these massive cash splashes of taxpayers’ money on promoting partisan Howard government legislation, namely the GST and Work Choices, the Howard government also recklessly spent millions of taxpayer dollars on their various other communications schemes. They spent more than $50 million trying to persuade people to buy private health insurance, a massive spend of public money for the benefit of private companies selling a product which most people do not see as value for money. They spent $36 million promoting their changes to child support arrangements. They spent $25 million marketing the Telstra 3 share offer. They spent $15 million promoting the Independent Contractors Act.

In the 2006-07 financial year alone, according to figures produced at estimates, the Howard government spent over $250 million on government advertising in total. In their 11 years in office they have probably spent well over $2 billion on government advertising. That is a $2 billion spend on a political task—not Liberal Party funds, not National
Party funds, but taxpayer moneys deployed to political campaigns that were conceived in the office of the Prime Minister by politicians to achieve a political task. This was an unprecedented political act. It was, of course, something that even those opposite hang their heads in shame about.

But, as they say in the classics, that is not all. That was one important tier of Liberal Party incumbency. That was one important mechanism the Liberal Party used to spend taxpayers’ moneys on its re-election. But there is more. The Government Members Secretariat, the GMS, was of course an equally notorious instrument for the Liberal Party. It was established when the Howard government came to office in 1996. It was a unit run out of the Chief Government Whip’s office. ‘Why the Chief Government Whip’s office?’ you might well ask. Because there it was an arm of the legislature and it was immune from questioning at estimates. But that was nothing more than a cynical device. The real purpose, of course, was to operate as a unit at the whim of the Prime Minister of the day. What did these 11 persons, collectively earning $1.5 million, do as taxpayer paid public servants in the secretariat? Well, of course, they worked on Liberal Party campaigns, they worked on Liberal Party media monitoring and they worked on rapid response for the Liberal Party. There was a full-time campaign unit of 11 persons working in this parliament for 11 long years whose sole task, notwithstanding the fact that they were public servants, was to work for the re-election of the Howard government. Again, it was another cynical piece of a taxpayer funded apparatus.

Peter van Onselen and Wayne Errington pointed out in their 2005 study of the government members secretariat, which they called ‘the beating heart of the PR state’, that this unit was also implicated in allegations of dirt digging against shadow ministers and other Labor figures but said that those things were a distraction from the real importance of the GMS. They wrote:

Its importance lies in the way it connects the government’s national communications strategy with individual members of parliament, most notably those members in marginal seats. This allows government policy releases, advertising and other communication on behalf of the executive to be made timely and relevant to the grassroots House of Representatives campaigns that help win elections. The GMS is a prime example of the way that government and party communication strategies have become inextricably linked.

Now I have no objection to a unit that provides support, information and resources to government members of parliament. But this was a campaign unit.

The Government Communications Unit and Liberal Svengalis spent hundreds of millions of dollars on government communication campaigns and the government members secretariat had 11 persons, acolytes of the Liberal Party, deployed to a political task. Further, the entitlements of individual members were dramatically expanded over 11 years so that those opposite in marginal seats had more taxpayer dollars to spend on printing and more taxpayer dollars to spend on other important parts of campaigning. Throw in for good measure the transformation of our electoral donation laws, with a $10,000 cap applying to nine different jurisdictions effectively meaning that Liberal Party donors could donate $90,000 across the country and avoid disclosure. When you put that together, you can see that those opposite know more about the subject of propaganda and how a government can fund its own re-election than we on this side could ever hope to do. The important thing is that all of those features that I have described have been dismantled by this government, and those opposite now have the cheek to talk about signage. (Time expired)
Senator MASON (Queensland) (4.24 pm)—I was reading last week that one of my colleagues said that the Building the Education Revolution had become a cheap political stunt. I think that he is wrong. This is a very expensive political stunt; this is a $15 billion fiasco. And every day, it seems, a new horror emerges. Can you imagine spending $15 billion and yet have all the important and relevant stakeholders—the parents, the teachers, the principals, the school communities, as well as the education union—thinking that this money has been poorly spent? Can you imagine spending 15 thousand million dollars and have the stakeholders thinking that it has been poorly spent? You would have to try hard, wouldn’t you? But that is what people are saying. So this has become a very expensive political stunt.

Why? We now know, after several months of this, is that these notorious templates being peddled around by state governments are all about giving to schools what state governments think they should have, and not giving school communities the control that they need and want. The Labor Party, particularly the Left in the Labor Party, quite like these templates and this whiff of central planning.

Senator Barnett—A command economy.

Senator MASON—Yes. A whiff of the central planning that I know my friend Senator Carr enjoys so much. And perhaps Ms Gillard, reliving her days in student politics, enjoys that whiff of Stalinism and central planning.

We also know this: there has been overcharging. Already there have been anecdotal reports from throughout the country that the price of these buildings has gone up, not by 10 or 20 per cent but potentially by 50 per cent, over the last few months. The price of the buildings for school communities has gone way up. And what has happened? The Commonwealth government has had totally inadequate oversight of the process. They are hands off. ‘It doesn’t matter. Throw enough money and a job or two might be created. We don’t care if it costs a fortune.’ And we know that has been a bad spend, because they have not kept their eye on the cost of the buildings.

What is going to happen in the next few months is that the Auditor-General will bring a report down. It will be very interesting to see what the Auditor-General says. We have also seen bullying by state governments. State governments have been bullying school communities, because they want to use the money for their own objectives and their own priorities. None of this is a surprise, but this is what has happened over the last six months.

This in fact has so far been a very bad spend. It is not flexible; there has been overcharging; there has been bullying by state governments and worse: when this project was set up the government did not even ask tenderers how many jobs would be created by the tenders they asked for. Job creation ostensibly was important. Yet the government did not ask when approving tenders how many jobs would be created. That just shows the lie of the government’s processes. This is all about spending money and looking good politically. They did not even ask how many jobs would be created—not at all.

What about the education outcomes? Did they ask about those? No. They are going to spend $15 billion. Did they ask how this would assist the educational outcomes of Australian school students? No. I would have thought that better teaching and better teaching education and perhaps paying teachers more money might be a far better way of getting better educational outcomes than building more ‘Hon. Julia Gillard Memorial
Halls’. Any educational expert would tell you that. But no, the government was throwing money and they did not even know how many jobs would be created. Anyway, the Auditor-General is going to look at this. It will be interesting to see what happens.

Last week, it emerged that there had been a budget blowout of $1.5 billion in this process. Ms Gillard said, ‘This is a bump in the road.’ A $1.5 billion budget blowout is a bit of a bump in the road; a mere bagatelle! If you have spent $300 billion in the last 12 months, I suppose $1.5 billion is change that you would find behind the office couch, isn’t it? Perhaps that is where Ms Gillard found it. Just a bump in the road!

**Senator Barnett**—Chickenfeed!

**Senator MASON**—Chickenfeed. One-and-a-half billion dollars: a mere bagatelle; a bump in the road! Who cares? If you are spending $300 billion, it doesn’t matter, does it?

And guess where $200 million of that money came from? It came from the budget for science and language centres for 141 of the neediest high schools in this country. The money was taken from them and given back to Building the Education Revolution, because the government’s own projections were wrong. The money has gone from really needy students to students who do not need it as much and has not been spent on education outcomes but for—apparently—creating jobs. This has become a fiasco, and it is getting worse and worse.

Now we know that, despite this farce, this litany of inactivity and the failings of the education revolution, the government believes that in the end it is okay to break the law and promote yourself and it does not matter so much that this program has been shown to be inflexi-

ble, that there has been overcharging in the tender process, that schools are not getting what they want and that it is spending $15 billion and all of the stakeholders think this is a farce and the money could be better spent. The government is not worried about all those problems. You know what it is worried about, don’t you? The billboards in the school grounds that are going to be polling places at the next election. That is what the government is worried about. That is its concern. It is not going to address all the other issues. No, the government will break the law and address that issue. That is what has become of the Building the Education Revolution.

This is one of the largest infrastructure projects in this country’s history of this sort, and yet you have got stakeholders saying the money is poorly spent. I have never seen that before in Australian history. The government likes to use the acronym BER for Building the Education Revolution. I notice that in recent times schools have been saying that they do not call BER the Building the Education Revolution; they think BER stands for the Bloody Evil Revolution. I think that after last week BER stands for Bloody Expensive Revolution.

**Senator WORTLEY** (South Australia) (4.31 pm)—I rise today to respond to the type of nay-saying from those opposite with which we have become sadly all too familiar. However, when this government’s $42 billion Nation Building Economic Stimulus Plan came to the Senate in February for approval, thankfully those nay-sayers were outnumbered. Those opposite wanted us to do nothing in the face of a gathering global storm. They wanted us to wait and see, to sit on our hands and to stand back—at least until some other nation had dipped a toe in the water to test the temperature. The tune we hear from those on the other side is whistle while you shirk—one they have hummed in
unison before on ratifying Kyoto and dangerous climate change; on infrastructure, including broadband and schools; and on an apology to the stolen generations. The list goes on.

The signs coming from around the world in the second half of last year were ominous. The threat to Australia’s economic prosperity was considerable. But this government chose instead to act decisively and immediately to stimulate and support, to give the economy and the jobs it fosters the backing it desperately needed while a worldwide economic downturn sped towards recession. Evidence is mounting day by day that, had we listened to Mr Turnbull and his Liberal-National coalition and done nothing, Australia would not be in this healthy condition and we would not be weathering the storm as well as we are. In fact, Treasury estimates that the government stimulus action will underwrite more than 210,000 Australian jobs. Without it we would not be the best performing advanced economy in the world. Without it we would not have had the welcome and remarkable news of Australia having recorded positive growth in the June quarter to the tune of 0.6 per cent. Household consumption and spending grew by 0.8 per cent in the June quarter on the back of the government’s cash stimulus payments. This increase in spending contributed a crucial 0.5 per cent of a percentage point to Australia’s quarterly GDP growth. We can rightly be confident in our nation’s future, even though our economy is not yet in the clear and unemployment will still rise.

The Building the Education Revolution program, to which Senator Parry refers in his matter of public importance, is a critical element of the infrastructure charged $42 billion Nation Building Economic Stimulus Plan. The funding from this plan is being shared by all schools—by government schools, Catholic schools and independent schools across all states and territories. When those opposite voted against the Rudd government’s economic stimulus measures they voted against improvements at every primary school in the country—against new classrooms, gyms and multipurpose halls. They voted against young children and high school students receiving new libraries, new gymnasiums and new school halls. They voted against science and language centres for our secondary schools.

I have been out to many schools. I have visited numerous schools in South Australia and every school has welcomed the Building the Education Revolution centres—the classrooms, the libraries, the school halls and the gymnasiums. The parent bodies have welcomed them as well. Those opposite voted against the National School Pride program, which provided funding for minor capital works and refurbishment projects at schools. In doing so, those opposite voted against investment in education. It did not come hard; it is something that they find easy. We know that. They were in government for 11 years and in that time education was underfunded. It is consistent with their record. In doing so, we also know that those opposite voted against jobs, against the ongoing viability of small businesses and against families. They voted against schools, the students in those schools, the school communities, the parents and the jobs that are being generated by these buildings. They voted against small businesses and they voted against families. They lost that vote, and thank goodness they did for the sake of our nation, our economy, our communities, our students, our young people and our jobs.

Of course, those opposite do not want to know about the good things to come from the government’s economic stimulus measures. That was evident today. They do not want to hear about the jobs created and the jobs saved, the facilities improved and the
lives enhanced. They would prefer that we stop the investment, stop the building of infrastructure, stop the enhancing of communities and stop the creation and support of jobs.

It beggars belief that those opposite would only want to speak about the cost of what they are calling political advertising in the form of signage at schools that are benefiting from the Building the Education Revolution. Coming from the party of Work Choices and the Regional Partnerships Program, that really is a bit rich. In fact, the whole thing seems a little like sour grapes. I am advised that under the Howard government’s Roads to Recovery Program, around 70,000 recognition signs were put up to mark areas benefiting from this funding. These signs had to remain on display for a minimum of one year after the completion of the project. I will read directly from the Roads to Recovery requirements that one of the councils was given. It said:

A funding recipient must ensure that all signs erected as required by these Conditions remain in place for the duration of the project to which they relate and for a minimum period of one year commencing on the day on which the project is completed.

I am also told that approximately 6,000 recognition signs were erected for black spot projects. Also, the guidelines for the Investing in Our Schools Program—another Howard government initiative—required the display of plaques. Those guidelines state that schools will be required to affix a plaque, to be supplied by the Commonwealth, to all completed projects, where appropriate.

‘Where appropriate’ is interesting. I will get to that point. The guidelines then state that this includes, but is not limited to, new buildings, playground equipment, shade structures, new classrooms, landscape beautification et cetera. The size of the plaque should be commensurate with the size of the project structure to which it is to be affixed. Did this mean that schools that had five or six little projects—because there were a lot of little projects; we are not talking about big money with regards to some of these projects—would get one plaque? No, some schools had five or six plaques.

Our plaque requirements for the Primary Schools for the 21st Century and the science and language centre projects are for these projects only. They are not for the National School Pride projects. The Rudd government’s guidelines are absolutely standard requirements. The only difference between the current guidelines and the guidelines under Investing in Our Schools is that, under the earlier program, schools, as we already know, were required to fund the plaques themselves. I will quote from the Investing in Our Schools Program guidelines for state schools in 2007:

Costs for meeting recognition requirements should be included in the funding application.

As to the accusation from those opposite about money wasting on so-called political advertising I would remind the chamber that budget figures show that in 2007 the Howard government spent—are you ready for it?—$120 million advertising and trying to explain its draconian Work Choices laws. Those same laws, I am very pleased to say, are now dead and buried.

Not only have those opposite carped and complained about the government’s absolutely necessary and highly successful stimulus packages by attacking spending and signage but they have also accused the government of favouring Labor-friendly electorates. This is a bit rich coming from the coalition, which, while in government, oversaw the embarrassing program that has now come to be known as the ‘regional rorts program’. The audit report in November 2007 into this affair probably made the point well enough
for me to establish the point again here today. Its analysis revealed:

Ministers were more likely to approve funding for ‘not recommended’ projects that had been submitted by applicants in electorates held by the Liberal and National parties …

This was shameless pork-barelling at its most blatant.

Australia has moved on from those days, thankfully. We are focused on improving the lives of Australians by improving our health and education systems, and by addressing climate change and the lack of infrastructure investment over the past decade.

The job of the economic stimulus is far from finished. Pulling the rug out from under our recovery now would slash the public and business confidence that has been such a crucial part of our stability. This would threaten small businesses, tradespeople, communities and families. It would impact significantly on our school communities; it would impact significantly on our students in schools. The suggestion is that we do not go ahead with building the libraries, the school halls, the gymnasiums, the language centres and the science centres. That is what those opposite are suggesting. We know that, in addition to threatening small businesses, tradespeople and communities and families, added up this would lead to higher unemployment. It would leave businesses in the lurch. We have chartered a responsible course for recovery and the return of the budget to surplus. We believe that now is the time to stand firm in this commitment and stay the course that we know is the right one.

Today in question time, and in some of their comments, those opposite referred to the Australian Electoral Commission and the signs out in front of school buildings. The Australian Electoral Commission media release dated 7 September states:

The AEC is also of the view that there is no current breach of paragraph 340(1)(e) of the Electoral Act in relation to election signs appearing within “6 metres of the entrance to a polling booth”. This is because the prohibition only applies on the actual day of polling in a federal election and that placing the signs on school fences does not result in those signs being within 6 metres of the entrance to a polling booth.

… … …

The AEC considers that the measures announced by the Special Minister of State will address the issues raised about the signs and remove the risk of non-compliance with the Electoral Act.

Senator Cormann interjecting—

Senator WORTLEY—Let me repeat it for those opposite:

The AEC considers that the measures announced by the Special Minister of State will address the issues raised about the signs and remove the risk of non-compliance with the Electoral Act.

Yet those opposite sit there and continue carping on about it, and then talk about wanting to pull back on the stimulus package, pull back on the buildings in schools—on school halls, on gymnasiums, on language centres, on the infrastructure that is being put in place. I see one senator over there shaking his head, but that is what those opposite are saying—they are saying that is what we should be doing. To do this would impact significantly on the economy, would impact significantly on those school communities that are very much—and I have visited many of them—looking forward to this new infrastructure being built on their school properties and to the students and the local communities having access to up-to-date libraries, state-of-the-art language centres and state-of-the-art science centres. (Time expired)

Senator COLBECK (Tasmania) (4.46 pm)—I am quite happy to take up where Senator Wortley left off and read out the pertinent paragraph of the media release from
the Australian Electoral Commission, which says:
The AEC has examined the signs for the “Nation Building – Economic Stimulus Plan” and formed the view that they are in breach of the requirements of the Commonwealth Electoral Act 1918 …

That very clearly states it.

**Senator Barnett**—That’s right: in the first paragraph.

**Senator COLBECK**—The first paragraph of the media release from the Australian Electoral Commission very clearly states the position of the AEC. For members of the government to come in here and try and work their way around that fact is quite extraordinary. It is very clear, even to the simplest of readers, that these signs are in breach of the requirements of the Commonwealth Electoral Act 1918.

What we see here is another monumental stuff-up on the part of the Australian government. They have this continuing theme: they rush in; they do not consult; they do not consider the factors pertinent to a particular issue—it is all about spin, it is all about creating an impression and then making excuses when everything falls apart. This has happened time and time again. They make these big, bold statements, these broad commitments and promises to the Australian people—and more often than not, as we have seen on a number of occasions, they do not come to pass. People in northern Tasmania will remember Prime Minister Rudd’s promise to people in that region: not a cent of the funding for the Mersey Hospital would be spent in the south of the state. We know that did not come to pass. We heard during question time today about the promises made to employers and employees about the new workplace regulations and laws. They are obviously not coming to pass. We saw the computers in schools program, where failure to consult with the states saw the states jack up until more money was put in, because the government had not factored in the running costs—another monumental stuff-up, in education.

In their rush for self-promotion, as part of the Building the Education Revolution, the government have again exposed themselves, this time to the electoral laws. You would have thought that someone would have given consideration to the situation that was in front of them. They try to palm this off as a bit of advertising. They talk about what the coalition did. They fail to mention that they said quite clearly that they were bringing in a new regime; they were going to do things differently. Well, they are doing things worse than anyone has done them before.

We have talked about the Commonwealth electoral laws and the press release today from the Australian Electoral Commission. We asked in question time today whether the government had asked of any of the state jurisdictions whether this offended their electoral acts. The government refused to answer that question. But I have actually asked that question of the Tasmanian Electoral Commission. I have received a response that, if these signs are considered to be in breach, the Electoral Commissioner would be seeking to have them covered up or removed on polling day—a similar situation to that which will exist on federal polling day, when that occurs sometime next year. So, not only do the government have to deal with this for federal polling day; they potentially have to deal with it for state polling day. And now that the federal Electoral Commission has found that they are in breach of the act, there is not much doubt that the signs are political advertising—in fact, the government have even admitted that. They are putting 5,000 stickers out there to fix the stuff-up, 5,000 stickers to make these signs comply. It is compounded with respect to the Tasmanian
electoral laws because the distance from a polling booth is not six metres, as it is under the federal laws; it is 100 metres. So it is a totally different situation, where a sign is offending if it is within 100 metres of a polling booth, under the electoral laws.

These are not just project signs; the government cannot get out of it like that. They have now admitted that they are electoral signs. I saw enough project signs in my 25 years in the construction industry to know what a project sign looks like. They acknowledge the owners of the property, the architects, the engineers, the builders. Yes, the funders are acknowledged as part of a project sign, but these jobs have both project signs and political advertising on them. That is how they offend the Commonwealth Electoral Act, and potentially the state electoral acts. That is why the government is going to have to go to such expense, having first put the signs up—and we have seen the costings on that: the costs for the 5,000 stickers; the costs of covering the signs up for the state election which will occur in Tasmania in March, and probably for the South Australian election on the same day. And then you have the situation of dealing with them during the federal election.

But it is not only that. I had a look at a document put out by the Tasmanian Electoral Commission, Information for Candidates, which talks about the conditions for political signage in local government regions. These signs potentially offend every set of local council by-laws in Tasmania. I will not go through them all; I do not have time. But I will go through some. In Break O’Day you are allowed to have political signage up for 42 days maximum. Burnie City Council says you can have signage up from the issue of the writs to two weeks after the election. The Clarence City Council says signage can be up no earlier than 60 days prior to polling day and it has to be removed within 14 days. The Dorset Council says signage should be no greater than 1.5 square metres. The Launceston City Council says signage can be up no earlier than two months before an election, with a maximum size of 900 by 1,200 millimetres. The Huon Valley Council says the signage should be no greater than one square metre, as does the Northern Midlands Council, the Meander Valley Council and Brighton Council.

So here we have 29 regions, all around the state, where the signs offend local government regulations. The government have done no consultation and have no respect for the electoral laws, federal, state or local—absolutely no respect. It is all about getting a bit of publicity and promotion. In their rush for self-promotion, they have taken no consideration of the impacts that this might have. That is what they are all about—they want a bit of publicity. They do not care how, who or why they offend; they just want to get the publicity.

Senator BARNETT (Tasmania) (4.54 pm)—The government have been caught with their hands in the cookie jar. The Labor Party have used taxpayers’ money to fund their blatantly political advertising efforts. The first paragraph, as Senator Colbeck has correctly noted, of the Australian Electoral Commission media release put out today headed ‘National Building—Economic Stimulus Plan school signage’ says:

The AEC has examined the signs for the “Nation Building – Economic Stimulus Plan” and formed the view that they are in breach of the requirements of the Commonwealth Electoral Act 1918...

They have been caught out and caught short. They have not come in here and apologised to the Senate, to the parliament and to the Australian people. They are using over $7 million of taxpayers’ money. They are spending, firstly, $3.8 million on these signs that they are putting up at the front of schools to
promote themselves—no doubt to try and gain an extra Labor vote at the next federal election—and, secondly, $3.5 million on the Hon. Julia Gillard plaques.

Senator Ronaldson and I asked related questions today in the Senate regarding these signs and we have not been given an answer from either responsible minister. I asked Senator Mark Arbib if and when these signs would be removed, and he refused to answer. I asked what steps are going to be taken to ensure that the state electoral laws have not been breached, and he refused to answer. Likewise, Senator Ludwig refused to answer a question from Senator Ronaldson. But they have been caught out. We are very thankful for the work of the Australian Electoral Commission as an independent entity in making it clear that the government stands in breach.

The figures applying to Tasmania are interesting. Out of the over $7 million in funding nationally, it is estimated that nearly $200,000 will be spent on signage in Tasmania. I want to commend Zoe Edwards from the Examiner newspaper for the work that she did last week, particularly for her breaking news stories on Thursday and Friday. She cleverly took advice from some key stakeholder groups, the Parents and Friends Association and the Education Union. I want to confirm what they said. The Tasmanian Parents and Friends Association President, Jenny Grossmith, said that this sign spending was a waste. She said it was ‘wasteful spending’. She said: ‘Quite often we see programs that are delivering great outcomes for children that are often pulled because of a lack of funding, so it is always frustrating to hear of things like this.’ Admittedly, she referred to some Howard government funding with respect to flagpoles, but having flagpoles flying the Australian flag at schools is something I am very proud of, and I know everybody on this side of the Senate chamber has the same view. The Australian Education Union Tasmania President, Leanne Wright, said: ‘Signs should not take precedence over supporting students.’ In that regard, she is 100 per cent correct.

So the government has been caught out. This morning I called the Tasmanian Electoral Commissioner, Bruce Taylor, and definitely confirmed the views that Senator Colbeck referred to just a short time ago. He said that he is seeking legal advice from the Tasmanian Solicitor-General with respect to the exact position applying in Tasmania. Of course, we have an election on 20 March 2010. That is when it is scheduled for; that is the time that people are preparing for. It will be very interesting to see what that advice is. I have no doubt it will be similar to that of the Australian Electoral Commission, noting that it would be most unusual for these two entities to disagree. We know that the Commonwealth stands in breach at the moment.

But all this is on top of the shocking waste of money. The education revolution blow-out has hit $1.5 billion. Christopher Pyne has been, correctly, prosecuting a case and we know the Auditor-General is inquiring into these matters, but I think even more can be done. The Senate can and should do this because of the shocking waste of taxpayers’ money to date. The examples go on and on.

The ACTING DEPUTY PRESIDENT (Senator Hurley)—Order! Discussion on this matter has concluded.

MINISTERIAL STATEMENTS

Timor Sea Oil Spill

Senator SHERRY (Tasmania—Assistant Treasurer) (4.59 pm)—I table a statement by the Minister for Resources, Energy and Tourism, Mr Ferguson, on the Montara oil spill.

Victorian Bushfires

Senator SHERRY (Tasmania—Assistant Treasurer) (4.59 pm)—I table a statement by
the Attorney-General, Mr McClelland, on the Victorian Bushfires Royal Commission.

Senator RONALDSON (Victoria) (4.59 pm)—by leave—I move:

That the Senate take note of the document.

I have only just seen this report now and had a very quick look through it, but I think it is fair to say that February this year will obviously live long in the memories of all Victorians. Quite clearly, whatever needs to be done to address the risk that was faced by Victorians in February must be done. As honourable senators know, I have lived all my life in Ballarat and represented the federal seat of Ballarat for 11 years. It was one of those days where the state could have burned to the ground. There was an appalling loss of life. There was considerable property damage. I am patron senator for Bendigo and if it were not for about two acres—not bushland but an area that broke the fire up—the outcomes in Bendigo could have been substantially worse.

There had been report after report after report on the threat to Victorians of inactivity in relation to some of those fire prevention measures that the community would have had some expectation of. There was, in my view, an appalling attitude by some in local government in Victoria. There were councillors who had a philosophical view of life which meant that they were making decisions which were not necessarily in the best interests of property owners in minimising the risk of fire impact to those property owners. Indeed, on my understanding, some of those councils require people to have vegetation right up to their homes. It was a council requirement for them to have that—apparently part of some ‘greening of suburbs’ program. But it was a gross abrogation of their responsibility to their council constituents.

The Labor government have been in power now for some 10 years in Victoria. It was quite clear to everyone that they were not doing the sort of back-burning and other clearing that is required for proper fire management. They had been told ad nauseam what the risks were. They had been warned ad nauseam that the fuel build-up in Victoria, particularly in fire prone areas, was quite dramatic. Appropriate resources were not put into fire risk management. Substantial resources should have been put in to minimise the risk to Victorian communities.

I have only glanced very quickly through this report, but clearly what it says is that the Victorian community can ill afford the sort of inactivity that there has been over the last 10 years. In response to those bushfires and the enormity of the suffering that occurred, the Victorian community responded in a manner that, I think, is unprecedented in this country. I have very good friends in the CFA who said they had never seen anything like it in all their lives. The magnitude of the fire that ripped through those communities on that day was completely and utterly unimaginable. The lesson that has to be learned by the Brumby government is that the line has got to be drawn in the sand now in the sorts of measures that are required to protect the Victorian community from a repeat of the events of last February. In doing so, I do not seek to blame the Brumby government for the events that occurred on that day, and I want to make that very clear, but what I am saying is that there but for the grace of God go we and that it is only through the grace of God that this disaster was not even worse.

I will go a step further. There are some in our community who have completely and utterly lost sight of a balance between greenness and safety. It is imperative, in my view, for a fundamental question to be answered before action is or is not taken: what is in the best interests of the Victorian community? I
think the debate has been hijacked by some in the environmental movement who have been prepared to put their own philosophical view of life ahead of good fire management. That has been extremely dangerous, in my view. It has been ill advised and it has put the community at great risk.

The Brumby government cannot hide behind a royal commission. The Brumby government has got to acknowledge that its fire management policies over the last 10 years have not worked, that they have been under-resourced and that they have put the Victorian community at very serious risk. If out of this commission comes a very clear message that you can’t take away from land owners the right to have some input into appropriate fire management practices, then it is an outcome that will well serve the Victorian community. I suspect this is not just an issue in Victoria. I suspect this is an issue in other fire-prone states such as Tasmania, where those who want to push a green agenda are not prepared to accommodate the rights of their fellow Tasmanians. In my case, they are not prepared to accommodate the rights of fellow Victorians. My view is that this has simply got to stop. It is quite unreasonable for a very small group of people to determine an appropriate fire management agenda. I implore the Brumby government to properly resource appropriate fire management processes and policies. They have been absolutely asleep at the wheel. They have abrogated their responsibilities to the Victorian community. It is time that they started putting resources into ensuring that as far as possible we minimise the risk of a repeat of what occurred in February. I again say I do not hold the Brumby government responsible for those fires. But I do hold the Brumby government and the Bracks government, which was before the government of the current Premier, responsible for completely and utterly throwing their hands up and not accepting any responsibility for the sorts of management practices that should have been adopted a decade ago. (Time expired)

Question agreed to.

DOCUMENTS
Tabling

The ACTING DEPUTY PRESIDENT (Senator Hurley)—Pursuant to standing orders 38 and 166, I present documents as listed below, which have been presented to the President, the Deputy President and the Temporary Chairmen of Committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised. In accordance with the usual practice and with the concurrence of the Senate, the government responses will be incorporated in Hansard.

The list read as follows—

(a) Committee report
Rural and Regional Affairs and Transport References Committee—Interim report—Rural and regional access to secondary and tertiary education opportunities (received 28 August 2009)

(b) Government documents
Federal Magistrates Court of Australia—Report for 2007-08—Errata (received 27 August 2009)
Great Barrier Reef Marine Park Authority—Outlook report 2009 (received 2 September 2009)

(c) Statements of compliance and letters of advice relating to Senate orders
1. Statements of compliance relating to indexed lists of files:
   Attorney-General’s portfolio agencies (received 3 September 2009)
   Cancer Australia (received 4 September 2009)
   Department of Defence (received 2 September 2009)
   Department of Families, Housing, Community Services and Indigenous Affairs (received 24 August 2009)
   Innovation, Industry, Science and Research portfolio agencies (received 3 September 2009)
Workplace Authority (received 26 August 2009)
2. Letters of advice relating to lists of contracts:
   Broadband, Communications and the Digital Economy portfolio agencies (received 24 August 2009)
   Treasury portfolio agencies [3] (received 26 and 28 August and 4 September 2009)
   Agriculture, Fisheries and Forestry portfolio agencies (received 31 August 2009)
   Health and Ageing portfolio agencies (received 31 August 2009)
   Attorney-General’s portfolio agencies (received 31 August 2009)
   Innovation, Industry, Science and Research portfolio agencies (received 31 August 2009)
   Families, Housing, Community Services and Indigenous Affairs portfolio agencies (received 31 August 2009)
   Prime Minister and Cabinet portfolio agencies (received 31 August 2009)
   Education, Employment and Workplace Relations portfolio agencies (received 2 September 2009)
   Resources, Energy and Tourism portfolio agencies (received 2 September 2009)
   Defence Materiel Organisation (received 2 September 2009)
   Environment, Heritage, Water and the Arts portfolio agencies (received 2 September 2009)

Senator ADAMS (Western Australia) (5.12 pm)—by leave—I move:
That the Senate take note of the report of the Great Barrier Reef Marine Park Authority.
I seek leave to continue my remarks later.
Leave granted; debate adjourned.

Senator BARNETT (Tasmania) (5.12 pm)—by leave—I move:
That the Senate take note of each document under item (c).
I seek leave to continue my remarks later.
Leave granted; debate adjourned.

COMMITTEES
Rural and Regional Affairs and Transport References Committee
Reporting Date

Senator McEWEN (South Australia) (5.11 pm)—by leave—At the request of the chair of the Rural and Regional Affairs and Transport References Committee, Senator Nash, I move:
That the final report of the Rural and Regional Affairs and Transport References Committee on rural and regional access to secondary and tertiary education opportunities be presented by 29 October 2009.
Question agreed to.

DOCUMENTS
Responses to Senate Resolutions

The ACTING DEPUTY PRESIDENT (Senator Hurley)—I present the following responses to resolutions of the Senate:
(a) Response from the Hon. Michael Black, Chief Justice of the Federal Court of Australia, to a resolution of the Senate of 12 August 2009 concerning Federal Court of Australia registry services in Tasmania; and
(b) Response from the Ambassador of the Russian Federation to Australia (Mr Alexander V Blokhin), to a resolution of the Senate of 18 August 2009 concerning the death of Ms Natalya Estemirova.

Senator ABETZ (Tasmania) (5.13 pm)—I seek leave to move a motion in relation to the response of the Chief Justice of the Federal Court of Australia that has just been tabled.
Leave granted.

Senator ABETZ—I move:
That the Senate take note of the document.

The history of this matter is that on 12 August this year I moved a motion in the Senate, co-sponsored by the Leader of the Australian Greens, expressing concern over the
maintenance of the Federal Court registry and its services in Hobart. The Senate passed that motion, as I understand it, on the voices without a voice being recorded in dissent. His Honour, the Chief Justice’s response is, I must say, very disappointing and it falls very short of the mark. Indeed, His Honour, after going for about 1¼ pages, finally admits in the second last paragraph of his correspondence to the President:

I appreciate that, in context, this does not meet the Senate’s concerns …

He is dead right: his response does not meet the Senate’s concerns, and I believe that this is another example of bureaucratic interference and bureaucratic empire building at the expense of service delivery. Tasmania is a fully-fledged state of the Federation. It has a right to full Federal Court registry facilities in Tasmania. To make it an outpost of the Melbourne registry is completely and utterly unacceptable. I would invite any senator interested in this matter, or indeed any member of the public, to peruse the Senate Hansard of the Senate estimates legal and constitutional affairs committee, where I questioned Mr Warwick Soden, who is from the Federal Court registry, about the review and its impact. It became obvious that there is either a surplus capacity in Melbourne that would be then transferred to Tasmania—which begs the question: why should Tasmanian personnel suffer?—or, if there was an overcapacity in Tasmania, why couldn’t that then be scaled down to a level that was acceptable?

We are told in this correspondence that His Honour, the Chief Justice, wanted his letter to be tabled because the matter was not debated prior to the vote. He is right on that, but if he was properly informed he would know that some considerable time for a matter as discrete as this was taken at Senate estimates by myself and, I think, others in pursuing this very important issue. For the suggestion to be made gratuitously that this was not a matter of debate or not a matter on which senators were not properly informed is a reflection that I trust was not meant, and I trust I am being oversensitive in that regard.

But His Honour tells us in the fifth paragraph of the letter that ‘the service provided in Tasmania would not be diminished’. With great respect, when you do not have a resident registrar who is sitting there in situ, it is very hard to believe and understand that a deputy district registrar, based in Melbourne, would somehow be able to provide the same sort of service as somebody on the ground in situ everyday. And so with great respect to His Honour, that assertion is not something that can be sustained and it is a matter of concern that His Honour thinks that his explanation somehow deals with that issue.

In the second last paragraph on the first page of the letter, His Honour goes on to set up a straw man and then knock it down. He said:

It has never been proposed—and will not be proposed—that the Tasmania District Registry should be closed.

Nobody accused the Federal Court of that, so why on earth raise it? It was not in the motion. That was not the accusation in the motion. That was not the situation that Senator Brown and I and other Tasmanian senators were asserting. Yet, this straw man was set up and then it was said it has never been proposed. With great respect to His Honour, I know that that was never proposed. Nobody suggested it was proposed, so why it found its way into his correspondence I am at somewhat of a loss to understand.

The last paragraph of the first page tells us that the district registrar for Victoria, ‘a very experienced officer’, will continue in her capacity as the district registrar for Tasmania. I am sure the district registrar from Victoria is very experienced and very capable. But when you make these decisions, it is not
done on the basis of who the personnel might be at any particular time. This district registrar might in fact resign tomorrow, and then there might be a less experienced one. But let me simply say that the Tasmania district registrar, Mr Alan Parrot, a man with whom I went through law school, is also very experienced, very capable and has the full confidence of the Tasmanian legal profession. I hope that there is no slight in relation to the experience and professional capacity of Mr Parrot, the Tasmanian district registrar.

It is very interesting that we are getting rid of the fully-fledged Tasmanian district registrar. And guess what we need to replace him? A registry manager will be appointed. So here we go, the actual person who delivers the justice, who helps to get cases moving, the person who can do all of these things to affect justice, that person is removed and backfilled by a bureaucrat. This is how the bureaucracy takes over. It is almost as though the health department has got hold of the Federal Court. You get rid of the doctors and you have more bureaucrats in the health department, which seems to be the way of every state health department all around Australia at the moment.

One thing I do agree with in His Honour’s letter is:
The Federal Court’s disposition rate in Tasmania is exceptionally good.
I agree with him. It is very good. He then goes on to say:
I do not expect these excellent figures to change, other than to improve.
Yet he tells us the total numbers are being shrunk in the Federal Court all around Australia. So we are now going to do more with less. It defies logic, it defies experience and, with great respect to His Honour, it does not suggest that much robust thought has been put into his response.

I find it regrettable that I have to make these comments about somebody who I must say runs the Federal Court well, but the matters that he has referred to in his response to the Senate resolution would suggest that he is being advised by people who are not necessarily a full bottle on what has actually occurred in Tasmania. I would ask the Federal Court to reconsider their approach. When I asked about all these matters at Senate estimates, I was told by Mr Soden that no decision had been taken and that everything would be considered very carefully. Of course, His Honour still does not tell us exactly what the savings are and at what cost to the delivery of justice to the people of Tasmania. With great respect, you cannot reduce the personnel and the services and then still assert that the excellent figures in the registry will not change other than to improve. With great respect, that offends logic.

My time has run out. I note that Senator Barnett, who has also taken a very active interest in this matter, will make some comments. I publicly express my regret that the Chief Justice’s response, which indicates the very proper concerns expressed by the Law Society of Tasmania and right across the board, from Senator Bob Brown to me, completely and utterly ignored them.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (5.24 pm)—I concur with Senator Abetz’s remarks and disappointment with the response from His Honour Chief Justice Black. I would have expected that at least the options that were available, when His Honour and whosoever else made the decision to deprive Tasmania of its registrar, would have been canvassed in this response, but they are not. It is as if the concern of the Senate—that there may have been options canvassed and there may have been alternatives looked at—that does not exist, but what we have is a statement of claim by His Honour which justifies
the decision made but not the clear request for a look at the option to retain the registrar in Tasmania.

As Senator Abetz said, we are a federation. This is the court making the decision, under Chief Justice Black, that Tasmania should be deprived of an entity that is available in the other states. I do not accept that. I absolutely join Senator Abetz in saying in this chamber that the court should reconsider this matter, maintain the registrar and look at the other options available to it in making financial adjustments if necessary. Maybe His Honour felt it was inappropriate, but there is no request canvassed anywhere in this response to look at funding alternatives.

Indeed, in the last sentence of Chief Justice Black’s response, he says: Finally, I would like to say the commitment shown to our work in Tasmania by Justices Heerey, Marshall and Middleton—and I would like to think by myself—should leave no room for any concern that the Federal Court regards its presence in that State of our federation—that is, Tasmania—to be in the slightest degree less important than its presence elsewhere.

Who does His Honour think we are? He is depriving Tasmania of the registrar but says that should not, in the slightest degree, show Tasmania as less important than elsewhere. I fail to see the logic of that or, indeed, the common sense of that. This is way short of what I would have expected would be a response from His Honour to the Senate on this matter.

His Honour said the matter was not debated in the Senate but that due consideration was given, but I might shoot this one back to His Honour: where was this matter debated in the public arena in Tasmania? I presume there were debates on the matter behind closed doors before it was settled by the court, but, if we are going to seek public debate on this matter, let’s have it. Senator Abetz and I, and other senators present, would happily join in a public meeting to debate the matter if His Honour would care to take that invitation, in Hobart or Launceston. I will certainly be there if he would care to do just that and extend the potential for debate about this matter to the fullest before it is finally settled.

His Honour says, as Senator Abetz pointed out, that the Federal Court’s disposition rate in Tasmania is exceptionally good. He said: We have about 50 filings a year in Tasmania and the average time taken from filing to final disposition over the past few years is six to eight months. I doubt whether any court in the country could beat this.

There is His Honour saying that you will not get a better arrangement for disposition of court matters than you get in Tasmania, but Tasmania is the only place we are going to deprive of a registrar. I would have thought that his argument is a cogent one for keeping the registrar right where he is. His Honour goes on to say: I do not expect these excellent figures to change, other than to improve.

So you take the registrar away, you have the registry done from Melbourne and he predicts that you are going to get a better outcome. Really? I do not understand the logic of that argument. I do not accept it as a logical argument to be entertained in this chamber or, I should submit, anywhere else. This is a most unsatisfactory response.

I will write to His Honour to ask that he review this decision for, amongst other reasons, the reasons stated in his letter, which I
have quoted, show an exceptional performance by the court in Tasmania, which is an argument that it should not be changed.

The position I take on this matter, as a Tasmanian senator, is not changed in any way—in fact, it is strengthened—by this response from the Chief Justice. The very disappointing aspect of this letter is of course the determinant one, which is His Honour failing to change the point of view and, we may presume from this, the decision to deprive Tasmania of its registrar. That is not good enough. His Honour, I believe, ought to reconsider and along the way to at least test public feeling on the excellent performance of the court with its registrar in Hobart.

If it ain't broke, don't fix it. If you want to find savings, then look at the much bigger expenditures of the bigger mainland states to find that saving; do not rob Tasmania of its excellent, unbeaten performance—according to His Honour—in order to achieve that outcome.

Senator Barnett (Tasmania) (5.31 pm)—I stand to associate myself with the remarks of Senator Abetz and, indeed, Senator Brown with respect to the response from the Chief Justice of the Federal Court, the Hon. Michael Black, in his letter dated 19 August 2009. It is a very regrettable response. That motion was put through the Senate and passed without dissent. In fact, this has been an ongoing issue now for some time, during which the Rudd Labor government have been fully aware of the concerns, and not only of Tasmanian senators and members—I note that the federal member for Denison, Duncan Kerr, has a similar view to our own on this matter. I wonder what the Rudd Labor government are doing about this matter. Are they listening? What liaison, what relationship, what communication has been had between the Chief Justice and the Rudd Labor government?

The Hon. Robert McClelland, the Attorney-General, visited Tasmania last month. I met him during his visit; he visited Hobart and also Launceston, and I met him there at the community legal centre. I raised this issue with him at the time. I said that it was a very serious issue and that he really should pursue it. It has been raised with him; he has had it raised in a range of areas.

I know for a fact that the Law Society of Tasmania has expressed extreme concern and strong disagreement with the approach being taken by the Federal Court in Tasmania and by the Federal Court administration across this country with respect to its plans for the district registrar in the Federal Court in Tasmania. The Law Society has written to various members of federal parliament in Tasmania. The President, Luke Rheinberger, has written and expressed his view, and I have talked to him and met with him. The executive director, Martyn Hagan, has acted and prosecuted the case to say, 'No, this is a retrograde step and shouldn't occur.'

In fact, the Law Society has gone to so much trouble to express its concerns that it has actually put in a submission to the current Senate Legal and Constitutional Affairs References Committee inquiry into access to justice. I commend the Law Society for that submission and for making the effort to express its concerns. Obviously, access to justice is a very broad term of reference, but it relates to the time, the costs, any potential delays—all those issues.

The Law Society of Tasmania has put forward a submission, and that will no doubt be considered very carefully by our committee, which I chair. We have had a number of hearings around the country, in Melbourne and other places—Sydney and Canberra are, I think, coming up—and we have had a lot of good submissions. That submission will be considered very carefully, and this Senate
committee will no doubt put its view back into the public arena and back to the full body of the Senate in due course when we report on that inquiry. I commend the Law Society of Tasmania for its work and for its efforts to stand up for proper justice and a fair go for Tasmania.

Tasmania is a federated state; we are part of the Commonwealth and should be treated as such. As Senator Abetz has noted, he himself raised this in Senate estimates in June, as indeed did other senators, including me. But Senator Abetz prosecuted the case well, and I thought, frankly, that we would get a decent response—a very sensible response—based on the prosecution of the case at that time. If the Labor government had been listening and taking on board the concerns—not just ours but also those of the Tasmanian Law Society and fair-minded Tasmanians—they would have fixed this. As I say, I have raised this personally with the federal Attorney-General. The fact is that we are not just an outpost of Melbourne, and we need to be treated fairly and consistently, like other Australian states.

I do not think the letter from the Chief Justice properly sets out in a comprehensive manner all the reasons why it should not continue the way it has. Obviously, there should be reforms. But to do away with the district registrar in that sense—not the registry, but the registrar—is inappropriate. I ask all Tasmanian parliamentarians in this place—and, indeed, those in the other house—to stand up on this issue and to say, ‘No, this is not the way to go.’ I ask them to stand up and say, ‘The Federal Court needs its full complement to operate and function effectively and properly.’

It is interesting that the government have, of their own accord, spent hundreds of thousands of dollars on upgrading and renovating the Federal Court. On the one hand they are happy to spend—and it is to their credit that they have spent—significant funds on ensuring that the structure of the court is properly maintained and there is a fully professional and excellent institution based in Davey Street, Hobart.

Senator Abetz interjecting—

Senator BARNETT—What was that, Senator Abetz?

Senator Abetz—Davey Street, Hobart, a very good address.

Senator BARNETT—A very good address, of course. We know Davey Street, Hobart, quite well, don’t we? The government are spending money on capital upgrade, but on the other hand they are trying to cut costs involved with operational and staff arrangements. I have spoken at Senate estimates with Mr Warwick Soden and in private more recently. Let us put it on the record: this matter will be pursued. We will not give up. On behalf of the Law Society and others, in this place and elsewhere, we are disappointed in the response from the Chief Justice in his letter that has been tabled today. Watch this space.

Question agreed to.

AUDITOR-GENERAL’S REPORTS

Report No. 2 of 2009-10

The ACTING DEPUTY PRESIDENT (Senator Hurley)—In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: Report No. 2 of 2009-10: Performance audit—campaign advertising review 2009-09.

Senator RONALDSON (Victoria) (5.39 pm)—by leave—I move:

That the Senate take note of the document.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.
NATIONAL PREVENTATIVE HEALTH TASKFORCE
Order
Senator WONG (South Australia—Minister for Climate Change and Water) (5.39 pm)—by leave—I table a document relating to the National Preventative Health Taskforce in response to the order of the Senate of 19 August 2009.

Senator ADAMS (Western Australia) (5.39 pm)—by leave—I move:
That the Senate take note of the document.

I seek leave to continue my remarks later.
Leave granted; debate adjourned.

COMMITTEES
Finance and Public Administration References Committee
Additional Information
Senator McEWEN (South Australia) (5.39 pm)—On behalf of the Standing Committee on Finance and Public Administration, I present additional information received by the committee on its inquiry into residential and community aged care in Australia.

Migration Committee
Report: Corrigenda
Senator SIEWERT (Western Australia) (5.40 pm)—On behalf of Senator Hanson-Young, I present a corrigenda to the report of the Joint Standing Committee on Migration, Immigration detention in Australia: facilities, services and transparency.

Ordered that the report be printed.

National Capital and External Territories Committee
Membership
Senator WONG (South Australia—Minister for Climate Change and Water) (5.41 pm)—by leave—I move:
That Senator Humphries be discharged from and Senator Scullion be appointed to the Joint Standing Committee on the National Capital and External Territories.

Question agreed to.

RENEWABLE ENERGY (ELECTRICITY) AMENDMENT BILL 2009
Returned from the House of Representatives
Message received from the House of Representatives acquainting the Senate that it had agreed to the amendments requested by the Senate to the bill.

AUTOMOTIVE TRANSFORMATION SCHEME BILL 2009
ACIS ADMINISTRATION AMENDMENT BILL 2009
NATIONAL CONSUMER CREDIT PROTECTION BILL 2009
NATIONAL CONSUMER CREDIT PROTECTION (FEES) BILL 2009
NATIONAL CONSUMER CREDIT PROTECTION (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) BILL 2009

First Reading
Bills received from the House of Representatives.

Senator WONG (South Australia—Minister for Climate Change and Water) (5.42 pm)—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
Bills read a first time.

Senator WONG (South Australia—Minister for Climate Change and Water) (5.43 pm)—I table a revised explanatory
memorandum relating to the Automotive Transformation Scheme Bill 2009 and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

Automotive Transformation Scheme Bill 2009

Introduction

The bill establishes the legislative framework for the new Automotive Transformation Scheme.

This bill, together with the ACIS Administration Amendment Bill, demonstrates once again the government’s commitment to securing the long-term viability of the automotive industry. Car making is a cornerstone of Australian manufacturing. It makes a critical contribution to Australian employment, skills, innovation, and exports. The automotive industry directly employs over 52,000 people. This scheme will help to secure these vital jobs as the industry faces intense pressure in the short-term as a result of the global economic downturn, as well as the long-term challenge of modernisation and renewal. The automotive industry is also one of Australia’s top export earners—despite the recent effects of the global economic downturn—with exports of $5.8 billion in 2008.

These are just some of the reasons why, on 10 November 2008, the government launched the $6.2 billion initiative, A New Car Plan for a Greener Future, the most comprehensive package ever devised for the Australian automotive industry. The Automotive Transformation Scheme, established by this bill, is a centrepiece of the new car plan and a vital complement to other elements of the plan, such as the $1.3 billion Green Car Innovation Fund.

Assistance under the Automotive Transformation Scheme will commence on 1 January 2011. The scheme will support the competitive investment and innovation needed to make the Australian automotive industry economically and environmentally sustainable. It will achieve this by increasing support for strategic investment in research and development, plant and equipment, and the production of motor vehicles.

The Automotive Transformation Scheme replaces the previous government’s Automotive Competitiveness and Investment Scheme—or ACIS for short—which was due to run until 2015. Assistance under the new scheme will continue until 31 December 2020.

The new scheme improves on the existing ACIS by placing a renewed focus on innovation, with increased support for eligible investment in R&D. Stimulating additional R&D—a major contributor to innovation—will improve productivity and build competitive advantage. The new scheme also requires participants to demonstrate a commitment to improving environmental outcomes. This will lead to the development of vehicles with lower fuel consumption and lower greenhouse gas emissions.

Innovation is the key to making the automotive industry greener and more internationally competitive. It will enable the industry to adapt to the challenges presented by changing consumer preferences and climate change. Above all, innovation is the key to creating long-term, full-time, high-skill, high-wage jobs.

A companion to this bill, the ACIS Administration Amendment Bill, makes amendments to the final year of ACIS. The amendments repeal ACIS stage 3 and provide additional assistance to motor vehicle producers in 2010. The amendments guarantee continuity in support for the industry, and will ensure a smooth transition from ACIS to the new Automotive Transformation Scheme.

Passage of this bill will give the automotive industry 10 years of policy certainty at a time when it is under acute pressure both in Australia and overseas. In the short term, the bill, in addition to proposed amendments to ACIS, will restore much needed confidence to deal with the global economic downturn. At the same time, the bill looks to the future by encouraging the industry to develop new technologies and take advantage of new opportunities.

In designing the scheme, the government recognised that a successful, innovative automotive industry needs a highly skilled workforce. This is why we will also require participants to demon-
strate their commitment to boosting workforce skills and capabilities. Ensuring that scheme participants meet these obligations will provide significant benefits to the entire Australian economy. This bill coincides with the legislated reduction of automotive tariffs from 10 per cent to five per cent on 1 January 2010. This will make Australia’s tariffs on passenger motor vehicles among the lowest in the world. This is consistent with the government’s belief that the long-term viability of the automotive sector depends on action to increase its innovation capacity, competitiveness and globally integration—not on tariff protection.

Main body
Replacing ACIS with the Automotive Transformation Scheme is consistent with the recommendation of the Review of Australia’s Automotive Industry by the Hon. Steve Bracks, which reported on 22 July 2008. The bill establishes the framework for the scheme, with the administrative details to be included in regulations. This reduces the administrative complexity of the legislation and provides the flexibility required to deal with changing circumstances in the Australian automotive industry. The regulations are currently being drafted and will be subject to industry consultation later in the year.

The new scheme provides assistance to participants in the form of grants, instead of the duty credits paid under ACIS. The move to grants will assist in the administration of the scheme and remove some of the complexity in the current legislation. The automotive industry has endorsed this change.

Despite the move to grants, the payment timetable for the new scheme will be similar to the one for ACIS. This will provide continuity for participants, which is especially important during these difficult times.

The scheme provides $3.4 billion of capped and uncapped transitional assistance to registered participants.

The bill guarantees up to $2.5 billion over 10 years in capped assistance—available to both vehicle producers and supply chain participants—through a standing appropriation. Participants will be eligible to receive up to:

- $1.5 billion in capped assistance over stage 1, running from 2011 to 2015; and
- $1 billion in capped assistance over stage 2, running from 2016 to 2020.

The standing appropriation will give the industry the certainty it needs to plan long-term investment.

The move from duty credits to grants also requires further changes from the approach set out in ACIS to ensure the effective administration and accountability of the scheme. The bill allows the Commonwealth to recover assistance that is over-paid to participants. The standing appropriation will allow debts recovered from participants to be returned to the scheme for redistribution.

The bill also includes a strong monitoring regime, including provision for authorised officers to obtain a monitoring warrant to check compliance and substantiate information. The scheme imposes obligations on participants to ensure authorised officers appointed by the Commonwealth can verify information efficiently and effectively. Contravening these requirements will be an offence. These provisions are necessary to protect the Commonwealth, since assistance is paid almost immediately based on a participant’s claim.

The scheme can adapt to industry investment cycles by allowing unspent money in a calendar year to be rolled over to other years within the stage.

The new scheme puts a renewed emphasis on stimulating R&D. It increases the rate of claims for investment in eligible R&D from 45 per cent to 50 per cent. The aim is to support R&D activities that would not have taken place without assistance. The rate of assistance for investment in approved plant and equipment will be reduced from 25 per cent for the supply chain to 15 per cent to make investment in R&D even more attractive.

The bill will commence on 1 July 2010 to allow for pre-registration of existing ACIS participants. This will guarantee continuity of assistance when payments under the new scheme commence from 1 January 2011. The transition to the new scheme will also be smoothed by provisions that allow for the recognition of existing eligible investments made under ACIS.
While the scheme provides significant funding for the industry over the next decade, the ultimate aim is to make it economically and environmentally sustainable. That is why the funding is front-loaded in the early years and will be reduced to zero by 2020.

**Conclusion**

This bill is the result of extensive policy design and industry consultation, and it has strong stakeholder support.

Its ultimate goal is to reinvigorate the automotive industry so that it can go on contributing to Australia’s prosperity for decades to come.

I commend this bill to the House.

ACIS Administration Amendment Bill 2009

The bill amends the ACIS Administration Act 1999 to ensure the smooth transition from the current Automotive Competitiveness and Investment Scheme, ACIS for short, to its replacement, the Automotive Transformation Scheme.

This bill, together with the Automotive Transformation Scheme Bill, will give effect to the government’s policies to revitalise the Australian automotive industry though increased support for investment and innovation. This support is necessary to ensure the long-term economic and environmental sustainability of the industry.

The replacement of assistance under ACIS from 2011, by a new, retargeted and greener scheme is a key element of the government’s New Car Plan for a Greener Future. It demonstrates once again the government’s commitment to secure the future of this vital industry to the Australian economy.

This bill repeals ACIS stage 3 to allow for its replacement with the Automotive Transformation Scheme. The bill also provides increased assistance to motor vehicle producers in 2010, as part of the transitional arrangements prior to the establishment of the Automotive Transformation Scheme. This increase in transitional support in 2010 provides the industry with the certainty it requires to continue long-term strategic investment as it meets the challenges of a reduced rate of tariff protection and the global economic downturn. The Australian government believes that the key to the future of the industry is innovation, not tariff protection.

The bill also corrects an anomaly in ACIS where the level of assistance for vehicles sold for export is less than assistance for vehicles sold domestically.

I commend this bill.

**National Consumer Credit Protection Bill 2009**

Today, I introduce a bill that will deliver on the commitment of the Rudd government to modernise Australia’s consumer credit laws.

This bill will—for the first time in our country’s history—provide for one, single, standard and uniform regime for consumer credit regulation and oversight.

And for the first time, Australian financial services consumers will have a truly national set of laws.

The bill follows the historic agreement by the Council of Australian Governments in October 2008 to implement a two-phase approach for the Australian government to take over responsibility for the regulation of consumer credit.

By replacing the state-based Uniform Consumer Credit Code, which operates inconsistently across the eight jurisdictions, it will also reduce duplication, red tape and compliance costs for business.

This bill also has the benefit of being “road-tested” through a consultation process involving industry and consumer groups. The exposure drafts were released for public comment. The legislation was then reviewed and amended in light of the submissions received by the government.

The new national regime includes several components, which I will now outline.

**National licensing regime**

The National Consumer Credit Protection Bill, together with the National Consumer Credit Protection (Transitional and Consequential Provisions) Bill, and the National Consumer Credit Protection (Fees) Bill, will establish, for the first time, a comprehensive national licensing regime for people engaging in credit activities.
Lenders and providers of consumer credit broking services must be registered with the Australian Securities and Investments Commission, then obtain an Australian credit licence.

Participants will need to be registered or licensed if they engage in any of the following activities:

- providing credit or consumer leases;
- collecting money due under a credit contract or a consumer lease (including lenders who have ceased providing credit, or assignees who have purchased the debts from the original credit provider);
- exercising rights as a mortgagee or the beneficiary of a guarantee;
- acting as an intermediary between the borrower and the lender. This principally covers finance brokers, however the definition also covers bodies such as mortgage managers and aggregators; or
- suggesting or providing assistance in respect of a specific credit contract or lease with a particular credit provider.

The licensing process will start on 1 January 2010. Before that date, anyone engaging in credit activities will need to be registered with ASIC, and must apply for registration between 1 November 2009 and 31 December 2009. They will then have the six-month period between 1 January 2010 and 30 June 2010 to apply for an Australian credit licence.

They will then have the six-month period between 1 January 2010 and 30 June 2010 to apply for an Australian credit licence.

Anyone who engages in credit activities for the first time on or after 1 January 2010 must apply for, and receive, an Australian credit licence before starting business.

The two-stage process has been adopted to facilitate a smooth transition to licensing. The registration procedure has been designed to be straightforward for industry and can be completed online. The two-stage process also gives industry adequate time to meet all the licensing requirements.

It is expected that ASIC will issue guidance on the procedures for becoming a licence holder including guidance for small businesses.

To qualify for an Australian credit licence, lenders and brokers must meet minimum training requirements and have adequate financial and human resources to meet their obligations.

Licensees must also meet enhanced standards of conduct including the requirement to act honestly, efficiently and fairly. They must also adequately train and supervise people who act on their behalf.

Authorised deposit-taking institutions can be streamlined to a licence because we are confident that these institutions already satisfy the entry requirements.

We also propose to similarly streamline, by way of regulations, the application process for Western Australian brokers who hold an “A” or “B” class licence, because of the rigour of the licensing scheme in that state.

As well, consumers will be able to resolve consumer credit disputes outside the court system at no cost to them, as licensees must be members of an external dispute resolution scheme.

The new scheme enables ASIC to refuse an application if the person does not meet those standards.

ASIC will also be given the power to cancel or suspend a licence, or to ban people from engaging in credit activities, where this is necessary to protect consumers from the risk of financial harm and to maintain the integrity of the credit industry.

A national licensing scheme will mean that a person who is banned or loses their licence or registration will be unable to legally engage in credit activities anywhere in Australia. Currently, there is nothing to prevent a person banned in one state or territory from continuing to operate as a broker or lender simply by moving to a different jurisdiction.

**Responsible lending obligations**

The National Consumer Credit Protection Bill will establish new responsible lending conduct requirements.

The requirement to meet the responsible lending obligations will be a key condition of holding an Australian credit licence.

When offering consumer credit, lenders and assistants such as finance brokers will be required to do two things. Firstly, they must assess that the loan is not unsuitable for the consumer.
And secondly, they must assess that the consumer has the capacity to repay the loan. In making this assessment, they will need to make reasonable inquiries and verify the details provided to them. To assist consumers to make better-informed borrowing decisions, or in the event of a dispute, consumers will be able to request a copy of this assessment.

All consumers applying for credit will be provided with a Credit Guide which will inform them of key information early in the process of a credit-related transaction. It is important that the consumer knows who they are dealing with, that the credit provider is licensed—and has therefore met the stringent entry requirements of participating in the credit market—and also has early advice of any fees and costs.

As part of the responsible lending requirements, licensees will also have to let consumers know, upfront, what fees and charges they will need to pay before the loan is suggested or entered into. As well, brokers will need to disclose any commissions if the suggested loan is secured, and credit providers will continue to disclose various commissions related to the matter.

Further, consumers will now be made aware of their right to request a variation in their credit contract in the event of financial hardship, rather than continue to suffer distress or seek to refinance their loan and exacerbate their debt levels.

Additional measures have been included to help protect consumers’ family home by requiring more rigorous assessment of any credit offer that will require the consumer to sell their home in order to meet the obligations of that contract.

These provisions will help consumers to make better informed choices and use credit more effectively.

ASIC’s role during the transition to the new regime

To ease the transition for industry and allow the national credit regime to be implemented in a sensible and practical fashion, the government has made some key changes in light of the insights gained through the consultation process.

Firstly, we have simplified the way in which the proposed responsible lending arrangements will apply. We have removed the requirement for lenders to meet credit assistance conduct obligations when providing assistance in relation to their own credit products.

Secondly, we have delayed the commencement of the responsible lending obligations to 1 January 2011. This will give industry more time to implement the necessary changes to support responsible lending.

Thirdly and importantly, the government has given ASIC greater flexibility to exempt or modify the licensing and registration requirements in the law. During the transition period, ASIC will play a key role in providing assistance to industry.

The government has given ASIC greater resources to ensure it will be proactive in assisting industry to comply with the law. ASIC will undertake intensive industry consultation to explain and clarify the licensing requirements, and will work closely and cooperatively with industry.

I am confident that, by working together closely during this process, industry and ASIC will achieve a seamless and successful transfer to the new credit regime.

Sanctions and remedies

The National Consumer Credit Protection Bill will enhance ASIC’s enforcement powers. The relevant provisions are consistent with the Corporations Act 2001 and other Commonwealth consumer protection laws.

The regulatory framework is supported by a tiered approach to the sanctions regime, which includes:

- criminal penalties for licensee misconduct, including possible imprisonment for up to two years for those who lend contrary to the responsible lending requirements;
- civil penalties for licensee misconduct which enable ASIC to seek fines of up to $220,000 for an individual and $1.1 million for a corporation;
- infringement notices enabling ASIC to act quickly to penalise certain breaches of the law; and
- consumer remedies, such as compensation, which allow consumers to seek redress for their loss and damage from a licensee.
Additionally, ASIC’s current regulatory powers under the Australian Securities and Investments Commission Act 2001 will be replicated in the Credit Bill.

**New dispute resolution mechanism**

The National Consumer Credit Protection Bill will introduce a three-tier dispute resolution system for consumer credit issues. This will make it easier and less costly for consumers to have their disputes resolved.

The three-tier system will give consumers access to:

- the licensee’s internal dispute resolution process;
- the licensee’s ASIC-approved external dispute resolution scheme; and
- the Federal Court, Federal Magistrates Court and the courts of the states and territories, including the magistrates or local courts.

Consumers will also have access to an “opt-in” streamlined court procedure for claims of compensation for loss or damage up to $40,000. These streamlined procedures will also apply to several key consumer rights under the National Credit Code. For example, consumers will be able to utilise the streamlined processes for:

- applications for hardship variations;
- postponement of enforcement actions;
- regaining possession of mortgaged goods; and
- action against unconscionable fees and charges imposed by their credit provider.

The “opt-in” streamlined court procedure is designed to ensure consumers continue to receive the benefit of accessibility to dispute resolution in terms of location, procedural simplicity and minimised legal costs.

The procedure will provide consumers with informal court proceedings where legal forms and technicalities do not have to be observed and legal representation is not required.

**National Credit Code**

The new National Credit Code will also provide a consumer protection framework for consumer credit and related transactions. It largely replicates the Uniform Consumer Credit Code, enacted in the Consumer Credit (Queensland) Act 1994 and in force in the states and territories since 1996.

The code will be enacted as a schedule to the National Consumer Credit Protection Bill.

The National Credit Code is as similar to the Uniform Consumer Credit Code as is practicable, except where the Commonwealth has specifically decided to enhance or extend its operation.

The code has been extended in the following ways:

- It covers credit for residential investment properties, providing important protections to “mum-and-dad” property investors.
- It increases the monetary threshold under which consumers can request a change to certain terms of their credit contract on the grounds of financial hardship from a fluctuating figure of around $330,000 to a fixed figure of $500,000. The code includes a new, flexible power to raise this threshold if necessary. This amendment will enable more consumers to apply for changes to the terms of their credit contract when in financial hardship, for example because of illness or unemployment. This increased threshold also applies to requests for stays of enforcement. In addition, credit providers will have to respond to such requests within 21 days.
- Credit providers will be prohibited from using essential household goods as security.
- Credit providers will be required to give consumers information when a consumer defaults on their contract or a direct debit is dishonoured.
- As well, the code reduces the potential for unscrupulous lenders to avoid the application of the law to consumers.

The National Credit Code also includes amendments to enable the former Uniform Consumer Credit Code to operate effectively as Commonwealth legislation.

The National Consumer Credit Protection Bill and the transitional bill contain power to exempt persons from some or all of the regulatory requirements. This means that the requirements in
the Bills can be “turned off” or varied, enabling the application of the bills to be refined or calibrated to meet different practices across the credit industry; or to be applied in a sensible and practical way.

Point-of-sale retailers who provide credit assistance to consumers will be exempt from the requirements, with a review of the issue of regulatory oversight to occur within 12 months. However, the providers of credit and leases at point of sale will not be exempt.

In addition, debt collectors who hold a state or territory licence and are authorised by a lender to collect a debt will be exempt for a 12-month period, pending further consultation with state and territory governments and industry.

**Conclusion**

The National Consumer Credit Protection Bill introduces sweeping changes to our consumer credit laws. It establishes the foundations for a new robust regulatory framework, on which phase two of the COAG reforms will be built.

As well as making the consumer credit system fairer, more consistent and more workable, the new regime will significantly improve the effectiveness of protection for consumers. It will also address many of the regulatory gaps that have plagued the state regulatory system.

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

I commend this bill.

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**National Consumer Credit Protection (Fees) Bill 2009**

The National Consumer Credit Protection (Fees) Bill forms part of a reform package which will provide for one, single, standard and uniform regime for consumer credit regulation and oversight.

The bill enacts provisions about the imposition of fees, for chargeable matters, collected by the Australian Securities and Investments Commission (ASIC).

These chargeable matters include such things as the lodgment of a document with, or the inspection of a register kept by, ASIC.

Amongst other things, the National Consumer Credit Protection (Fees) Bill also provides for the imposition of differential fees in relation to a chargeable matter. For example, under the proposed regulations to this bill, different fees will be imposed on the lodgment of different documents, such as licence applications and annual compliance certificates.

The National Consumer Credit Protection (Fees) Bill is a separate bill in order to comply with the requirements of section 55 of the Constitution. That constitutional provision provides, in part, that laws imposing taxation shall deal only with the imposition of taxation, and that any other provisions dealing with any other matter must be dealt with separately.

I commend this bill.

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**National Consumer Credit Protection (Transitional and Consequential Provisions) Bill 2009**

The National Consumer Credit Protection (Transitional and Consequential) Provisions Bill sets out the transitional and consequential arrangements to support a smooth and comprehensive transition from the current state based regulation of consumer credit to the new national scheme under the National Consumer Credit Protection Bill. This is crucial to ensure that in the transition to the new regulatory framework, consumers’ rights are preserved and the disruption to business is minimised.

The key elements of the National Consumer Credit Protection (Transitional and Consequential Provisions) Bill are that:

- it sets out the requirement for persons currently engaging in credit activities to register with the Australian Securities and Investments Commission (ASIC) prior to becoming holders of an Australian credit licence. The procedures for applying for an Australian credit licence are contained in Chapter 2 of the National Consumer Credit Protection Bill 2009;
- it will substitute existing rights and liabilities under the state based Uniform Consumer Credit Code with equivalent rights and liabilities under the National Credit Code;
it will substitute existing court proceedings in train under the Uniform Consumer Credit Code with equivalent new proceedings under the National Credit Code;
• it provides that the National Credit Code does not apply to state or territory tribunal proceedings; and
• it grants functions and powers in relation to appeal, review or enforcement proceedings.

Both the National Consumer Credit Protection Bill, and the National Consumer Credit Protection (Transitional and Consequential Provisions) Bill, provide for a broad regulation-making power, in recognition of the need for flexibility to deal with circumstances that may arise in the future.

Such a power ensures that any necessary consequential amendments can be made without the need for the enactment of another Act.

I commend this bill.

Debate (on motion by Senator Wong) adjourned.

Ordered that the bills be listed on the Notice Paper as follows:
• the Automotive Transformation Scheme Bill 2009 and the ACIS Administration Amendment Bill 2009 as one order of the day; and
• the National Consumer Credit Protection Bill 2009 and two related bills as one order of the day.

AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TEST REVIEW AND OTHER MEASURES) BILL 2009

Report of the Legal and Constitutional Affairs Legislation Committee

Senator McEWEN (South Australia) (5.44 pm)—On behalf of the chair of the Senate Legal and Constitutional Affairs Legislation Committee, I present the report on the Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009 together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

NATIONAL SECURITY LEGISLATION MONITOR BILL 2009

Report of the Finance and Public Administration Legislation Committee

Senator McEWEN (South Australia) (5.44 pm)—On behalf of the chair of the Senate Standing Committee on Finance and Public Administration, I present the report of the committee on the National Security Legislation Monitor Bill 2009 together with the Hansard record of proceedings and documents presented to the committee.

Senator BERNARDI (South Australia) (5.45 pm)—by leave—I move:

That the Senate take note of the report.

I have some very brief comments. The coalition was very keen, obviously, to see this bill introduced, as it had its initial gestation in a coalition bill that was introduced by Senator Troeth into this place. We make a conditional acceptance and recommendation of the passage of the bill, subject to the concerns of the committee being addressed. The first concern that we had in our additional comments was with the location of the monitor within the Department of the Prime Minister and Cabinet. The coalition remains concerned that the
monitor should not actually be an instrument of the government of the day and it should not at any stage be perceived to be this by members of the public. Locating the monitor within a government department could result in such a perception, whether it be real or otherwise. Accordingly, we recommend that the monitor should be an independent monitor much like the Auditor-General.

The coalition senators also did not agree with the recommendation that the monitor be required to assess whether legislation is consistent with Australia’s international human rights obligations. This is not because we do not accept that Australia has international human rights obligations or human rights obligations per se, but because introducing a wide range of international instruments adds a great deal of needless complexity to the monitor’s task without demonstrably adding to the effectiveness of the process. Those with a legal mind will recognise that there are many international instruments to which Australia is a signatory, some of which have been ratified into domestic law and some which have not. The legislation which the monitor will be asked to oversee is actually domestic legislation, not international legislation, and the existing domestic legal safeguards are the appropriate standard by which to judge it.

We believe that the recommendation regarding proportionality addresses the appropriate test and accordingly, whilst we support the legislation and passage of the bill subject to the committee’s recommendations, we do want on the record—and we have noted these comments in the report—that there are some reservations. It would be our preference, obviously, that the government address them. I seek leave to continue my remarks.

Leave granted; debate adjourned.

COMMITTEES
Economics Legislation Committee
Report
Senator McEwen (South Australia) (5.47 pm)—On behalf of the Chair of the Senate Economics Legislation Committee, Senator Hurley, I present the report of the committee on the provisions of the Trade Practices Amendment (Australian Consumer Law) Bill 2009, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Economics Legislation Committee
Report
Senator McEwen (South Australia) (5.47 pm)—On behalf of the Chair of the Senate Economics Legislation Committee, Senator Hurley, I present the report of the committee on the provisions of the Corporations Amendment (Improving Accountability on Termination Payments) Bill 2009, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Economics Legislation Committee
Report
Senator McEwen (South Australia) (5.47 pm)—On behalf of the Chair of the Senate Economics Legislation Committee, Senator Hurley, I present the report of the committee on the provisions of the National Consumer Credit Protection Bill 2009, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.
HIGHER EDUCATION SUPPORT AMENDMENT (2009 BUDGET MEASURES) BILL 2009
Second Reading

Debate resumed.

Senator FIELDING (Victoria—Leader of the Family First Party) (5.48 pm)—Before being interrupted by question time earlier this afternoon I was speaking on the Higher Education Support Amendment (2009 Budget Measures) Bill 2009. It is about the level of financial assistance that we provide to our kids that go to uni. The government has realised they got it wrong and has moved to exempt this year’s gap-year students from some of the proposed changes. The real issue here is that they also know that many families, especially many rural and regional families, in future years will also be impacted, and they are left hung out to dry.

The government are obviously worried that they will be forced into doing another backflip and therefore the second part of the legislation is still going to be introduced into parliament. But these are linked together and it is important that we make that link of the two. The government had been insisting for months on pressing ahead with their changes to Youth Allowance for gap-year students, and instead they should have been sitting down with kids and parents and experts. Then perhaps they would not be in the mess that they are in at the moment.

Family First has been speaking to students and parents living in rural and regional Australia and hearing firsthand about the massive impact the changes will have on their prospects of going to university. A few weeks ago I arranged for a roundtable discussion between the Deputy Prime Minister and a group of students, parents and experts from rural and regional Victoria. I want to thank the Deputy Prime Minister for making herself available to hear this group and for taking the time to listen to their concerns.

It was clear at this roundtable meeting that the Deputy Prime Minister was left with the need to make some changes. In less than an hour students and parents whose lives were going to be dramatically affected by the proposed changes to Youth Allowance were able to put across to the Deputy Prime Minister that an enormous mistake or mess was going to be created by the changes the Rudd government was planning.

It would make sense for the government to sometimes listen to these people earlier, maybe, and take on board their thoughts and their feedback. The parents and students at this roundtable meeting highlighted how the changes to the youth allowance eligibility criteria would put rural and regional kids two years behind their city counterparts. We are discussing one piece of legislation that is intrinsically linked to another piece of legislation. We should be having the debate on both, rather than just having it on this one. The government is proposing that school leavers be forced into working 30 hours per week for 18 months to prove their independence and to qualify for government assistance. The new 30 hours a week for 18 months rule is blatantly unfair and will see fewer people from country areas heading to universities, instead of promoting university education for more Australians.

Unfortunately for the students who finish their year 12 studies—many of whom are from rural and regional areas—the solution that the government has come up with falls well short of what is fair. The solution that the Rudd government has proposed, exempting current students, is only a temporary re-
prieve and does not solve the problems that are going to be faced down the track. I let the government know that I will be supporting this particular bill, because there are a number of positive measures contained within it. But it is directly linked to another piece of legislation that is coming up. I say again that it is a shame that we are not debating both pieces of legislation at once.

Family First will not be supporting the changes, in their current form, that the government is planning on making to Youth Allowance. They need to take care of the issue of regional and country students being effectively pushed into being two years behind their city counterparts because of this rule about working 30 hours a week for 18 months—the year and a half. That pushes them into another year of waiting, because each year university places are given out on a one-year basis, not an 18-month basis. That is the concern.

I am happy to sit down with the Deputy Prime Minister and nut out a real solution, not some half-baked idea that will maybe take care of this year’s gap students but not those in the following years. Let us hope that the government gets serious about fixing this problem and that we can all make sure that as a clever nation we make it easier for our kids to get to university, not harder.

Senator WONG (South Australia—Minister for Climate Change and Water) (5.54 pm)—In the absence of Minister Carr, I will sum up this debate. I thank senators who made a contribution to this debate.

Senator Mason—Thank you.

Senator WONG—I am sorry?

Senator Mason—Thank you, Minister.

Senator WONG—I think you say, ‘You’re welcome’! As the chamber would be aware, the Higher Education Support Amendment (2009 Budget Measures) Bill 2009 amends the Higher Education Support Act to implement the Australian government’s reform to the higher education system announced in the 2009-10 budget. That reform responds to the review of higher education, the Bradley review, which affirmed that the reach, quality and performance of a higher education system will be the key determinants of economic and social progress.

There were a number of issues raised in the debate, including those raised by Senator Fielding. Minister Carr, in his second reading speech, addressed some of those issues to some extent. I trust that other senators have also made a contribution on these issues. I do not propose to traverse the detail of the entirety of the debate. I commend the bill to the Senate. I remind senators that the measures in the bill are also complemented by additional investments of some $2.1 billion from the Education Investment Fund for education research infrastructure and also just over $1 billion for the Super Science Initiative. I commend the bill to the chamber.

Question agreed to.

Bill read a second time.

Bill passed through its remaining stages without amendment or debate.

NATIONAL GREENHOUSE AND ENERGY REPORTING AMENDMENT BILL 2009

Second Reading

Debate resumed from 17 August, on motion by Senator Sherry:

That this bill be now read a second time.

(Quorum formed)

Senator JOHNSTON (Western Australia) (6.01 pm)—On behalf of the opposition I confirm that we are supportive of the National Greenhouse and Energy Reporting Amendment Bill 2009, in line with the very learned and erudite speech given by the shadow minister and member for Flinders,
Mr Hunt. The point we should make is that a matter of moments before this bill was introduced into the House there were substantial amendments put to it. Clearly, the bill received very limited consultation time from the department and the minister. We have before us at some later time today or this week an explanatory memorandum that has been rewritten, rewritten, re-amended and re-amended again. So we are on our fourth version of some 19 pages.

This is terribly indicative of the parlous state of timeliness, consideration and, generally, the due diligence that has been applied by the government, and particularly this minister, to this most important area. Without a proper national greenhouse energy reporting framework there can be no enforcement. This is the fundamental issue that is underlining an emissions trading scheme. Without proper legislation that is well thought out, we cannot have an emissions trading scheme. There are 12 pages of amendments due to come into this place from the government. What does that say about the government’s preparation of the bill?

I have indicated that there are some, I think, 32 areas that have been substantially amended. As I say, it is important legislation. The legislation has been brought forward with a limited degree of consultation. It is an enormously important piece of legislation that will evolve to provide government with a clear perspective and a register that sets out what is happening in those companies that are beyond the threshold, their reporting and auditing.

The opposition supports this bill. It sees it as an important bill but simply is perplexed as to why the government could not have got it more correct from the outset. What is the great hurry here? I find that is the most perplexing aspect of the government’s performance in its due diligence here. As I say, we have an explanatory memorandum, a supplementary explanatory memorandum, a correction to the explanatory memorandum and a revised explanatory memorandum. I am wondering what the fifth version could possibly be entitled. That is a mystery to me which I am hopeful we will never have resolved. On behalf of the opposition I confirm that we support the bill.

Senator MILNE (Tasmania) (6.04 pm)—I rise today to say that the Australian Greens also support National Greenhouse and Energy Reporting Amendment Bill 2009 and recognise that it is an amendment to a framework for reporting greenhouse gas emissions. Clearly that is needed. There needs to be a rigorous process for actually auditing the greenhouse gas emissions, and obviously compliance comes with that. However, there are a couple of issues which remain outstanding as far as the Australian Greens are concerned, and I have circulated a couple of amendments to this legislation. They are similar to the issues that I raised when this bill was first introduced into the Senate, and I want to foreshadow that I will be moving these amendments in the committee stage when we get to that part of the bill.

The amendments that I intend to move to this legislation go to two particular matters. The first one is facility-level reporting rather than reporting the totals of a corporation. This goes to this issue of transparency, public information and corporate accountability. It is the view of the Australian Greens that you should be reporting at the facility level so that, for example, a community can find out the specific emissions from a certain power station—a certain point source—and not just be able to find out that a corporate group across Australia, which may operate half a dozen facilities, has an emissions level of X. The community should be able to come down to look at which of the operations are the biggest polluters across a corporation or a
particular corporate group. That is the first one. We need to go beyond just reporting the whole of a corporation—the total. We need to have the total but we need to be able to break that down into individual facility-level reporting. I would be interested to know why the government continues to hold out and say that that is not necessary. I presume that the argument will be that it is commercial information and therefore is validly confidential. I would argue that the community has a right to know where our largest point source emitters are in order to be able to get greater accountability from a company. Some of the numbers are going to be quite substantial across corporations and you are not going to be able to have a sense of where the changes are being made and where the pressure needs to come on, particularly in terms of putting pressure on to increase the efficiency and to look at the level of subsidies and compensation and so on that is going to go to those corporations that have individual facilities amongst a whole lot that are particularly big greenhouse gas emitters. That is the point in terms of facility reporting.

The second issue is the threshold of the level at which you might report. Of course, there are lots of different ideas about where you would establish the particular level. The government has gone to 25,000 tonnes. The Greens believe that we should reduce that to 10,000 and I would note that in the European Union reporting framework all emissions above one kilotonne must be rigorously accounted for in terms of liable entities under the emissions trading scheme. So I would like the government to indicate whether they would be prepared to take the threshold down to 10,000 as opposed to 25,000 tonnes. I think that that would be in line with best practice and where we will be going in the future. If not accepting that now, we should at least be agreeing to the phasing in of it. Our amendment relates to a phase-in period. But in principle there are two issues: one is facility-level reporting as opposed to totality across a corporation and the other is in terms of the threshold at which you would be required to report.

In foreshadowing those amendments that will be coming later in the committee stage, basically, the Greens are going to support the amendments the government has brought in to tighten up some of the aspects of the audit requirements. I do think that it is important that the auditors be registered and that there is an appeal process in relation to that. I think those moves will improve the general assessment that will go on in terms of greenhouse gas monitoring under this legislation.

Senator WONG (South Australia—Minister for Climate Change and Water) (6.10 pm)—I thank senators for their brief contributions to this debate. The National Greenhouse and Energy Reporting Amendment Bill 2009 makes amendments to the National Greenhouse and Energy Reporting Act 2007. From memory, that was in fact legislation that was prepared by Mr Turnbull in his then position as minister for the environment under the previous government, which might answer Senator Johnston’s question as to why the amendments were not thought about previously. He might want to ask his leader.

The act commenced in September 2007 and established a framework for mandatory reporting of greenhouse gas emissions, energy production and energy consumption by industry. It is an important part of our strategy to combat climate change in an economically responsible way. It is legislation that will underpin the Carbon Pollution Reduction Scheme and assist the government to ensure Australia meets its international reporting obligations and it facilitates the reduction of duplicate industry reporting requirements under existing state, territory and
Commonwealth programs. Senators would be aware that corporations which exceed certain thresholds are required to register and report greenhouse gas emissions and energy data. The first reporting period under the act was the financial year 2008-09.

The bill confirms and demonstrates the government’s continued commitment to an efficient and effective national greenhouse and energy reporting system, including a robust audit framework. The amendments in the bill also support the establishment of the CPRS with a staged approach to ensure a smooth transition for business and other affected parties. The bill reflects extensive stakeholder consultation on the audit framework to be established under the act and around the reporting arrangements in the lead-up to the Carbon Pollution Reduction Scheme.

The bill requires individuals who conduct greenhouse and energy audits under the act to register with the regulator, the Greenhouse and Energy Data Officer, to ensure the quality of the auditing process. Stakeholders support a registration process for auditors and through these amendments the government is delivering the necessary framework for a robust auditor registration system. The bill also enables the minister to determine by legislative instrument the requirements for the preparation, conduct and reporting of audits. This is to ensure greater levels of consistency in the conduct of audits and the 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 specific outcomes.

The other amendments contained in the bill protect commercially sensitive information. This is an issue to which Senator Milne referred and I am sure it will be part of the discussion during the committee stage. It is the government’s view that reporting entities do need confidence that commercially sensitive data will be protected.

Accountability is also an important component of a world-class reporting system. The bill allows for review by the AAT of any decision by the regulator to refuse to register an auditor. This ensures that statutory decision making is transparent and defensible. The regulations will take these review rights further by ensuring that all decisions by the regulator that affect registered auditors are reviewable. The amendments also give the regulator the power to publish certain audit results. Currently, the regulator has no power to disclose to the public information on the outcomes of audits. This amendment has been put forward in response to stakeholder feedback that audit outcomes are a key indicator of the reliability of a corporation’s published greenhouse and energy information. The bill also removes the obligation for the regulator to publish energy production information that is aggregated in such a way as to be unusable or potentially misleading. The proposed amendments will address potential confusion between economy-wide energy production statistics, such as those produced by ABARE, and corporate-level energy production totals. I want to emphasise that this will not affect the reporting obligations of corporations registered for reporting under the act and neither will it affect publication of corporate-level emissions 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 economy and to underpin energy statistics publications.

Finally, the bill also includes amendments in recognition of feedback from industry seeking increased flexibility in establishing reporting arrangements under the National Greenhouse and Energy Reporting system.
from the first reporting year of 2008-09. To achieve this flexibility the bill includes the reporting transfer certificate concept, which 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. These amendments 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 provisions are to commence on the day after royal assent and will be voluntary. They will reduce administrative and economic costs on industry and impose no additional burden on industry, beyond those originally intended by the act.

I want to emphasise that this bill is the result of continued, comprehensive stakeholder consultation, on both the act and the Carbon Pollution Reduction Scheme. Given Senator Johnston’s contribution, I remind him, for example, that the introduction of the reporting transfer certificate concept in the bill was in recognition of feedback from industry, which sought increased flexibility in establishing reporting arrangements under the National Greenhouse and Energy Reporting system from the reporting year. These provisions that introduce the reporting transfer certificate concept are voluntary. And the alignment of this concept with the liability transfer certificate concept outlined in the CPRS, as I said, also ensures a high degree of continuity between current and future reporting requirements.

I again remind the chamber that this bill has been the subject of comprehensive stakeholder consultation, including numerous discussion papers seeking stakeholder feedback, workshops and one-on-one discussion with key affected parties. Given that Senator Johnston has chosen to assert otherwise, I would like to again put the facts on the table. For example, the department released a consultation paper and conducted workshops on the audit framework in October-November last year. Three hundred audit professionals and reporting entities around Australia participated in those workshops. A consultation paper on amending energy production disclosure requirements under the act was also released for public comment over three weeks at the beginning of this year, and stakeholder submissions were received on that consultation paper. In addition, an exposure draft of the bill was released for public comment in February 2009. Various submissions were received from industry and from the public. I also note that the government introduced some amendments, in part as a result of these consultations, in the House. Contrary to what I understand the opposition mistakenly understood, there are no government amendments before the Senate.

The amendments to the act included in this bill will make the audit framework for the act and the Carbon Pollution Reduction Scheme more robust and support this government’s commitment to economy-wide accountability for greenhouse gas emissions, energy production and energy consumption. I commend the bill to the chamber.

Question agreed to.
Bill read a second time.

In Committee
Bill—by leave—taken as a whole.

Senator MILNE (Tasmania) (6.18 pm)—I move Australian Greens amendment (2) on sheet 5878:

(2) Schedule 1, page 4 (after line 14), after item 10, insert:

10A Subsection 24(1A)
Omit “This subsection is subject to subsection 25(3).”.

10B After subsection 24(1A)
Insert:

(1AAA) In addition to publishing the totals for the corporation’s group, the Greenhouse and Energy Data Officer must also publish on the website, in the case of a facility under the operational control of a member of the group and the individual operation of which meets a threshold mentioned in paragraph 13(1)(d) for a financial year:

(a) the greenhouse gas emissions that are scope 1 emissions (within the meaning of the regulations); and
(b) the greenhouse gas emissions that are scope 2 emissions (within the meaning of the regulations); and
(c) energy consumption;
reported in relation to the facility under Part 3.

(1AAB) In addition to publishing the matters mentioned in subsection (1AAA), the Greenhouse and Energy Data Officer may also publish on the website:
(a) the methods mentioned in paragraph 19(6)(b) that were used to measure the values for the facility concerned; and
(b) the rating given to each of those methods under the determination under subsection 10(3).

10C Subsection 24(1B)
Repeal the subsection, substitute:

Limitations

(1B) The Greenhouse and Energy Data Officer must not publish information mentioned in:
(a) subsection (1)—unless the corporation’s group meets a threshold mentioned in paragraph 13(1)(a) for the financial year covered by the report; or
(b) subsection (1AAA)—unless the facility meets a threshold mentioned in paragraph 13(1)(d) for the financial year covered by the report.

10D Subsection 24(1C)
Repeal the subsection.

10E Subsection 24(2)
Omit “This subsection is subject to subsection 25(3).”.

10F Subsection 24(3)
Omit “This subsection is subject to subsection 25(3).”.

10G Section 25
Repeal the section.

As I indicated in my comments on the second reading, the purpose of this amendment is to give effect to the publication on the website of the emissions from a facility under the operational control of a member of the group et cetera, and not just the aggregate total across the corporation or group. As I indicated in my remarks the reason for this in terms of public disclosure is critical. It is very clear that the government are requiring, under this framework, that that information be collected, so they will know what the emissions are across the total group and at the facility level, but there has clearly been a decision not to publish that and make it available. What I am doing here is requiring that that facility-level reporting is made public via the website so that, above a certain threshold level—which we would obviously like to be lower, but nevertheless—if you are required to report, you are required to report at a facility level.

I think it is fairly clear what the Australian Greens are seeking to do with the amendment I have moved. It is a matter of transparency, of public accountability, of giving the public the information they need to know about individual facilities. People need to know what Hazelwood, for example, is emitting. People would like to know what Aurora is emitting in New South Wales. We need to have that information. I would like to know
why the government has chosen not to require that that be made available.

Senator JOHNSTON (Western Australia) (6.20 pm)—The opposition do not support the Greens amendment. Our adjudication is that this will lead to a significant increase in the compliance cost burden for businesses, especially medium-sized businesses.

Senator WONG (South Australia—Minister for Climate Change and Water) (6.21 pm)—I will address Senator Milne’s first issue, which is the subject of the first set of amendments on sheet 5878, which is essentially in relation to the publishing of information. The government is not in favour of publicly reporting emissions in energy information at the facility level. I have indicated in my speech that corporate group reporting remains. But, obviously, in mandating public disclosure, the government has sought to balance the need to protect commercially sensitive information with the desire to inform the public and other data users about greenhouse gas emissions and energy use.

Industry stakeholders have highlighted significant issues around the release of commercially sensitive information if, for example, the information gives an indication of companies’ cost structures and it could be used by existing and potential competitors to inform their pricing and other commercial strategies. Energy and greenhouse emissions data can provide a reliable indication of the business costs of energy-intensive companies for whom energy is a major cost of production. Emissions data can also indicate the efficiency of particular technologies or facilities. In contrast, business costs cannot easily be derived from corporate level data which aggregates energy or emissions used across different activities and/or facilities. So the government is not supportive of the amendment.

Senator MILNE (Tasmania) (6.22 pm)—That is really the nub of the debate. It is not about compliance costs, as Senator Johnston tried to imply. The government are going to have access to this anyway because they have to report, obviously, at each facility in order to get their aggregate emission levels. That information is going to be available; the question is whether it is made available publicly. The minister said the objection to making it public is that companies have argued it is commercial in confidence and, as she rightly said, it will give an indication of the relative efficiency of an operation.

I would argue that the community has a right to know the level of emissions coming from certain facilities and just how efficient or inefficient they are in order to make judgments about whether the generosity in compensation, free permits and so on, is justified. This is actually enabling corporations to hide their least efficient and most polluting facilities behind an aggregate figure rather than letting out the information that the public wants to know: exactly how much greenhouse gas is being emitted from certain point sources. However, it is a philosophical difference of opinion as to whether we should have facility level reporting or aggregate reporting. The Greens think that, in the interests of transparency and driving the transformative processes that we need in the economy, the community needs to have information about where the most greenhouse gas pollution is coming from.

I have moved the amendment. It is clear that it does not have the support of the coalition or the government, who would prefer corporations to be able to hide behind aggregate figures. I think that protecting some of the biggest polluters under those aggregate figures will slow down the transformation we need in the Australian economy.

Question negatived.
Senator JOHNSTON (Western Australia) (6.25 pm)—On behalf of the opposition, I seek to withdraw opposition amendment (1) on sheet 5819, in line with my former remarks.

Leave granted.

Senator MILNE (Tasmania) (6.25 pm)—by leave—I move Australian Greens amendments (1) and (3) on sheet 5878:

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

2. Schedule 1, Parts 1 and 2 The 28th day after the day on which this Act receives the Royal Assent.

2A. Schedule 1, Part 3 1 July 2012.

(3) Schedule 1, page 11 (after line 5), at the end of the Schedule, add:

Part 3—Amendment relating to facility reporting threshold

38 Subparagraph 13(1)(d)(i)

Omit “25 kilotonnes”, substitute “10 kilotonnes”.

39 Subparagraphs 13(1)(d)(ii) and (iii)

Omit “100 terajoules”, substitute “40 terajoules”.

As I indicated in my second reading remarks, this is about reducing the threshold at which facilities are required to report. As I indicated, the government has set that at 25,000 tonnes. The Greens think it should be less than that, 10,000 tonnes, consistent with, as I said, more rigorous reporting frameworks being applied elsewhere. As I indicated, all emissions above one kilotonne must be accounted for under the European emissions trading scheme in terms of liable entities. I would like to see a more rigorous threshold in Australia, and I have so moved.

Senator JOHNSTON (Western Australia) (6.26 pm)—I am not sure that Senator Milne would be terribly surprised to know that the opposition does not support her amendments.

Senator WONG (South Australia—Minister for Climate Change and Water) (6.26 pm)—I want to respond a little more to the content of Senator Milne’s amendment. We have sought as a government to set the thresholds under the scheme at a level which will capture a significant proportion of Australia’s emissions, at the same time being very cognisant of the need to be wary of imposing significant compliance costs. The threshold has been set so as to capture a significant proportion of Australia’s emissions but avoid significant compliance costs, particularly for small business.

Under the act, as Senator Milne is probably aware—she does take an interest in these issues—reporting thresholds will be phased down over three years. This provides companies not currently reporting with time to prepare for greater reporting obligations. I could go through those, but I think the senator is aware of them. At the facility level, corporations are required to report when their facilities emit more than 25,000 tonnes or use more than 100 terajoules of energy. By design, this corporate level threshold is intended to exclude companies with relatively low emissions and/or relatively low energy use. The lower facility level threshold is intended to capture large facilities operated by companies that do not trigger the overall corporate level threshold.

The government did, as part of the regulatory impact statement, analyse a range of different threshold models based on data coverage and cost to business, and the threshold model adopted in the act has been set at a level which captures around 70 per cent of Australia’s emissions and energy data. This provides a sound basis for greenhouse and energy policy while avoiding ex-
cessive compliance costs, particularly on small businesses.

We do not support the amendment moved by Senator Milne. For example, reducing the facility reporting threshold to 10 kilotonnes would significantly increase compliance costs. The number of reporting entities would increase some three times, from 600 to around 1,800, whilst the coverage of greenhouse gas emissions would increase by less than 10 per cent. We consider that the current facility reporting threshold of 25 kilotonnes also minimises ongoing compliance costs as it aligns with the proposed threshold for assessing facilities under the Carbon Pollution Reduction Scheme.

Question negatived.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator WONG (South Australia—Minister for Climate Change and Water) (6.30 pm)—I move:

That this bill be now read a third time.

Bill read a third time.

Sitting suspended from 6.30 pm to 7.30 pm

BUSINESS

Consideration of Legislation

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (7.30 pm)—by leave—I move:

That the government business orders of the day relating to the following bills may be taken together for their remaining stages:

No. 5—Veterans’ Affairs and Other Legislation Amendment (Pension Reform) Bill 2009.

Question agreed to.

VETERANS’ AFFAIRS LEGISLATION AMENDMENT (BUDGET MEASURES) BILL 2009

VETERANS’ AFFAIRS AND OTHER LEGISLATION AMENDMENT (PENSION REFORM) BILL 2009

Second Reading

Debate resumed from 13 August and 19 August, on motions by Senator Ludwig and Senator Evans:

That these bills be now read a second time.

Senator JOHNSTON (Western Australia) (7.30 pm)—From the outset I want to say that the opposition supports both of these important measures. I deal firstly with the Veterans’ Affairs Legislation Amendment (Budget Measures) Bill 2009, which I will refer to as ‘the budget measures bill’, and will then move on to the Veterans’ Affairs and Other Legislation Amendment (Pension Reform) Bill 2009. This latter bill I will refer to as the ‘pension reform bill’.

The budget measures bill is a relatively simple piece of legislation. It enables veterans and their dependents living overseas to have payments made directly to allow them to avoid transfer and bank fees, which accumulate over time and cost the recipient a sizeable proportion of their entitlement. It should be noted in passing that, of the five biggest companies in Australia, four are banks. We do not need to be helping them any more than we do.

The second provision deals with the Defence Service Homes Insurance Scheme: 7,500 defence personnel will benefit from these arrangements and changes, with a net saving to government over four years of approximately $1 million.
The last principal measure contained in the bill is the removal of what is now an anomalous dependents pension, a scheme which saw its last new recipient in 1985. The last increase for the dependent children was in 1952. Partners received an increase in 1964 and there was a small increase in 2000 to accommodate the GST. This pension has become redundant. It is going to be resolved with a one-off payment to the beneficiaries equivalent to three years, or 78 fortnights, worth of pension. I see that as an equitable resolution and a tidying up of what was a pension which, in some circumstances, paying around $8.42 per fortnight—$2 to partners and widows, $2.86 per fortnight for children—and with minimum payments as little as 84c per fortnight and 29c for children. Resolving those nickels and dimes, if I can be so presumptuous, is, I think, an important aspect of this bill and is good governance.

I now move on to the pension reform bill. This is a very complex bill. It contains a number of very deep formulas and pension index changes and adaptations. I think time will tell about their success. We see the single maximum service pension basic rate increased by $1,560 per year—approximately $30 per week. These measures would commence on 20 September 2009 were the legislation to be passed and I anticipate that it will be.

The specific increases are $32.50 per week for single service pensioners and a combined $10.15 per week, rounded up, for couples on the maximum rate. War widows and widowers will benefit from an increase of $30 per week. Income support supplement recipients will also receive an increase in the supplement and the ceiling rate will be increased.

There is a new index being applied to the service pension. It is indexed twice a year and the bill has a new index which it is proposed be known as the pensioner and beneficiary living cost index—the PBLCI. The maximum basic rate of service pension will be increased in line with the pensioner and beneficiary living cost index. The PBLCI will be used to adjust the maximum basic pension rate when movement of the PBLCI is greater than the movement of the CPI for the relevant indexation period.

I understand that the rationale for the new PBLCI is the desire to have an index that more closely resembles the cost of living expenses experienced by pensioners. That is, I think, a very important, equitable and useful ambition. I just hope the reality of it—the basket of goods and the influences on the index—bears out what we would all want to see and that is that pensioners are insulated from spikes in the cost of living which impact particularly upon them.

There are further changes to the benchmark for couples. From 20 March 2010, a new combined couple benchmark for pension rates will be 41.76 per cent of the annualised male total average weekly earnings—the MTAWE figure. The maximum basic rate of service pension that can be paid to a person who is a member of a couple will be half the maximum combined couple rate of pension. The single pension will be benchmarked at 66.33 per cent of the combined couple benchmark, effectively 27.7 per cent of MTAWE. People with vast and considerable experience have told us, in our consultations, that that is a meaningful change and an acceptable one.

One of the things that I want to pause to acknowledge is a very interesting matter that has been included, quite rightly, in this bill at proposed sections 198R and 198S. There is an increase of one per cent, commencing on 1 July 2011, and an increase of 1.8 per cent, on 1 July 2012, as compensation to these
pensioners for the CPRS. A note as to each of those proposed sections sets out an anticipated inflation rate of 0.4 per cent in the first year and 0.8 per cent in the second year, so over two years that is a total of 1.2 per cent. This is an interesting figure and a seriously important indicator of a CPRS cost to pensioners. That should not be forgotten and should be very distinctly noted, and I seek to do that in drawing attention to those provisions within the second bill and, as I have said, it is a complex bill.

There are a number of other measures. The taper rate is a very important measure. As set out in the bill, the legislation is being amended to increase the income test taper rate from 40c to 50c per dollar of income over the ordinary income-free area and to remove the additional income-test-free area for dependent children from the calculation of the amount of a person’s ordinary income-free area. Transitional arrangements will apply for existing pensioners affected by the new income test changes to ensure current payment rates are maintained in real terms and those pensioners also benefit from a pension increase.

There are very substantial costs to the budget from these provisions: $2.7 billion in 2009-10, $3.6 billion in 2010-11, $3.8 billion in 2011-2012 and $4 billion in 2012-2013. Notwithstanding that, these pensioners are amongst our most deserving. If you can have a variation between pensioners being deserving, those who are veterans have committed a substantial part of their lives in the service of their country being prepared to commit those lives in the ultimate sacrifice were they called upon to do so. I am very pleased to be able to say the opposition supports both these bills.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (7.39 pm)—I thank Senator Johnston for his comments and support for these bills, the Veterans’ Affairs and Other Legislation Amendment (Pension Reform) Bill 2009 and the Veterans’ Affairs Legislation Amendment (Budget Measures) Bill 2009. As he has said, both bills taken together are very important measures. I will turn firstly to the Veterans’ Affairs and Other Legislation Amendment (Pension Reform) Bill 2009, which is the more straightforward of the two bills that we are considering today. This bill gives effect to the key elements of the government’s secure and sustainable pension reform package, particularly in relation to veterans and their dependants, because the government is committed to delivering a simpler, more responsive, more adequate and certainly a more sustainable pension system for both veterans and their dependants and for social security recipients overall. These reforms prepare Australia to meet future challenges, including an ageing population, through changes to social security, family assistance, veterans affairs and aged-care legislation. More than 320,000 Veterans’ Affairs pensioners will benefit from these reforms and from 20 September this month, so only a week or so away, the pension reform package will increase pensions for all Veterans’ Affairs income support recipients, war widows and widowers. Couples will benefit from an increase of $10.15 per week and single service pensioners on the maximum rate will benefit from a much-needed $32.50 per week increase. War widows and widowers will benefit from an increase of at least $30 per week and up to $35 a week if they receive full-rate income support supplement. As Senator Johnston said, a new pensioner and beneficiary living cost index will be introduced that actually measures the cost of living for pensioners. From 20 September
2009 the maximum basic rate of income support pensions will be adjusted in line with either the consumer price index or the new Pensioner and Beneficiary Living Cost Index, whichever is the higher. The bill increases the relativity of the single-rate pension to 66.33 per cent of the maximum rate payable to a couple, up from the current 60 per cent.

The current complex system of allowances and supplementary payments will be simplified by the introduction of a new pension supplement. A new senior supplement—for holders of the Commonwealth seniors health card or certain gold card holders over qualifying age—will replace the existing seniors concession allowance and the telephone allowance. The bill establishes two new supplements to replace pharmaceutical and telephone allowances for those veterans, members and dependants who do not receive a Veterans’ Affairs or a social security income support payment. The veterans supplement will replace the pharmaceutical and telephone allowances under the Veterans’ Entitlements Act and the MRCA supplement will replace the pharmaceutical and telephone allowances under the Military Rehabilitation and Compensation Act. These new supplements will also commence on 20 September this year. A work bonus will be established to provide an incentive for those who want to take up or continue to undertake paid work after they reach pension age. With this bonus only 50 per cent of the first $500 a fortnight of employment income will be counted in the income test. The reforms in the bill introduce greater flexibility to the pension advance arrangements from 1 July 2010 and, to secure a pension system that is sustainable into the future, the government will tighten the pension income test to ensure that the pension system is targeted at those most in need. So from 20 September 2009 the pension income test taper rate will increase from 40c to 50c for each dollar of income over the income-test-free area. In addition, to bring the veterans’ entitlements income test in line with other means tested payments, the additional income-test-free area for dependent children will be removed.

As part of the reforms, new transitional payment arrangements are being introduced so that existing part-rate pensioners who would otherwise face a reduction in their payments as a consequence of the reforms will have their current payments retained. The transitional rules will continue to apply until changes under the pension reforms result in a higher payment. It is important to recognise that the pension reforms will have no impact on veteran pension age and qualifying age under the Veterans’ Entitlements Act. There will be no increases in these ages. This is a significant reform package which will make for a more secure repatriation pension system, provide greater certainty to veterans and their dependants and ensure that the system remains both adequate and sustainable.

And in relation to the budget measures, the more convenient payment arrangements will be made for Veterans’ Affairs pension recipients who are living permanently overseas. So the first measure in this bill will enable Veterans’ Affairs payments to be made directly to bank accounts in countries which have reliable banking systems. The second measure will extend eligibility for the Defence Services Homes Insurance Scheme to persons eligible under the Defence Home Ownership Assistance Scheme Act 2008. This extension will provide eligible persons with access to cost-effective insurance designed specifically for the service and ex-service community. This final measure will cease payment of an outdated dependents pension and will pay existing pension recipients a lump-sum payment. This lump-sum payment will be the equivalent of three years.
of pension. The existing payment ranges from 29c to $8.42 a fortnight. Other government programs, such as the partner service pension and social security, now provide more effective financial support. Without adequate means of support, dependents pensions are not part of this measure and will continue to be paid at existing rates. It should also be made quite clear that existing war widow and war widow and orphan pensions are not affected by this measure.

This bill continues this government’s commitment to an effective and equitable repatriation system that responsibly supports Australia’s ex-service and defence communities, and I commend the bill to the Senate.

Question agreed to.

Bills read a second time.

MIGRATION AMENDMENT (ABOLISHING DETENTION DEBT) BILL 2009 [No. 2]

Second Reading

Debate resumed from 11 August, on motion by Senator Carr:

That this bill be now read a second time.

Senator FIERRAVANTI-WELLS (New South Wales) (7.47 pm)—I rise to speak on this bill, and I welcome doing so as it provides a chance to counter misinformation levelled by those opposite about this matter. At the outset I note that while the Rudd government has brought about many administrative changes to the operation of Australia’s detention and border protection regime, this bill represents one of the legislative steps in Labor’s process of softening immigration detention foreshadowed by Minister Evans in his speech on 29 July and in his media release of 18 March 2009.

Other changes by Labor to our immigration system are being closely watched, both here in Australia and by people smugglers overseas. I will deal more thoroughly with this issue later, but it is important to look at the implications of Labor’s decision to virtually abolish detention debt at this time when there is much greater scrutiny in this area from both here and abroad. Since about August last year, there has been a shift in our immigration policy. We have gone from a strong border protection regime, which included a strong and fair immigration system under the coalition, to a softening of a whole raft of measures. And what has been the result of this? An increase in people-smuggling activities, a surge of boat arrivals and an increased number of overstayers.

The changes outlined in this bill will remove the requirement that certain persons held in immigration detention be liable for the costs of their detention. The policy of billing people for the cost of their detention was introduced in November 1992 by the then Keating Labor government. Speaking during the introduction of this bill, then Labor minister for immigration, Gerry Hand, said:

A primary objective of the Migration Act is to regulate, in the national interest, the entry and presence in Australia of persons who are not Australian citizens.

It is imperative for us to remember this core objective as we look at every piece of legislation that seeks to weaken the established system or to put those decisions into the hands of people smugglers or those who seek to abuse our system through overstaying or noncompliance with their visa conditions, thereby showing a complete disregard for our national interest. This objective was central to the construction of immigration policy under the coalition government.

While this legislation was introduced many years ago with regard to the national interest, it is now being revoked, it appears,
with a much greater concern to appease particular interest groups at the expense of the broader national interest. It has been done so with a flagrant disregard for the objectives upon which the act was constructed. The objective of this particular bill is to remove the liability for immigration detention and related costs for detainees, and liable third parties, and to extinguish all outstanding immigration detention debts other than those incurred by convicted illegal foreign fishers and people smugglers.

As those opposite would be aware, the current detention debt regime is administered in a compassionate and fair manner. In fact, less than 2.5 per cent of the detention debt invoiced since 2004-05 has been recovered, with over 95 per cent of the debt either waived or written off. Indeed, during 2006-07 and 2007-08, immigration detention debt raised was $54.3 million, of which $1.8 million, or 3.3 per cent, was recovered and $48.2 million was written off by the department as uneconomical to pursue, and $4 million was waived.

We need to consider these statistics in light of the fact that, as the departmental secretary, Andrew Metcalfe, confirmed during estimates in May this year, we currently have around 48,000 visa overstayers in Australia. Therefore, it is misleading to say that detention debt is targeted to refugees. The bulk of detention debt is incurred by overstayers who remain here illegally after breaching their visa conditions. As those opposite should be aware, it is DIAC’s policy to write off the detention debt of a person held in detention who was subsequently found to be a refugee. This is in recognition of the Refugee Convention of 1951. DIAC records instances of debts in such cases, but does not issue an invoice or pursue the debt in any manner.

In other cases, those who have incurred a detention debt are invoiced by the department and encouraged, through a range of mechanisms, to pay the debt. These mechanisms include: recording debts on the movement alert list so that the information is available to all departmental employees; advising bridging visa E and bridging visa R holders subject to condition 8507 that they must pay or make arrangements to pay the cost of their detention within a period specified by the minister; and advising debtors that public interest criteria 4009 will prevent the granting of a visa unless the minister is satisfied that appropriate arrangements have been made for the payment. If the debt remains unpaid, there are a number of mechanisms under the Migration Act to facilitate the recovery of debts owed to the Commonwealth by noncitizens in relation to their detention and removal or deportation costs, including seizing of valuables and restraints on the use of property in Australia.

As we have already established, this course of action is rarely, if ever, pursued by the department. As a last resort, the department can pursue the recovery of debt through the courts. However, this too in practice is deemed uneconomical in most instances. Somewhat predictably, this requirement—that immigration detainees be charged for the cost of their detention—has been bluntly criticised by a number of refugee advocates and human rights bodies. Those opposite would have people believe that the coalition is intent upon punishing refugees through the imposition of debt. Such comments are deliberately misleading. The truth is, as those opposite are well aware, that those who are found to be refugees are not required to repay the cost of their detention. The coalition supports existing exemptions and the use of the minister’s power to waive debt.

I find it remarkable that Australia’s system of detention has often been wrongly charac-
terised as one which principally targets refugees and asylum seekers. It is important to bear in mind that detention is not just about refugees and asylum seekers; most of those in detention are overstayers. The department’s 2006-07 annual report states that there were an estimated 46,500 visa overstayers as at 30 June 2007, with 4,718 taken into immigration detention in that year. As indicated before, this figure is now around 48,000 and has remained constant for some time.

DIAC’s statistical information contained in the 2007-08 annual report indicates that 4,514 people were taken into immigration detention during that year. Of those people, 1,865, or 41.3 per cent, were people who had been living in the community but had overstayed or breached their visa conditions. The fact is that in 2007-08 only 10 per cent of those in detention were asylum seekers who had arrived by boat. However, with the surge of boat arrivals since last year, there are now more unauthorised boat arrivals in immigration detention. Indeed, they are coming fast and furiously, with the softer immigration policy being a stronger pull factor. The most recent statistics supplied by DIAC, on 12 June this year, show that a sizeable proportion of those in detention are still people who had arrived legally but breached or overstayed their visa conditions. At 12 June this figure stood at 175, or 21 per cent, of those in detention.

Rather than seeking to abolish detention debt, there is merit in looking at improving administrative arrangements within the department. Abolishing all detention debts will not act as a deterrent against abuse of our immigration programs or against people smugglers who are selling Labor’s softer approach. Senators need to be reminded as to why this measure was introduced in the early 1990s in the first place. At that time Australia was experiencing a surge in boat arrivals seeking asylum from Vietnam. The then Labor government introduced a range of amendments to the Migration Act to try and manage this influx, including mandatory detention, the establishment of the Migration Review Tribunal and the Refugee Review Tribunal, time limits on the lodgement of applications for asylum, and this detention charge.

In stark contrast to the current Labor government, the then Labor government strengthened rather than softened our immigration system in the face of a surge of illegal arrivals. The Labor government at the time acknowledged that the cost of weakening Australia’s borders and compromising the integrity of the migration and humanitarian programs was to lose our capacity to help those suffering in refugee camps around the world. The current Labor government appears to have lost sight of the simple underlying fact that, without effective border control and a properly managed migration and humanitarian program, we cannot offer safe haven to those most in need.

At the time this legislation was enacted, Labor understood the threat that a continued stream of unauthorised arrivals placed on Australia’s humanitarian capacity. So, too, did Julia Gillard in 2004. The now Deputy Prime Minister, as shadow minister for immigration, prepared the ALP policy for border protection in 2004. Her policy advocated: continuing temporary protection visas; continuing mandatory detention; introducing a coast guard; increasing penalties for people-smuggling, including 20-year jail terms, $1 million fines and confiscation of boats; streamlining of the Australian processing regime to make it the same as that applying in refugee camps to help remove the motivation for asylum seekers to risk their lives journeying to Australia in leaky boats; limiting the appeal on the primary decision to one appeal by leave on points of law; quickly
sending back asylum seekers found not to be refugees; and fast-tracking manifestly unfounded claims so that they are resolved within a week. Notably, none of these measures have ever been talked about since the Rudd government was elected in November 2007.

Deputy Prime Minister Gillard and many within the ALP must be quietly appalled by this amendment now before us and its significant softening of the strong refugee/humanitarian policy that was first put in place by Labor itself. The Rudd Labor government is the first Australian government since Federation that has not acknowledged the importance of maintaining border protection and the integrity and orderly protection of a sovereign nation’s migration program. The weakening of policy by this government has led to the biggest surge in people-smuggling since 2001-02, when the coalition’s strengthened response began to take effect, soon reducing incidences of people-smuggling to zero.

The detention debt regime was introduced to assist in the proper management of Australia’s border and migration programs, to act as a deterrent to those entering the country unlawfully and to help ensure that Australians did not pay for the detention of people with no claim on their hard earned taxes. The detention debt regime acts as a deterrent through preventing subsequent approval of a visa unless the minister is satisfied that appropriate arrangements have been made for payment—in other words, a person with an outstanding debt to the Commonwealth could not legitimately re-enter the country while a detention debt still existed unless the minister was satisfied that appropriate arrangements had been made for payment or that payment had been waived. Why should people who abuse their visa conditions be allowed re-entry to Australia without first meeting their detention debt obligations?

This is not an onerous obligation to place on an applicant. I believe that many Australians would view this as a necessary obligation and one which serves the national interest.

At this time, when people smugglers are informing their customers that the Rudd Labor government has re-opened the back door to Australia, why would we remove one more element of deterrent? Why would we seek to improve the returns of those who traffic humans, who have no regard for the safety of their clients and who have already been responsible for countless lives lost when boats could not even survive sailing out of Indonesian waters? For that matter, why should those 48,000 or so overstayers not have to foot their detention bill when it is likely that they have knowingly and deliberately overstayed their visa? Many are not caught, but if you are caught and put into detention, why should you not meet the financial obligations associated with your own non-compliance?

The coalition has always taken a strong and principled stand on border protection and immigration; the two go hand in hand. Softening immigration laws sends the wrong message. It makes the pull factor stronger—more people are prepared to come and more people are encouraged to overstay because it will be easier in the long run to achieve their objective of staying in Australia. It is essential that Australia has an orderly and properly managed immigration program in order to protect lives and our borders. We also believe that it is important that Australia remains one of the most generous providers of humanitarian and refugee resettlement in the world.

Per capita, Australia has the third biggest refugee resettlement program in the world. This year we will resettle and accommodate 13,750 people. We do not want to encourage abuse of Australia’s migration and humani-
tarian programs. None of these 13,750 people could afford to pay a people smuggler to deliver them to Australia, and they must remain our highest priority. The coalition is determined to preserve the integrity of our migration programs while actively discouraging the barbaric people-smuggling trade that endangers the lives of people who seek to enter Australia illegally.

The Rudd Labor government, on the other hand, has unravelled all the measures designed to keep our borders secure. These measures have allowed us to effectively manage our migration programs in the best interests of Australia and Australians. It is not just the people smugglers who are interpreting these changes as a softening of government policy; asylum seekers themselves seem to be happy to go on the AM program.

We also have comments from the Indonesian ambassador, the international migration office and, indeed, many Australians, judging from letters to the editors of daily papers. No longer requiring the payment of the cost of detention by those who have no entitlement to be or remain in Australia is one of the measures that, along with others the government has acted to unwind, makes it easier for people smugglers to market Australia as a soft option. Overstayers know that if they are found they will not need to pay any detention debt even if they undertake protracted legal proceedings. From my many years of experience working at the Australian Government Solicitor, where I acted in many cases involving immigration matters, cases are often lengthy and deliberately protracted. As a consequence, large detention debts are wrapped up in circumstances where overstayers have deliberately engaged in litigation in order to prolong their stay. In those circumstances, it is very appropriate for detention debts to be satisfied. Hence, it is important that those 48,500 overstayers who have chosen not to comply with their visa conditions and have been placed in detention should meet their responsibilities. If they fail to do so, their placement on the movement alert list ensures that officials are alerted if they try to get another visa.

While it is very important that debt collection be administered in the most appropriate manner by the department, I believe that any improvements should not come at the cost of watering down border protection policies just at a time when illegal boat arrivals are increasing; nor should they come at a time when the number of overstayers is increasing. As at 30 June 2007, there were 46,500 overstayers, and by 30 June 2008, the figure had gone up to 48,500. There is no doubt that these people know they are overstaying their visas, and they do not appear to care a jot about it. The government must therefore take full responsibility for its actions in seeking to remove this significant deterrent in our border protection system. Accordingly, the coalition will be opposing the bill.

Senator BILYK (Tasmania) (8.06 pm)—I rise to speak on the very important Migration Amendment (Abolishing Detention Debt) Bill 2009. Essentially, this bill seeks to amend the Migration Act 1958 by removing the need for detainees to repay the debt accrued from their time in detention, a debt that begins to accrue with the Commonwealth as soon as a noncitizen is placed in detention. The Rudd government is committed to the fair and equal treatment of all people, and this commitment extends to people who enter Australia illegally and are placed in detention. This bill is part of a broader reform of immigration detention being introduced by the Rudd Labor government. The Rudd government understands it must continue to have tight entry requirements to protect the security of the nation, but it also understands it must treat all people humanely, including noncitizens. That is what it intends to do.
Having fair and effective immigration detention policies and strong border security measures at the same time is not an incompatible situation, no matter what those opposite want people to believe. The two needs can be balanced. The Migration Amendment (Abolishing Detention Debt) Bill 2009 shows that such appropriate balance can be achieved, by abolishing an outmoded and ineffectual system that penalises detainees by lumping them with an enormous debt while at the same time ensuring that liability to detention costs remains a deterrent in relation to convicted illegal fishers and people smugglers. These people, illegal foreign fishers and people smugglers, are operating for the sole purpose of making money and have no interest in moving to Australia and being active in our society. They will still be required to pay their debts as they have committed significant crime.

But it must be remembered that a large number of people who spend time in immigration detention are eventually given permission to remain in Australia. This nation willingly allows people to stay in Australia, even if they entered illegally, as long as they are found to be genuinely at risk if sent back to their homeland. By removing the need for them to repay their debt from their time in detention, the government is helping such people to move on and build a new life. We want these people to participate in Australian life to the best of their ability, and a large debt surely can forbid this. Not only does a large debt make it difficult to participate in the community; it also has a negative impact on the mental health of the individuals and families. Let’s face it: for those people who usually have close to nothing upon arrival in Australia it would be extremely hard to start a new life with a huge financial burden or debt hanging around their neck.

At an approximate cost of $125 a day—and this varies from one detention facility to another—debt accumulates pretty rapidly. After one month, detainees debt is close to $4,000 on average, and for those that have been detained for a year it is approximately $45,000. After five years in detention is could be as much as $225,000.

The Rudd government understands it has a responsibility to take into account the health and wellbeing of all detainees, and this includes their mental health. The Joint Standing Committee on Migration, while receiving evidence for its first report, heard from a range of people and organisations about the stress, anxiety and detrimental effects these debts have had on people’s mental health. Labor for Refugees New South Wales described the practice of applying charges to persons in detention as ‘intentionally punitive, unjust and inhumane’. The Office of Multicultural Interests Western Australia called for all existing debts to be waived and voiced strong concerns about the validity of such debts when contrasted with Australia’s international obligations. The Chief Executive Officer of the Refugee Council of Australia, Paul Power, described the debt as akin to the United Nations High Commissioner for Refugees charging refugees for the time
they spend in refugee camps. Julian Burnside QC has commented that we are the only country in the world that charges innocent people for the cost of incarcerating them.

The practice of applying detention charges does not appear to contribute to offsetting the costs of detention, nor does it appear to provide any substantial revenue. In practice, at the moment the recovery of many people’s debts is not pursued and can be waived or written off. A waiver requires each case to be considered on its merit and, therefore, adds considerably to the administrative workload. Where the Commonwealth considers it has a moral, rather than a legal, obligation to extinguish a debt, a waiver is generally approved. The Minister for Finance and De-regulation is the only person authorised to waive a debt and has unfettered discretion to determine each request. A write-off means that a decision is made not to pursue recovery of the debt. However, at some time in the future the debts may be pursued, and the person with the debt does not really know whether that may happen and lives with the possibility hanging over their head of one day being told it has to be paid.

This form of debt relief has been granted on humanitarian and refugee visas, for people detained unlawfully or where DIAC is satisfied that the debts are not legally recoverable or are uneconomical to pursue. Over the years there have been considerable concerns raised regarding the lack of transparency in the debt waiver and write-off process. Organisations such as the Law Institute of Victoria, Liberty Victoria and the Justice Project point out that persons eventually granted a visa must either accept the liability or rely on debt write-off or debt waivers to escape liability. These practices operate quite arbitrarily without the procedural safeguards ordinarily afforded to persons by way of the rule of law. Although it must be acknowledged that a large percentage of the debt arising from the detention of illegal immigrants is never recovered, nevertheless the act provides the Commonwealth with specific powers to recover any outstanding debt. This may be by restraining dealings with property, attaching the debt to specific forms of income of the debtor, entering premises to seize and sell valuables of the debtor or preventing a financial institution or bank from processing any transactions in any account held by the debtor. It is true that a payment plan can negotiated between the Commonwealth and the ex-detainee, but some repayment plans have left detainees with repayments taking place over many decades. Therefore, it is not only costly and time consuming to pursue payment but a largely unsuccessful exercise.

For people deported from Australia there is no obligation to pay their detention debt to the Australian government once they are living offshore. However, having a debt may prevent people from being able to re-enter Australia should they wish to return lawfully. An accumulated debt may impede a person’s legitimate entry into Australia in the future, because DIAC is able to refuse to grant a visa to a person who holds a debt against the Commonwealth. If you are deported, the debt is registered against your name. This can lead to families being split and family breakdown.

In 2008, after nine years in detention, a man was removed to the United Kingdom. He was handed an account on leaving for $512,000. This will, of course, stop him from returning to Australia, so he will not be able to see his wife, her ailing parents or his children and grandchildren. This man had been living in Australia since 1982 and when last we heard was living in an abject state in the United Kingdom.

Since 2004-05 less than 2.5 per cent of the debt invoiced was recovered. In 2007-08,
only $870,000 of $23 million of debt incurred was recovered. As I have stated, much of the outstanding debt has been waived or written off, but the idea of having a huge debt over their heads before they even begin their lives in Australia is obviously very stressful for most people. We do not charge citizens who are incarcerated for committing crimes, for their detention. If you are detained under a mental health act you are not charged for your keep or required to reimburse the Commonwealth. Neither do we charge people who are detained under the Quarantine Act. To put it simply, the detention debt policy just does not achieve what it was designed to do—that is, to limit the cost to the Australian taxpayer of supporting illegal immigrants. It is time to accept that the objective is not being achieved. It is necessary for those in the Liberal Party to accept that and to drop their opposition to this bill. Even the previous speaker spoke about the debt being waived or written off. Let us not have one at all. If we have to go down those administrative lines, let us not have it at all.

This bill extinguishes all debts for all current and former detainees, effective immediately. This has been done to permanently wipe these debts from the record. This bill moves to extinguish all debt owed to the Commonwealth at commencement time, including debts previously written off and those that are in the process of being paid. It is important to recognise that this bill does not require any debts paid in full or partially to be repaid by the government. Debts that have already been repaid were paid because there was a legal requirement at the time for the individual to pay. Therefore, the Commonwealth is not putting itself into debt by introducing these provisions. There is still a provision that allows for the recovery of money paid if it is determined the money was paid by someone who was detained unlawfully. People who are currently paying off debts will be notified by mail to their last recorded address and information will also be available on the department website. Community groups, many of whom support refugees, will also be notified of the changes.

The Rudd government is taking all possible steps to ensure that the community is aware of the changes. As stated, this bill has been introduced following a report from the Commonwealth Ombudsman and another report from the Joint Standing Committee on Migration. The Commonwealth Ombudsman, in a report published in April 2008, examined amongst other things DIAC’s administrative procedures in relation to debt policy in detention. The Ombudsman found that although the legislation was being adhered to there was room for improvement and that in particular the department could improve the information it provides to people, including the consistency and reasonableness of decisions on debt waiver and write-offs. There were also comments in regard to the burden of the detention debt, noting that complaints received by the Ombudsman’s office indicate that the size of some of the debts led to stress, anxiety and financial hardship to many people now living lawfully in the Australian community. The JSCM report, Immigration detention in Australia: A new beginning, was the first report of the inquiry into immigration detention in Australia and was released in December 2008. It determined, unanimously, the practice of charging a person for their detention was harsh and contrary to the value that immigration detention is not punitive.

But now the Liberals have decided that they do not support that report. This shows that those on the other side are not consistent in their policy—and we all know that consistency is important in a fair society. There is no reason for this change of view other than that those on the other side of the chamber are putting their own interests ahead of what
is best for the nation as a whole. I am left bewildered as to why members from the opposite side signed off on the JSCM report if they do not believe in the recommendations. They are happy to support a policy where the costs of administration outweigh the debts recovered. I do not believe that is great economic management, no matter what spin the opposition use. For no apparent good reason they are digging in to not support a policy change that clearly makes sense.

The Rudd government is committed to a fair and just Australia. The Rudd government is committed to protecting its borders. The Rudd government will continue to ensure that people who enter the country illegally are dealt with appropriately in a humane and fair manner. The Rudd government acknowledges that we also have a responsibility to look after people who would be at risk if sent back to their homeland. It also must be remembered that many of these detainees will eventually be given permission to remain in Australia. It is obviously in the best interests of Australia to ensure that these people are prepared for life in Australia and that they do not start out in their new lives burdened with huge debt. This bill leads to important changes in the treatment of persons who have been subject to immigration detention. I strongly hope it will have the support of members, in particular those opposition members of the JSCM who were part of the unanimous recommendation that we abolish this system—those same opposition members who unanimously endorsed the enthusiasms of this legislation. I commend the bill to the Senate.

Senator BERNARDI (South Australia) (8.21 pm)—In rising to make my contribution to the Migration Amendment (Abolishing Detention Debt) Bill 2009, I feel compelled to respond to some of the allegations that Senator Bilyk has made. Her speech was like another book of *Alice in Wonderland*, I have to tell you, or perhaps *Senator Bilyk in Ruddland*, because it was full of contradictions, nothing in it was as it seemed and everything in it did not mean what she said. Senator Bilyk spent 15 minutes defending the actions of illegal entrants to this country—people who have come to this country prepared to break the law. They come to this country and overstay their visas or they pay people smugglers—who were rightly condemned by Senator Bilyk—thousands of dollars to hop into boats to jump the queue to get here. And Senator Bilyk wants to defend that.

What Senator Bilyk neglected to mention was that those who are found to be genuine refugees inevitably upon application have their bills waived. Senator Bilyk went on to say that it does not act as a deterrent because it does not make any difference for those who are removed from the country. Then she contradicted herself by giving an example of a man who will not be allowed re-entry into Australia because he has a debt. So what is it? Is it working or not? Senator Bilyk does not seem to know; no-one on the government side seems to know. They are living in a fantasy land. By watering down the laws and regulations that had absolutely stopped the traffic in illegal immigrants, they are encouraging people to come to this country illegally.

I know that this is a very sensitive issue. When we speak strongly about it, we risk being called callous or mean spirited. But the simple fact is that there are tens of thousands of people who are seeking to do the right thing by coming to this country through the proper processes and the proper channels. This government seems to ignore their plight and is more interested in rewarding those who are prepared to break the law to come here in the first place. They say that those people are going to be great citizens, because they are prepared to break the law to jump
the queue. Nothing could be further from the truth.

The coalition cannot allow the government to continue to weaken the integrity of Australia’s migration, borders and programs. It would simply be immoral for us to do so. Australia’s immigration program is fair, just and humane. We look after those who try and do the right thing. Indeed, we look after those who enter this country illegally and are found to be refugees—we do. But this government wants to make it easier. It is as though the government wants to waive the double jeopardy rule so that those people can continue to try to come in. ‘Your debts will be waived.’ They say that they are tough on illegal fishers and tough on people smugglers, but they have not caught too many people smugglers. And they just send the illegal fishers home. They have not been very successful.

The Rudd government continues to peel back the integrity measures that were aimed at keeping our borders secure. The Rudd government is sending a very clear message to people smugglers that business is open in Australia. They can get as many people as they like, put them on a boat and send them out here and they will be treated humanely and respectfully and there face no downside. Currently, the safeguards in the legislation are there to ensure that those who are seeking asylum in Australia and are found to be refugees but who do not have the means to pay are given manageable repayment schedules or they have their detention debts waived or indeed written off.

Rather unkindly, the government seeks to characterise the coalition as wanting to punish refugees by forcing them to pay debt. This is not true. As I have already stated, and as I will restate for the record, those who are found to be genuine refugees can apply to the minister to have their debts waived. Every minister that I am aware of has waived these debts in cases of genuine need or where the person is found to be a genuine refugee. Perhaps the Labor government does not have the same confidence in their minister. Frankly, this is a ministerial discretion that should remain, because there are few clear-cut or absolute cases. There has to be not only an appropriate deterrent, but there has to be appropriate consideration of the circumstances of each individual.

Speaking of deterrents, abolishing or watering down any of our current migration laws simply says, ‘We’re not that interested in deterring people from breaking the law to get into this country; we’re not interested in closing down the people smugglers who are making hay at the ALP’s soft approach.’ There are so many reports of people smugglers opening for business and sending boats out here in record numbers. Since this government came into power, they have come out here in record numbers. And this government maintains, in their Ruddland fantasy, that nothing they have done is encouraging it. Gee, it must just be coincidence that boatloads of people have been prepared to breach Australia’s borders since this government came to power!

The coalition will stand firm in this. We will not support a watering down of our migration programs. That will only serve to embolden people smugglers, leading them to put at risk even more lives as they continue encouraging and abetting others to break Australia’s law while profiting from it. The coalition will continue to oppose any changes by the Rudd Labor government that will encourage people smugglers and that will make our borders less secure.

A few months ago, I was privy to a report by a journalist. It quoted a number of department figures on how some of the illegal asylum seekers who have entered our coun-
try are treated in various circumstances. This was in April. In reading that report, I found out some of the benefits that accrue to asylum seekers. This report said that a family of four—a mother, a father and two children—who were detained on Christmas Island would receive $1,066 in cash or in a card to spend at the local store per fortnight for food, more than many Australian resident families would receive from the government when faced with extreme economic hardship.

Senator Conroy—Mr Acting Deputy President, I rise on a point of order of relevance. I am not sure if it is relevant for the senator to mislead the Senate with information that has been absolutely repudiated by the department. I do not mind the flourishes but to actually propagate information which you already know to be false is beneath you, Senator Bernardi. So, on relevance, I am not sure he is relevant to this bill because he is actually making things up.

Senator BERNARDI—On the point of order, Mr Acting Deputy President, I am simply repeating what was quoted in the newspaper article quoting members of the department. Nothing I have heard from the department refutes this at all.

The ACTING DEPUTY PRESIDENT (Senator Ryan)—Senator Conroy, you would be aware that I have just stepped into the chair and these are debating points I think more appropriate for the debate we are undertaking, so I call Senator Bernardi to continue.

Senator BERNARDI—As I said, one report had a family of four who were detained on Christmas Island receiving $1,066 per fortnight for food or other expenses. This is more than many Australian resident families would receive from the government when faced with extreme economic hardship. The payment that was made to these illegal arrivals reportedly does not include the accommodation, which is a house or a home in the community. That is right—it is not a jail cell or anything else; it is a home in the community. They are offered internet access and an unrestricted phone card so that they can contact family and friends.

One can only imagine that these people, who have fled impoverished circumstances and who have paid thousands of dollars to people smugglers to enter into this country illegally, must think they have hit the land of milk and honey when they are getting $1,066 to spend at the local shop every fortnight, when they are getting internet access, a phone card and free accommodation and electricity. You tell me that that is a deterrent to people smugglers. You tell me that that is a deterrent to people coming into this country illegally. And this government wants to water down the laws even more and offer them more incentives, whether they are legitimate refugees or they are not. Frankly, I am appalled at this information.

I know that puts me at risk of being called heartless, but these people who may or may not be legitimate refugees have already demonstrated their willingness to break the law to get here. They are prepared to break the law to get into Australian territory. What, then, are they prepared to do when they are here? And yet now, when we find that they are not legitimate refugees, this government in its great wisdom wants to waive any debt that they owe. It wants to waive any disincentive for them to come back a second or a third time, something which we have seen under this government already. People have come back here after being rejected by the previous government.

Of course, there will always be the emotional cries, and I understand there is a great deal of sympathy for those who are trying to jump the legal migration queue and who are so desperate to escape a life-threatening
situation that they are forced to take the illegal and risky venture of coming to Australia in a leaky boat. I say that is nonsense. I cannot recall a single instance—and I am happy to have one pointed out to me—where an illegal boatperson entering Australian territory had embarked uninterrupted from their original country of residence. I throw that challenge out there. I am happy to accept it and I am happy to say, ‘Yes, there has been one or two,’ if someone can point it out. The recently reported Afghani or Iranian citizens who have travelled to our country illegally have been through Pakistan or Malaysia or Indonesia before paying a people smuggler tens of thousands of dollars for illegal passage to Australia. It is hardly the conduct of someone fleeing for their life if they are already in a safe country.

Recently I heard of a group of 70 Afghans who were detained in a hotel in Indonesia because they were abandoned by the people smugglers whom they had paid for passage to Australia—abandoned in a hotel. They must have been in fear for their life as they sat around the pool wondering when the boat was going to be leaving for Australia. But of course the Rudd government, as I mentioned before, denies that their policies have encouraged the new wave of illegal arrivals into our territorial waters. I offer that perhaps it is just coincidence. Once again, perhaps it is just a coincidence that since the immigration laws were softened there has been an influx of illegal boats. Some of these voyages have regrettably met with a tragic loss of life and it has reinforced the perception that the Rudd government is not being straight with the Australian people. I say enough is enough.

It is time for a reality check. We have more boats filled with illegal immigrants coming every week. Alarming, as I have said, there are reports that when they arrive here the passengers are offered greater financial support than some Australian citizens, and still the government is in denial. But as my colleague, Senator Fieravanti-Wells, mentioned before, a great many of the people that will be affected by this bill are not those that are coming here in leaky boats. They are the illegal overstayers: the 48,000 or so people that have overstayed their visa and come to this country legitimately. Not those who are fleeing for their lives, as Senator Bilyk said; not those who are impoverished—these are people that have flown out here and decided that they like Australia and are just going to stay on for a while. And, when they are incarcerated because they are illegally in our country, this government wants to waive their debts. This government wants to say: ‘That’s okay, mate. We understand. We can accept that. You can break our laws whenever you like. Just go home and you can come back and you owe us nothing.’

Enough is enough. It is time for this government to wake up and recognise the fact that what they are doing is encouraging illegal behaviour in this country. It is encouraging people who are prepared to break the law to break the law. It is encouraging those who want to come to this country in an illegal manner to do so, and all the time it is discouraging those who are prepared to go through fair, reasonable, open and accessible channels—the channels that have served this country so well. This is a policy that is flawed. It is a policy driven around some weird left-wing ideology that simply does not stack up and pass the commonsense test. This is a bill that needs to be rejected, and the coalition will stand firm and reject this bill.

Senator POLLEY (Tasmania) (8.36 pm)—I rise tonight to speak in full support of the Migration Amendment (Abolishing Detention Debt) Bill 2009. This legislation not only marks the beginning of the Rudd government’s reform of immigration policy
in Australia but corrects a significant social injustice that has been long overdue.

For Senator Bernardi’s benefit, tonight I am commencing this speech by borrowing some words from the opposition. Senator Bernardi would do well to note his colleague in the other place the member for Kooyong, Petro Georgiou, who encapsulated the essence of immigration detention debts perfectly when in June of this year he called them dehumanising. I was impressed by his comments as well as his courage in standing up for his personal beliefs, even when they were in conflict with those of his own party. We heard that from the speaker before me. Mr Georgiou was spot on in using the term ‘dehumanising’ because that is exactly what some have tried to do—to make refugees appear other than human in order to turn public sentiment against their plight. But we must consider their plight because a human cannot and should not be dehumanised. They are and will always be human beings and should be treated accordingly.

The member for Kooyong said:

No advanced society should allow on its statutes a law which so degrades and humiliates fellow human beings who are legitimately calling on our protection.

Unfortunately, this was the tenor of immigration detention policy in this country for far too long under the previous government. It has been one of dehumanising, vilifying and blaming those less fortunate than ourselves who often crammed by the dozens into unseaworthy vessels to cross untold miles of ocean for the dream of a better life, only to be locked up for years at a time. Then, to add insult to injury, they were handed a significant and crippling detention debt for the period it took for their refugee status to be assessed.

It is contrary to everything we, as a nation and as a civilised society, should be. The treatment of human beings as equals, as deserving of respect and as worthy of being treated how we ourselves would wish to be, with compassion and tolerance, is fundamental to our moral compass. That is exactly why the Rudd government has committed to an overarching restructure of immigration policy in Australia: so that those elements that went too far and took away those signs of humanity can be restored. Humanity is fundamental to our nation.

It is possible to have a strong and effective border protection and immigration platform whilst not persecuting those people who are central to it. The very notion of detention debts—excluding the debts for those engaged in illegal fishing or people smuggling—is the very definition of persecution, and I am proud to be standing here today talking about the end of this archaic practice.

Present policy, albeit an ineffective one, is to transfer liability for the cost of a person’s transport and daily maintenance during their detention to the detainee. This can amount to a daily cost of $125 or more and, over a period of several years of detention, accumulating debts in the tens of thousands of dollars is not uncommon. The original intention was to minimise the cost of immigration detention to the Australia public and transfer the liability onto the unlawful non-citizen. These debts, once incurred, become part of this person’s daily existence, regardless of whether they are ultimately granted refugee status.

If granted a visa to remain, this debt impacts on their capacity to settle themselves financially, effectively crippling them from establishing a normal life. If they are not granted a visa and they leave the country they are barred from applying for a visa until the debt is repaid. Of course, the debt is highly unlikely ever to be repaid given that most people applying for refugee status...
come from some of the poorest nations on Earth. Additionally, those who exit the country are often unable to be contacted by the department and therefore are not pursued for any repayments toward the debt. This renders the debt largely symbolic.

The most unavoidable truth of the immigration detention debts is that they have not worked. They have not acted as a significant deterrent to those entering Australia illegally. They have not served as a great source of revenue for funding further initiatives, and they do not come close to covering the actual cost of detention. In fact, the cost of administering the debt recovery process is often higher than the amount of debt repaid. For example, in 2006-07 and 2007-08 $54.3 million of detention debt was raised with only $1.8 million being recovered. Most of the outstanding amount was then written off or waived. In 2008-09 the cost of administering the detention debt was $979,526 and yet only $667,306 was recovered. So one would have to ask what the point is of raising these debts when they cost more to administer than one can hope to recover, and most are written off or waived anyway, thus making the exercise pointless. Those who continue to incur debts are restricted in their lives by significant debts or they are unable to apply to re-enter Australia, often to rejoin family members, until the debt is repaid.

There has been a plethora of reports leading up to this piece of legislation, all calling for either the abolition of detention debts or extreme changes to the current process. These reports were in lock-step with growing public opinion on the ethics of this issue. In 2006 the Senate Legal and Constitutional Affairs Committee handed down its report, Administration and operation of the Migration Act 1958. This report stated that the imposition of detention costs was extremely harsh and called for the discontinuation of the policy, except where debts are legitimately incurred through deliberate acts of bad faith. This was followed by the Commonwealth Ombudsman’s self-initiated investigation in 2007 into the Department of Immigration and Citizenship. The report, Department of Immigration and Citizenship: administration of detention debt waiver and write-off, handed down in 2008, found that there was scope for considerable improvement on the current process. Currently, a debt may be waived after an individual case is considered on its merits, or it may be written-off. However, writing off a debt allows for the possible reinstatement of the debt at a later time and effectively leaves this debt hanging over someone’s head indefinitely.

The Joint Standing Committee on Migration followed in a similar vein, with the inquiry into immigration detention in Australia. The report, Immigration detention in Australia: a new beginning—criteria for release from detention, handed down in 2008, called the policy of detention debts ‘discriminatory and punitive’. It examined the long-term impacts of detention debts on detainees, from financial impacts through to the effects on mental health and wellbeing. The joint standing committee found that the policy of applying detention debts was not providing any substantial revenue or contributing to the offsetting of detention costs, due to the low rate of recovery of these debts.

The recommendation of the joint standing committee was to repeal the liability of detention costs and also to immediately waive existing debts. This recommendation was, I must stress, unanimous and was made with opposition members present and participating on that committee. It is therefore sad to now see a morally decent recommendation being undermined by those members opposite whom we have heard through the course of tonight—and I am sure we will hear others speak against this bill.
The migration amendment bill will work in three ways to realise the recommendations of the previously mentioned reports and community expectations. Firstly, this bill will repeal those sections of the Migration Act 1958 that move the burden of detention cost onto those held in detention, with few and appropriate exceptions. No longer will we bill the desperate and the helpless for the length of time it takes us to process their applications for refugee status and the condition in which we choose to keep them whilst in detention. The only cost that will remain is the cost of removal or deportation if their application for refugee status is declined.

Secondly, the bill will retain the liability for detention debts for those convicted of illegal fishing or people-smuggling, these being the ‘appropriate exceptions’ I mentioned before. These people are not choosing to enter Australia to flee poverty, persecution or war; they are entering Australia illegally for financial gain, causing untold environmental or social havoc through their actions, and therefore they should remain fully liable for the cost of detaining and removing them from Australia.

Thirdly, all outstanding detention debts will be extinguished under this bill. They will not be waived, thereby requiring a case-by-case assessment of the merits of a waiver—and therefore intolerably high administrative costs for undertaking this. They will not be written-off, allowing the possibility of these debts being reinstated at a later time if a later government decides that refugee seekers should once again be liable for their detention costs. The debt will simply be extinguished and will no longer cripple people financially; will no longer require costs for their administration and recovery, and will no longer dehumanise those who move through our detention system.

I think it is highly significant to point out that we are the only country that currently has such a debt for detention. No other nation treats refugees in this manner. No other nation throws more money at trying to recoup debts than it recovers. Only Australia chooses this ineffective and inappropriate policy. Does that make us the only country that is right in its approach, or the only country to refuse to admit that it is wrong? That was pretty much standard practice for the former government.

Some in the opposition—I think the previous speaker articulated this view—would have us believe that this policy is still the right way to go, still the best way to create a strong deterrent to illegal immigrants and still the appropriate way to treat other human beings, despite our lonely status. The member for Hume called the bill a means to ‘extend outrageous privileges to people who have bypassed the orderly refugee process.’ An outrageous privilege? To not burden someone with tens of thousands of dollars worth of debt when they have proven to be a genuine refugee? An outrageous privilege to allow those removed from the country the opportunity to reapply for a visa to rejoin their families? This is not a privilege; it is simply the removal of an injustice. The member for Mackellar argued that, because most of the debts were waived or written-off, there was no need to repeal the provisions for transferring detention liabilities or to extinguish debts. But she obviously does not consider the enormous waste of taxpayers’ money on the continued administrative costs of these debts. Money is spent on calculating, raising, monitoring and recouping these debts; and then even more money is spent in assessing waivers and write-offs of these debts. The member for Fisher gave the incredible statement that ‘we must have border policies with compassion’ and then continued to talk about how much better the former
Howard government policies were. I think they were on a different planet during those 12 years from the one I and the Australian population as a whole were on. I would like to know when exactly the immigration policies of the former government demonstrated compassion. It is not a word you would link with the Howard government on any issue, really.

The opposition congratulate themselves on their immigration policies whilst in government. They congratulate themselves on the fact that children were held in detention for years, suffering untold emotional damage. They congratulate themselves for moving our immigration processing offshore, to small islands or to neighbouring countries, as though the problem was too troublesome to be dealt with on Australian soil. And then one of their own has the audacity to say that this was compassionate. Perhaps he is stuck halfway between the past and a utopian future. Perhaps he is nostalgically attached to the policies of the former government whilst simultaneously wanting new policies that are actually compassionate, unlike those that were adopted by the former government.

This policy is exactly the kind of compassion that we have been waiting for, and some of the opposition’s own members have acknowledged this fact, much to their credit. Once again I would like to put on the public record my appreciation for Mr Georgiou’s comments. I give him full credit for speaking up for what he believes in even though it brought him into conflict with his own party and his leader. The member for McMillan also exemplified this. He at least had the courage to say that the old ways were wrong and he would not toe a party line that was unconscionable. He did not think the former government’s approach was compassionate and he embraced what will be achieved when this bill is passed.

The opposition fell silent when this piece of legislation was voted on in the lower house in June of this year, avoiding the need to demonstrate their views with a formal vote. All their talk of Australia becoming a ‘soft touch’ and ‘sending the wrong signal’ did not equate to the courage to back this belief up with an audible ‘nay’ during the vote. Perhaps now, as this bill is voted on by the Senate, the opposition will choose to not remain silent. Perhaps they will in fact have the courage to admit that the stated position of some of their own is untenable. Perhaps they will actually vote for this bill, as I and my colleagues will. Then we can all be done with this ridiculous notion that retaining crippling debts for detention is somehow the best deterrent for the illegal movement of people. I commend the bill to the Senate.
brings into question our commitment to the Universal Declaration of Human Rights.

The original intent of the Migration Amendment Act when it was first introduced by the Keating Labor government in 1992 was to support the policy of mandatory detention through using it as a temporary measure for a designated group of unauthorised persons who arrived by boat between 19 November 1989 and 1 September 1994—and here we are today.

Section 209 of the Migration Act stipulates that a noncitizen who is detained is legally required to pay the Australian government the costs of his or her detention. The liability includes the cost of transporting the person to and from an immigration detention centre, the cost for each day the person spent in detention and, under section 211, the cost of removal from Australia if the detainee’s visa application is refused and they are subsequently deported. Under the act as it currently stands, each detainee is legally required to repay the Australian government the cost of their detention unless the debt is specifically waived or written off. The policy has long been seen by human rights and refugee activists as implicitly contravening international law and the spirit of the 1951 refugee convention. It has also undermined Australia’s ability to raise genuine concerns as to how other countries are treating or discriminating against refugees arriving in those countries.

While asylum seekers who were later recognised as refugees have generally had their debts waived, there is nothing in the law that stipulates this has to be the case. Many detainees released under ministerial discretion or on special visas have been issued debts and required to pay. The combined debts arising from parents and children in detention resulted in some families accruing very large debts, often exceeding $200,000. One detainee who was recently deported received a bill of over $512,000.

It is worth noting, however, that the detention debt recovery policy has never actually been effective in significantly reducing detention costs, as the level of debt recovery over the years has never been high—about four per cent on average. According to the Commonwealth Ombudsman, the ‘total detention debts to the Australian government owed by 406 people amounted to $8,095,271 as of 30 June 2007.’ Of this amount, $4.8 million, or 60 per cent, is more than 120 days overdue for payment and is unlikely to be collected—not the most efficient debt recovery regime.

The introduction of this piece of legislation to extinguish all outstanding detention debts for noncitizens who are currently in detention or have previously been detained is a welcome policy shift from the Labor Party, who originally introduced this arbitrary policy back in 1992. I am glad that they have seen the error of their ways. As I mentioned previously, the Greens have been opposing the imposition of detention debts and calling for this policy to be changed for years. Detention debts have flagrantly added insult to injury for those who have come to Australia seeking assistance and protection.

Back in June last year, in response to a question without notice from my former colleague Senator Nettle, the minister stated, ‘It does seem to be a crazy situation to run a system to raise debt when it costs us as much to raise the debt as it does to generate income from it.’ Adding to the minister’s remarks, I would suggest that it is not just crazy to run a debt collection scheme that costs more than the money actually collected; it is also crazy to be charging innocent people for being incarcerated. It has never worked as a deterrent to people seeking asylum, as the opposition suggest. Detention debts are clearly out of
step with the government’s promise of a more compassionate approach to immigration and asylum seeker issues, and I commend the Minister for Immigration and Citizenship and his department for following through with their commitment to restructure the system of detention and the way in which it is viewed. The Greens believe that the use of the term ‘extinguish’ is fair and reasonable and clearly ensures that there are no avenues for any future government, whoever they may be, to force former and current detainees to repay any debt incurred.

The report *Immigration detention in Australia: a new beginning*, by the Joint Standing Committee on Migration, of which I am a member, made a number of important recommendations to improve the fairness and transparency of Australia’s immigration detention policy. One of the key recommendations from the committee’s report, which the minister outlined during his second reading speech, called for an end to charging former detainees the cost of their detention. The sums can be very substantial and well beyond the means of many people to repay, and they can cause great stress.

Given that the committee tabled its report in December last year, it has been encouraging to see the minister act so quickly on recommendation No. 18, which is to extinguish existing debt. I would also like to take this opportunity to urge and encourage the minister to formally respond to the remaining committee recommendations and the report which I co-authored with Petro Georgiou and Senator Eggleston. It would be good to see the minister’s responses to all of these recommendations.

I would just like to mention that, while the Greens are indeed keen to see this legislation pass as swiftly as possible—in fact, we have been waiting years and years for this piece of legislation—it is disappointing to see that the legislation fails to take into account the money that has already been collected from individuals. While I acknowledge that implementing a scheme to refund money that has been collected would be an administrative nightmare, I do think this is an area that we need to look into further, to see how the government could assist those who have had to pay for time spent in detention—now, of course, acknowledging that this was the wrong thing to do from the very beginning. Considering that the approximate charge for one day in immigration detention is $125, coupled with the fact that there are currently more than 30 detainees who have spent more than two years in detention—accumulating an estimated $91,000 debt at a minimum—it seems outrageous that that we have taken 17 years to repeal the liability of immigration detention costs.

The committee majority in the 2006 Senate Legal and Constitutional Affairs Committee report *Inquiry into the administration and operation of the Migration Act 1958* concluded:

…it is a serious injustice to charge people for the cost of detention. This is particularly so in the case of unauthorised arrivals, many of whom have spent months and years in detention. The fact that this policy has been implemented in the context of a mandatory detention policy makes it all the more egregious.

It seems ludicrous that we have a policy of mandatory detention and then we require people to pay even though it is mandatory. While some other countries have, in recent years, expanded their use of detention as part of tougher border control and asylum regimes, Australia remains the only country that has mandated a charge for the cost for detention of all unauthorised arrivals. In a speech delivered in 2004, QC Julian Burnside argued:

It is a remarkable thing that an innocent person, who is incarcerated, is made liable for the finan-
cial cost of his own incarceration. No other country on earth makes innocent people liable for their own detention.

During a visit to Canberra, Emily and her husband Kasian, who currently have an outstanding debt of $161,000, spoke to me and other senators in this chamber. Having this debt over their heads for the last 12 months has meant that there has been a constant reminder of the trauma and tragedy experienced during Kasian’s 28 months in immigration detention. Emily said:

Kasian and I just want to move on with our lives … to have security of residency and citizenship and the right to travel overseas and introduce our children to their extended family …

Given that, from 2006 to 2008, detainees were billed $54 million but the Commonwealth received less than $2 million, it is clear that this policy of detention debt is flawed. It is time to stop demonising innocent people fleeing persecution by locking them up and charging them for their detention, treating them worse than the most abhorrent criminals imaginable, such as paedophiles, murderers and rapists. We do not charge them for their own incarceration. We must move beyond this policy that has tarnished our international reputation and ensure that those seeking protection are provided with the support and the compassion they deserve. I would urge the opposition, who did not support the passage of this bill in the other place, to look closely at the devastating impact that this policy has had on innocent individuals and families and support the historic passage of this long overdue piece of legislation. Let us accept that the Labor Party have accepted that they were wrong.

Despite the official opposition position, we must acknowledge the four members of the Liberal Party in the lower house—MPs Petro Georgiou, Russell Broadbent, Danna Vale and Judi Moylan—who all gave impassioned speeches in support of overturning this regressive policy. Although we have not heard from any thus far, I would hope that we will hear from some equally compassionate and good souled members of the opposition in this chamber who are willing to speak up against their own party’s ridiculous position, which is in stark contrast to that of the community.

In debating such a historic piece of legislation, we must not forget the ongoing commitment and advocacy from all the refugee, church and legal organisations, as well as many individuals, who have, over the years, lobbied both current and previous governments to have this arbitrary and regressive policy overturned. Thousands and thousands of hours of volunteer time have gone into supporting people who have not been able to repay their debt and to lobby for this change in policy. In a paper on the policy of mandatory detention by the Public Health Association, they argued that the:

Trauma experienced by asylum seekers is exacerbated by being placed in detention centres and the uncertainty about their future, resulting in reports of para-suicide, completed suicide and self-mutilation.

Trying to quantify the specific impact of a detention debt on detainees against the many other stresses is therefore extremely difficult, but we know that it exists. For anyone with compassion and an understanding of basic human rights it is clear that the imposition of a debt on such a mentally and physically vulnerable group of human beings would have an incredibly detrimental impact on their ability to resettle in Australia and find a new life.

We should be assisting those who have sought our protection, not punishing them by imposing a charge for every day they spend in detention awaiting their visa, leaving them with a debt once they are released. The fact that Australia is the only country to have
charged asylum seekers for their time spent in detention clearly contravenes our commitment to the UN Convention on the Status of Refugees. That commitment signifies our intention to provide protection to those seeking asylum in Australia, those who are the most vulnerable in the world.

It is a welcome piece of legislation that is before us. It is long overdue. The Greens look forward to working with the government and the Minister for Immigration and Citizenship, Senator Evans, on pursuing a more humane approach to the way Australia treats those seeking our protection. I shudder at the thought that perhaps we may go back to a day when we lock children in detention, when we charge people who are innocent and when we simply throw away the key on people in the middle of the desert. It is not the type of regime, or refugee policy, that Australia wants to go back to. It is not the type of refugee policy that our government should be looking to. I think they are abhorrent.

Senator CASH (Western Australia) (9.05 pm)—I rise to speak against the Migration Amendment (Abolishing Detention Debt) Bill 2009. There are two classic issues which differentiate the former Howard government from the current Rudd Labor government. Firstly, there is the issue of national security. Secondly, there is the issue of economic management. Unlike the Howard government, the Rudd government continues to fail in both of these areas.

It is well recognised by serious policy-makers that a fundamental responsibility of a government is to ensure the security of its nation and its people. Protecting Australia’s borders against illegal immigration is therefore a fundamental responsibility of a Commonwealth government. In addressing this fundamental responsibility relating to border protection, there is a need to recognise that there are organised criminal gangs within the global community who specialise in people-smuggling, the organised illegal movement of individuals across international borders. These people smugglers make massive profits by trading in human misery and are constantly on the look-out for impending signs of weakness in border protection policies. In order to win the battle against people-smuggling and to win the battle against illegal immigration, we as a country need to not only send the right message, a strong message; we need to send a consistent message to people smugglers, to those who may wish to come here illegally and to those who wish to overstay their visas.

Under the Howard government Australia sent a strong, consistent message. Our doors were closed to unlawful entry. This was reflected in the decrease in the number of illegal arrivals on our shores. Clearly, the criminal gangs who specialised in people-smuggling were aware that under the Howard government this type of activity would not be tolerated. Regrettably, following the election of Rudd Labor in 2008 the government made it clear that it would not continue the strong border protection regime that was implemented by the Howard government. Clearly, Rudd Labor was sending a clear message to the people smugglers that under its government there would be a significant weakening of Australia’s border protection policy. The effect of the watering down by Labor of Australia’s previously strong border protection policy has resulted in a corresponding increase in unlawful boat traffic coming to Australia numbers.

If there were any doubt as to whether or not this was actually the case, one need only look as far as the latest interception of asylum seekers, apprehended about 21 nautical miles north of Christmas Island by a Navy
patrol boat, HMAS *Pirie*, approximately three weeks ago. We understand from media reports that the boat was carrying 77 people and was believed to have come from Sri Lanka. The panicked and clearly desperate response of the Minister for Immigration and Citizenship, Senator Evans, to this, as reported in the *West Australian* newspaper on 14 August 2009, was to point to the ‘growing unrest in Afghanistan, Sri Lanka and Iraq as the reason more boats were heading for Australia’. The article went on to say that the minister had been warned that it was likely there would be more boats as the situation worsened, particularly from Afghanistan. It might surprise Minister Evans to actually learn that there has been intense conflict in Afghanistan since 2001, following the 9/11 attacks on the United States. It might also surprise Minister Evans to learn that, following the military intervention of Australia and other countries in Afghanistan, no asylum seekers arrived in Australia during the 2002-03 financial year. Surely, even Minister Evans would have to concede that in reality the first major military intervention after 9/11 would have been more likely to provoke a flood of asylum seekers to Australia, rather than the situation now, many years later, after an extensive reconstruction and securitisation effort by the international community.

Perhaps there is another reason for the increase in unlawful boat traffic since Rudd Labor was elected. Perhaps it is Labor’s softening of our border protection laws. As the left-leaning minister tries to explain away the abject failure of Rudd Labor’s soft border protection policy, it is clear that what we now have under the Rudd government is a failure to properly discharge a fundamental national responsibility: ensuring the security of the nation. The weakening of immigration policy by the Labor government since its election has stimulated the biggest surge in people-smuggling since 2001-2002, when the coalition’s tough strategy on border protection put people smugglers out of business. What Labor is doing with this bill is giving people smugglers a new marketing edge. If for no other reason, this bill should be opposed because it provides one less barrier, one less hurdle, for those human beings who peddle in human misery—people smugglers and people traffickers—to continue with their despicable trade. It is to these criminals that the Labor government is giving the green light.

Quite simply, by removing yet another layer of our tried and proven border protection regime, a regime that has been built up over many years and statistically has proven to be effective, we are allowing people smugglers to further peddle their despicable trade and tell potential unlawful asylum seekers that the doors to Australia are open for business. In watering down our strong border protection policies, there is the potential, from more people attempting to come to Australia unlawfully because our doors are open for trading, that more people’s lives will be put at risk and more people will loose everything to these despicable people smugglers.

The numbers now speak for themselves. There is an increasing awareness that Australia’s borders are being seen as vulnerable. Since the election of the Labor government, since the Labor government rolled out the welcome mat to unlawful arrivals, we have seen more boats arrive illegally in Australia than in 2003 to 2007 combined. In the financial years of 2002-03 and 2004-05 under the Howard government, do you know how many boats arrived in Australia? None. No boats arrived in Australia. I will say that again for the benefit of those listening. No boats arrived in Australia. Why? It does not take much for a reasonable person to conclude that people smugglers simply could not hide the fact that Australia’s doors were not
open for business. We had a strong border protection regime that made it clear that we would only accept asylum seekers who came here in an appropriate manner that did not disadvantage other migrants attempting to use the existing legal channels. It is unsurprising therefore, with the changes already made by Labor to our border protection laws and with the changes like those that are the subject of this bill, that unlawful immigration is once again increasing.

If we now look at the specific measures of the bill and we look at the outcomes it aims to achieve, on reviewing the bill it becomes apparent that this legislation has misinterpreted the prime intention of imposing a detention debt—an intention that was apparent to the Keating Labor government back in 1992 when it introduced the measures. Detention debt is not ultimately about the collection of money. It was intended by the Keating government, when it first introduced it, to represent an additional deterrent to potential illegal immigrants and was designed to send a strong, clear signal to the rest of the world that people who attempt to enter Australia unlawfully are unwelcome and that if they try to enter Australia unlawfully, then there are potential penalties that they will face if they do.

Remember: those who are incurring this debt arrived on our shores unlawfully. And the bulk of those who incur this detention debt are people who have overstayed their visa conditions. They have overstayed and have become illegal after breaching their conditions. This legislation has nothing to do with people who come to Australia using the front door, people who come to Australia using the lawful channels. And despite the Labor Party and the Greens thinking that with this legislation they somehow have the monopoly on compassion, that is not true. If ultimately unlawful immigrants are found to be genuine refugees, there already exists in the current legislation provisions enabling the waiving or the writing off of the debt that these people accrue while in detention.

The coalition fully supports the provision in the current legislation enabling the waiving or writing off of the detention debts for asylum seekers ultimately found to be genuine refugees after being detained lawfully at the expense of the Australian taxpayer. And the evidence shows that in the majority of cases the debt incurred is either waived or written off. The findings of the Joint Standing Committee on Migration in its report entitled *Immigration detention in Australia: a new beginning*, December 2008, support this. Paragraph 5.60 of the report states:

In practice, recovery of many detention debts is not pursued but is waived or written-off.

As set out in the explanatory memorandum, for the period 2006-07 and 2007-08 only 3.3 per cent of immigration debt raised was actually recovered. Approximately 88.8 per cent was written off as uneconomical to pursue and 7.4 per cent was waived. These figures are cited by Minister Evans in his second reading speech—or rather, in his case, his second reading excuse for this legislation—but the conclusion he then draws is fallacious. Minister Evans said:

Making immigration detainees primarily responsible for the costs associated with their detention, has not, in any significant way, contributed to minimising costs to the Australian community. And in the meantime, the Department is required to meet the high cost of administering a debt that it is largely unable to collect.

In relation to the first part of the minister’s statement, that is completely true:

Making immigration detainees primarily responsible for the costs associated with their detention, has not, in any significant way, contributed to minimising costs to the Australian community.

But it must be remembered that this measure is not a revenue raising measure, that was never the intention of this measure. It is a
policy, originally introduced by the Keating Labor government, which was designed to act as a deterrent to those who wanted to enter Australia unlawfully. If it does recoup some costs incurred by the Australian taxpayer, that is well and good, but that is not, and it has never been, the primary intention of that provision.

In relation to the minister’s comment regarding the ‘high cost of administering a debt that is largely unable to be collected’—to abandon the current policy because the administration of the policy is wanting sets an extraordinary precedent. I say again for the minister’s benefit: this policy is not a revenue raising measure. It was not a revenue raising measure under the Keating government and it certainly was not a revenue raising measure under the Howard government. Both of these governments recognised that it was aimed firmly at deterring the ‘pull’ factors which influence people smugglers in luring asylum seekers to Australia.

The Rudd government, on the other hand, the left-leaning Labor government, resolutely refuses to recognise that pull factors, or internal Australian factors, have any influence on those in the people-smuggling trade. Rather, the left-leaning Labor government blames everything, including the rise of people-smuggling, on ‘push’ or external factors. It blames everything and everyone, other than the steps that it has taken as a government to soften our previously strong and effective border protection regime.

And so it is that, with the ability to waive or write off a debt incurred in detention—which in the current legislation—and with evidence that in the majority of cases the detention debt is waived or written off, it is very difficult to see how the government can justify this piece of legislation on humanitarian grounds. Watering down, as this bill will, our strong border protection regime will not only have the effect of sending a strong signal to the criminal people smugglers but will also send a strong message to potential unlawful immigrants that Australia is open for business. The only agenda driving the legislation before us is a political agenda: the left-leaning Labor Party are soft on border protection. It is an absolute furphy that these changes are required for humanitarian reasons. Why? Because the so-called humanitarian option is already available in the current legislation.

As we all witness the devastating consequences of the Rudd government’s soft border protection policies in action, it is truly horrifying that they would, in effect, roll out the welcome mat and provide criminal people smugglers with additional impetus to entice even more victims onto boats to meet an uncertain fate. In order to win the battle against people-smuggling, unlawful immigration and the people who decide to overstay their visas, we as a country need to send not only the right message and not only a strong message but also a consistent message to people smugglers and those who wish to come here illegally: the doors to Australia are not open for business. Part of that strong message is contained in the current legislation. Any watering down of our strong border protection policies should not be supported.

Senator CORMANN (Western Australia) (9.24 pm)—Our borders are less secure today as a direct result of the actions taken by the Rudd Labor government. So far the government has ended the Pacific solution; abolished temporary protection visas, with more than 1,000 people on temporary protection visas granted permanent residency; and ended the 45-day rule. This bill is another step in the wrong direction. Over the coming weeks we will be debating the Migration Amendment (Immigration Detention Reform) Bill 2009, which will be yet another
step in the wrong direction. These Rudd government changes undermine our system of mandatory detention—a system introduced by a previous Labor government—and the integrity of our border protection system on top of that. We have had a whole raft of administrative changes on the inside of the department of immigration. All these things have got one thing in common: they weaken what used to be our strong border protection system that the current government inherited from previous governments of both persuasions: the previous Howard government and the previous Keating government. The Rudd Labor government is sending the message to people smugglers and illegal immigrants around the world that Australia is back open for business—that under the Rudd Labor government Australia is back to being a soft touch. By doing so, the Rudd Labor government is not only putting Australia at risk; it is putting potential illegal immigrants at risk. The message the government is sending to people smugglers and possible illegal immigrants is: if you can find a way to get to Australia, the Australian government will find a way to keep you here.

Of course, there is a very obvious and direct link between the actions of the Rudd Labor government and the increase in the number of boat arrivals on our shores. I will go through the numbers, including both excised and non-excised places of arrival. In 2002-03 zero boats arrived; in 2003-04 three boats arrived; in 2004-05 there were zero; in 2005-06 there were eight; in 2006-07 there were four; and in 2007-08 there were three. What happened since August 2008? What has happened since the Rudd Labor government started to weaken our border protection system in this country? Twenty-seven boats have arrived on our shores.

The eastern-states-centric government, led by the eastern-states-centric Prime Minister, does not care about this, but I would have expected better from Senator Evans, as a senator from the great state of Western Australia, because the people of Western Australia are extremely concerned about where this is going. They are extremely concerned about the actions of the Rudd Labor government in the immigration portfolio. Senator Evans and the Prime Minister have been trying to tell us that push factors are at play, that the crisis in Afghanistan and the strife that Sri Lanka is in have somehow caused the influx of illegal boat arrivals. As Senator Cash pointed out, the conflict in Afghanistan has been going since 2001. Push factors are always there; it is the pull factors that have changed, and they changed in August 2008 as a direct result of the deliberate actions of the Rudd Labor government.

I will read through some of the conflicts that have happened across the world in the period 2002 to 2007, when we had a very small number of illegal immigrants presenting themselves at our shores. There was the second Chechen war; the second intifada, which went from 2000 through to 2009; the war in Afghanistan, which has been going since 2001; the Ivorian civil war, between 2002 and 2007; the insurgency in the Maghreb, which has been going since 2002 and is ongoing; a civil war in Sri Lanka for the whole decade, not just since August 2008; the war in Darfur in Sudan, since February 2003 all the way through to 2009; the Iraq war in March 2003; the conflict in north-west Pakistan since March 2003, which is ongoing; the Islamic insurgency in Saudi Arabia from May 2003 to June 2008; the Haitian rebellion in 2004; the Central African Republic Bush War from March 2004 to April 2007; the Balochistan conflict in Pakistan in 2004; the Sa’ada insurgency in Yemen in 2004; the conflict in the Niger delta in 2004; the Mount Elgon insurgency in Kenya from 2005 through to March 2008; the fourth civil war in Chad from December
2005, which is ongoing; the Lebanon war in 2006; the war in Somalia from December 2006 to January 2009; and the civil unrest in Kenya from December 2007 to February 2008.

None of these caused an increase in illegal boat arrivals on our shores. But guess what? Since August 2008, boat arrivals have started to increase. What happened in August 2008? That was when the Rudd Labor government sent a message to people smugglers across the world that we are again open for business.

I happen to be a migrant to this great country. Australia is a very generous country. Australia is very good to migrants and there are very good processes in place. For somebody who wants to come to Australia and put their shoulder to the wheel, this is the best country in the world. We are very generous to refugees. People who are genuine refugees should be looked after by Australia—of course they should—and Australia does look after them. But the reality is that people turning up on our borders are not always refugees. People who come here courtesy of people smugglers are not necessarily the most deserving of our support. We have to have a system to effectively assess people who want to come to Australia and, while that assessment takes place, we have to have the capacity to detain people who are undergoing that assessment. It is an important part of a system designed to keep our borders secure, and it is that part of the system that the Rudd Labor government is consistently dismantling, sending a disastrous message overseas.

Earlier this year, on 16 April 2009, we had a boat explode to the north-west of Australia; a boat exploded and people died. The Rudd government was going to present a report on this. Where is it? Where is the report by the Rudd Labor government on what happened to SIEV 36? It is nearly five months now since this tragic event, and still the Australian people have not been told what happened. What has the government got to hide? Instead of telling us what happened with SIEV 36, here they are introducing bill after bill that will make our borders less secure. This is not what the Australian people expected would happen when they voted for a Rudd Labor government, because that is not what Labor told us would happen before the last election.

This is yet another bad piece of legislation. This is yet another bill in the immigration portfolio that takes Australia in the wrong direction. On behalf of the people of Western Australia, I object to what is being proposed here by the Rudd Labor government, as I object to all of the measures that the Rudd Labor government has taken in the immigration portfolio that have had the effect of weakening our border protection system. We need a strong border protection system. The Australian people expect that our borders are going to be kept secure by the Australian government. The Rudd Labor government has taken step after step in the wrong direction. The Rudd Labor government has taken step after step weakening our border protection system. The government will stand condemned for it by the people of Western Australia, on whose behalf I have spoken on this legislation today.

**Senator XENOPHON** (South Australia) (9.33 pm)—I support the Migration Amendment (Abolishing Detention Debt) Bill 2009, which will see the end of a policy that penalises persons who come to our shores seeking asylum from persecution in their homelands. I will address some of the issues raised by Senator Cormann shortly. I agree with Senator Cormann on a number of issues, but, unfortunately, this is not one of them. The supposed original objective of the detention debt policy was:
... to minimise the cost to the Australian community associated with the detention of unlawful noncitizens ...

That is how it was put. But it was a policy that, I believe, went against the essence of what Australia stands for. As I have said previously, one of the pillars of Australia's international reputation is our belief in the right of a fair go for everyone, and that is not just reserved to those born here on our shores. Under the international refugee convention, to which Australia is a signatory, we are:

... responsible for ensuring we do not return people to countries where their life or freedom would be threatened by their race, religion, nationality or membership of a social group, or political opinion.

We have established strong integration services to assist migrants to settle into the Australian community. We are helping people move into the workforce and become self-sufficient. We are also supporting people in finding a new home here in Australia. Yet for the past 17 years, under both Labor and coalition governments, we have contradicted these efforts by having in place a policy that requires repayment from legitimate refugees for the time that they were being held in detention while it was decided whether they were legitimate refugees. Ironically, those who were deemed not to be legitimate refugees and who were deported have not been subject, in an effective sense, to paying fees. The impact that this debt has had is considerable, both financially and emotionally, on those trying to start their lives over, who are in a foreign country, who may be without many of their family members and who are still trying to find their feet.

I know that the issue of deterrence has been put forward by the coalition in relation to this, but the legitimate refugees who come here are desperate because of the circumstances in their homeland. I know references have been made to Afghanistan and the war there since 2001; I think we need to put it into perspective. The number of people seeking asylum is a clear function of and directly related to what is happening in their homeland—to chaos, to political instability, to extreme poverty, to hunger and, in particular, to political persecution. I think we need to consider that those are the primary factors. If we want to stem the flow of people coming to our shores, we ought to consider the causes of that. We also ought to have effective border protection policies and target those who are responsible—that is, the people smugglers, who engage in a vile trade and who exploit some of the most vulnerable people on this planet.

When it comes to deterrence, this whole issue of debt collection does not make sense in economic terms. There is no real net gain—I think about 2½ per cent of the debt has been recovered over the years—but there is a considerable cost involved in recovering that debt. It is a punitive policy; it does not make financial sense. This whole concept of thinking that having a financial penalty will deter people from coming here is absurd. I do not think that these people have assets of any note, and it is a petty and punitive policy. I do not think that these refugees have left behind some prime real estate in Kabul or Kandahar to come here. These are people, by and large, who are desperate for asylum, for a variety of reasons, and trying to recover debt in this way seems petty and vindictive. I will support this bill and I commend the government for introducing it.

**Senator FIELDING** (Victoria—Leader of the Family First Party) (9.38 pm)—In 2006 the Howard government announced it would introduce legislation to move the processing of asylum seekers offshore. I told the Howard government that I could not support that proposal because it was unjust and unfair. I pointed out that, if every country did
what the Howard government was proposing at the time, we would have chaos. If every country booted asylum seekers or refugees offshore to another country they would end up with nowhere to actually go. I took a stand against that policy because I believed a more compassionate approach was necessary to deal with our refugees. It is a stand that I look back on proudly and still look proudly upon today. It is important that Australia does its bit in a world where, unfortunately, people have to flee in fear of their lives. It is the Australian thing to do.

It is for this reason that I support the policy put forward by the government to abolish the detention debt of genuine refugees. It is a humane policy and one which I wholeheartedly support. However, I do not feel the same sentiments towards those people who enter this country illegally or violate the terms of their visas. I make a very clear distinction between someone who comes to Australia in order to be safe from the horrors which await them in their home country and those people who show a total disregard for Australian laws and our immigration system. One simply cannot put these two categories of people on the same level.

Australia is a welcoming country and has for many years opened its borders to people of all races and creeds. Our immigrants have brought many wonderful qualities to this country and we are an enriched society as a result of their contribution. I grew up in the northern parts of Melbourne—it was and still is a very multicultural place. It was a great place to grow up. However, we also have a society which values law and order. It is good that we have a multicultural society; however, we also have a society that values, and must value, law and order. We understand the importance of having rules in place to ensure that as a society we function in the appropriate manner. Without these rules we would have anarchy. Australia embraces its policy of multiculturalism. However, we should not be seen as a soft target for unscrupulous people-smuggling and we should not be seen as a soft touch for people to come and overstay their visas and jump the queue. These are two important principles that I think most Australians would share. I repeat: we should not be seen as a soft target for unscrupulous people-smuggling and, secondly, we should not be seen as a soft touch for people to come and overstay their visas and jump the queue.

We have a hardworking Department of Immigration and Citizenship which carefully sets the quota of new immigrants needed for each year and methodically assesses each application according to the rules and guidelines set out before it by this parliament. There is a proper process and, just as there is a process, there are consequences for those people who refuse to abide by this process. There are consequences for those people who flout the law and engage in illegal conduct, which undermines the foundations of our peaceful society. This is the case in any functioning society and Australia is no different. Therefore, when people break the law they are to be punished. Under our laws, which are not the subject of debate at present, those people are detained in our detention centres and then, very often, deported to their home country. This includes people who come out on holiday visas and work illegally in Australia in full knowledge of the consequences this brings. There are very important issues at hand here. I will go through that again: this includes people who overstay their holiday visas and work illegally in Australia in full knowledge of the consequences this brings. There are very important issues at hand here. I will go through that again: this includes people who overstay their holiday visas and work illegally in Australia in full knowledge of the consequences this brings. It includes people who obtain visas to Australia by lying on their application forms, only to have this discovered once they arrive. It includes overseas visitors who commit violent crimes during their stay on our shores. This is irresponsible and illegal
behaviour. It is a costly burden on our economy and it is taxpayers who end up footing the bill.

Under the current laws, those people who are detained in detention centres are asked to pay the bill for their stay. I support this policy. I believe that, if given a choice between having ordinary, hardworking Australians pay for those costs and making those responsible reimburse this expense, the latter should foot the bill every day of the week. Instead, what this government is seeking to do is grant immunity to those people who have broken the law and let them off scot-free. That is crazy—absolutely crazy. I cannot understand why it has not been raised until now.

Senator Chris Evans—Because they are removed from Australia.

Senator FIELDING—I am happy to go through it with you.

Senator Chris Evans—The punishment is removal, not a fine.

Senator FIELDING—No, no. It is very interesting what you are putting forward here. I will go through it again. Given a choice between having ordinary, hardworking Australians pay for those costs or making those responsible reimburse the expense, the latter should foot the bill every day of the week. What we are talking about here is the government seeking to grant people who have broken the law and let them off scot-free. That is crazy—absolutely crazy. I cannot understand why it has not been raised until now.

Senator Chris Evans—But they don’t.

Senator FIELDING—Hang on, mate. Why should taxpayers be paying for it?

Senator Chris Evans—They do.

Senator FIELDING—The introduction of this bill would see those who have violated their visas leave Australia debt free while Australian workers are left to pay for the mess. This bill would also benefit those people who have been detained due to their illegal conduct but have subsequently married someone and gained residency. These people should be treated no differently. Their new right to reside in Australia does not give them a right to shirk from their responsibilities.

While many refugees spend time in mandatory detention centres at a cost to the taxpayer, their debt is waived upon their release. This is the current situation. This is humane policy and one which I wholeheartedly support. Family First believes that genuine refugees who seek shelter in our borders should have their debt waived upon the release, but those who are visa violators should not be allowed to get off scot-free. That is what this bill does. It does.

Senator Chris Evans—You are just not right. You are confused.

Senator FIELDING—It is right. We have been through it. I do not think you understand your own policy.

Senator Chris Evans interjecting—

Senator FIELDING—But what you are proposing is to let people get off scot-free. If you think that is the right thing to do, you are wrong. It is not right that through this bill you automatically wipe off the debt of people who violate the laws of Australia. It is outrageous. When you keep on standing there and saying, ‘It’s wrong,’ it is right. That is what your bill does.

Senator Chris Evans—No, you are confused.

Senator FIELDING—No, I’m not confused, mate. That is what your bill does. It is exactly what it does—and it is wrong. When you think about it, it smacks of hypocrisy. If someone violates their visa, overstays, jumps the queue, you want to wipe off their debt. Why would you do that?
Senator Chris Evans—No, I’ll take you through it.

Senator FIELDING—It does do that. You can shake your head. It is true. Maybe we will have to move amendments to prove the point.

Senator Chris Evans—We are not collecting the debt. We never have.

Senator FIELDING—It does not matter if you are collecting. It is the law you are putting in place. It is not Australian when you think about it. You are saying that you are quite happy to waive the debt of people who break the law by overstaying their visas. That is absolutely outrageous.

Senator Chris Evans—I deport them.

Senator FIELDING—You deport them but you wipe the debt off as well. It is outrageous. It is un-Australian and it is not fair.

Senator Chris Evans—We don’t collect the debt.

Senator FIELDING—Come on, mate! This is outrageous. You should know better.

Opposition senators interjecting—

Senator Chris Evans—I do know better. Ninety-seven per cent has been wiped off. You wrote off 97 per cent. That is what the Howard government did for 12 years.

Senator FIELDING—This is the same government that proudly boasts of its commitment to full cost recovery for Australian exporters, which would see industries such as the horticulture industry, beef industry and seafood industry faced with crippling price increases that would put at risk their ability to compete in the global market. Here you are on the one hand with AQIS fees saying that these industries should pay their way. You don’t wipe their debt off any more. Oh no, you are quite happy to see them go to the wall. But someone actually jumps the queue on a visa and overstays and you are quite happy to deport them. But what about the debt? You wipe that off. Where is the principle in that? It is the principle of the policy that is just hypocritical. You put pressure on horticultural people for full cost recovery and at the same time you do not want to do it for those people who overstay here on their visas and break the law. You are quite prepared to deport them but you wipe their debt. It is absolutely outrageous.

**ADJOURNMENT**

The ACTING DEPUTY PRESIDENT (Senator Ryan)—Order! It being 9.50 pm, I propose the question:

That the Senate do now adjourn.

**Australian Military Court**

Senator MARK BISHOP (Western Australia) (9.50 pm)—This evening I want to address the High Court decision of last week invalidating the Australian Military Court. The decision was that the court did not accord with Chapter III of the Australian Constitution. As a consequence, every action taken by this court in the fulfilment of its functions within the new system of military justice is, of course, invalid.

This outcome is many things. Firstly, it is simply a waste of so much effort by so many people over so many years, not to mention the resources spent on what I understand to have been something in excess of 171 cases. Secondly, there has now emerged a huge gap in the military justice system. Offences proven now will remain unpunished; appeals will be redundant. Penalties, I presume, will have to be rescinded. Worst of all, that gap will remain until remedial legislation is brought in—I hope, as a matter of urgency. Thirdly, it is a humiliation for those who argued against the Senate Foreign Affairs, Trade and Defence Legislation Committee, and all its expert witnesses, that the committee was wrong. Those witnesses included no less than the Judge Advocate General and the Law Council of Australia. Above all, how-
ever, it is an outcome which has brought flooding back the sheer arrogance of the previous Howard government regime—for whom the Constitution was not to be considered under any circumstances.

I must add that this attitude does not necessarily apply to those senators opposite who, at the end of the day, had to vote at their party’s call. The original report of the committee on military justice, in this respect in particular, was unanimous. After all, the committee had worked hard over a considerable period of time. In the face of the most confronting evidence about the serious shortcomings in the military, its views were not just unanimous but strongly held by all senators—so much so that even today I as chairman can say without contradiction that those views are still strongly held. Indeed, I am sure that they would join me, if they could, in saying to the previous Prime Minister, ‘We told you so.’

For the committee, then and now, this subject was not a matter for political polemics. It was a very serious matter of public policy affecting the welfare of the entire ADF. The circumstances revealed to the committee were in fact so bad that some say that the entire Australian military was disgraced—in particular, the management which allowed such circumstances to prevail for so long. In fact, if we are really serious about making public apologies for social shortcomings of the past, all those whose lives and careers were ruined during their service should get such an apology—not just from the political process which failed to attend to it for so long but also from the military hierarchy, whose attitudes were clearly part of the problem. In fact, I venture to say that the reputation of the military in Australia was for some time damaged by the committee’s findings—and more so than by any other shortcoming or incompetence brought to light during the term of the then Howard government.

The only remaining tragedy is that justice for all those past failings will never be delivered. In some cases, where individuals stuck to their guns, some compensation has been delivered, usually at enormous personal cost. The total number of cases will never be known. Certainly, the committee received an enormous number, of which it could only deal with a few.

I think it is worth reminding the Senate of this background simply because with the passage of time it is so easy to forget. After eight separate reviews and inquiries conducted under the aegis of the Howard government, the Senate, through this committee, pulled things together and got accountability for the parliament. For that reason the committee has persisted in its oversight of the implementation of its recommendations. It is therefore quite satisfying that after all this time the committee has been proven 100 per cent correct.

Put simply, the committee’s reforms for military justice in effect comprised the civilianisation of the military justice system. The modern ADF had for a long time been denied a standard of justice available to all other Australians. In the committee’s view, they were entitled to the same. Further, such a system should be completely independent of the chain of command. It should have the same degree of independence as the civil court system. The basis for this belief was clear. The military system of court martial had totally failed. So too had the system of grievances. So too had the structure and functions of the disciplinary tribunal system. So too had the investigatory services. So too had the disciplinary decision-making process. ADF personnel enjoyed few of the democratic rights and protections available to all Australians in the workplace. The committee, having taken so much damning evidence, simply had little confidence that the
then extant military was capable of fixing the problem.

The resistance, still voiced by some, is expressed in the name of military discipline. As usual, it was based on the standard supposition that military service is unique. The claim is valid in some cases. However, often it is overstated. The format for the new military court fell victim to this very assertion. The court was established under the Defence Force Discipline Act. It was a ploy to retain the so-called court within the ADF sphere of influence. But, as the High Court has now found, it was no court at all. It was simply a ruse, with all the trappings of a court—a make-believe court. It was an attempt to create a court outside Chapter III of the Constitution, exercising judicial authority as if it was a legitimate court. In that way, it could be pretended that the Senate committee’s report had been met in spirit to some extent.

The trouble is that the ruse failed. It was still effectively a military tribunal. The provisions of section 114 of the act made it clear that the AMC was not a court set up under Chapter III. The hope was that no one would challenge the attempt. Certainly it had all the trappings of a court. It was a court of record, it had a seal, and appointments to it were made by the Governor-General—albeit not for life. The High Court also made it clear not only were military judges incorrectly appointed but that the court’s functions did not comply with the requirement that they form part of the judicial system administering the law of the land. Indeed, in addition, as appeals were to a higher tribunal, not a court, it could not be a court. In retrospect, the whole thing has turned out to be a farce.

From the committee’s point of view it must be said that we trusted the advice received supporting the bill. We were led to believe this new court would fulfil the committee’s recommendations, despite the provision of section 114 that it was to be established outside Chapter III. I am afraid that the choice for the committee was to accept the advice or recommend that the bill be denied in toto, which at the time seemed a high price. Perhaps we should have made that recommendation. This has nothing to do with military discipline. A recent report of Justice Street has shown that there are many other matters far more relevant to the efficient operation of military discipline. Much of the effectiveness of military discipline is derived from the detailed operation of administrative processes.

The issue now seems to be one of whether the committee’s original intentions should be respected—which were that a real court be established—or whether we should stay with an in-house tribunal. The evidence before the committee on this matter was overwhelming. This includes the views of High Court judges, whose views on the constitutionality of military tribunals were already on record. I refer those wishing to read those views, to pages 86 to 89 of the June 2005 report of the committee. There, in the case of Re Colonel Aird ex parte Alpert, Justice Kirby spelled out the law most explicitly. Yet this opinion was ignored—as was that of the Law Council of Australia.

Indeed, may I remind the Senate that on page 14 of that October 2006 report those on this side of the chamber recommended that the entire bill be withdrawn and redrafted for this very reason. We said that the court:

... should be created in accordance with Chapter III of the Australian Constitution to ensure its independence and impartiality.

What a pity that we were ignored. What a shame that it has come to this. We are reminded however, of the arrogance of a government so out of touch that it believed it was above the Constitution. It was not. The humiliation is complete.
Biosecurity Cooperative Research Centre for Emerging Infectious Disease

Senator BACK (Western Australia) (10.00 pm)—I rise to speak on a matter of extreme concern to my veterinary colleagues and my associates in the horse industry. It follows the tragic death last week of my colleague Dr Alister Rodgers in Queensland from the effects of the Hendra virus. He is the second veterinarian to die in 13 months from this virus. This disease—and related new and emerging infectious diseases—is the subject of active research through partners involved in the Australian Biosecurity Cooperative Research Centre for Emerging Infectious Disease. Regrettably, further funding for this CRC has been refused by Minister Carr and it will cease to exist from the middle of 2010.

In the light of recent events, including the deaths from the Hendra virus and the transmission of the swine flu virus between humans and pigs in July of this year in New South Wales, I call on the Minister for Innovation, Industry, Science and Research, Senator Carr, to reconsider his decision and use his powers to guarantee continued funding for this CRC well into the future. The CRC brings together the expertise of CSIRO scientists based at the animal health labs in Geelong, the Australian Quarantine and Inspection Service, the Commonwealth Department of Agriculture, Fisheries and Forestry, Australian universities, state departments of agriculture and the private sector.

Earlier this year the CRC was advised that their application was not competitive enough against other bids and that the CRC did not have a strong track record. This is amazing in the light of the fact that in May 2009 this same CRC received a major national award for innovation for their adaptation of research and testing procedures from avian influenza to combat the equine influenza outbreak of 2007-08. The review committee advising the minister simply got it wrong and it is within the scope of the minister to reverse his earlier decision.

The biosecurity scientific world has moved towards a one health approach in researching highly infectious diseases. It recognises the multi-host pathogens passing between wildlife, domestic animals, birds and humans. A recent high-profile example, of course, is the avian influenza causing mortalities with wild birds, domestic ducks and humans in Asia and elsewhere. Of course, not surprisingly, the very CRC that is now to be abolished has done much of the critical research work and development of testing for this disease in this region. Again, I understand the CRC review committee failed to comprehend the international trend towards one health and its recommendation to the minister to not continue funding was basically as a result of their failure to understand that.

Those in the Senate might be interested to know that some 60 per cent of the 1,460 diseases recognised in humans are due to multi-host pathogens with cross-species lines. This is according to the Zoological Society of London, which warned recently of a brewing storm of highly infectious diseases moving between humans and animals. Australia has been at the forefront of international research in this area and unless the minister reverses his decision, our research effectiveness and our ability to respond to biosecurity threats will be compromised.

I return to the most recent threat to Australia’s biosecurity: the Hendra virus and its related organisms. To this day it is regarded as being indigenous to Australia. It falls within a group known as the Henipa viruses, of which another—the Nipah virus—is a member. Both of these are bat-borne viruses known to cause mortalities in humans. Both
are actively being researched by members of the biosecurity CRC. Hendra virus is a viral disease that should be thought of not as an animal disease virus but as a human disease virus. We now have seven people in Queensland known to have contracted the disease—of whom four have tragically died. It is not well understood. There is an urgent need for more research into rapid testing techniques for the virus in both humans and horses; and the development of a vaccine to protect all at risk, including veterinarians and horse industry personnel likely to come in contact with the disease.

The bodies best equipped to undertake this work are those who are members of this biosecurity CRC, which leads the world in Hendra virus research. It simply makes no sense to discontinue funding for those programs in the face of the Hendra virus, whose mortality rate now exceeds 60 per cent in humans. Returning to the Nipah virus, it is also known to cause huge numbers of deaths in Malaysia. Again, it is a bat-borne viral disease, and we think it is transmitted in Malaysia between bats to pigs to humans. In Bangladesh, however, there is compelling and recent disturbing evidence that this virus has killed children as a result of direct transmission from bats to humans, which of course introduces a new and alarming element. It also raises the question as to whether there may have been direct human to human transmission of this disease.

Why is it important to Australia? Because bats and flying foxes, known to carry these viruses, move freely between Australia and our islands to the north and on their way into Asia. They are suspected to mutate easily—all of which points to severe biosecurity risks to Australia and to our neighbours, with significant threats to global health from these diseases. Australia will ignore this threat at the peril of our own population and to that of our regional neighbours.

The decision to terminate funding for the biosecurity CRC has significant implications for the next generation of health professionals in this area of disease control. There are currently 72 students undertaking PhD studies in universities which are members of—or at least partially funded under—the biosecurity CRC. While arrangements will be made for these students to complete their studies, regrettably this is only part of the story. Approximately one-third of the students are from countries in the region where evolving biosecurity risks are greatest.

The first implication is that there will be no new candidates to replace those who are undertaking their PhD studies. More importantly, the recent unsuccessful application from the biosecurity CRC included a funding proposal for current PhD students to undertake further postdoctoral studies. Why is this important? The reason is that many of our virologists, bacteriologists and epidemiologists are approaching retirement age. The people I have consulted on this tell me that it is the current crop of PhD candidates from whom they would want to draw the next generation of scientists who will protect this country and others into the future. I call upon the minister to carefully reconsider the implication of his decision in light of these facts. My colleagues in the veterinary profession strongly endorse my request to the government to urgently review this situation. Veterinarians are on the front line facing considerable risk and, of course, even the threat of losing their lives while treating animals under their care. This is justifiable cause for extreme concern and it must be the catalyst for renewed efforts.

Equally at risk are the people handling infected horses. The clinical signs of Hendra are masked by respiratory diseases, allergies and even snakebite. I urge the various groups within the horse industry to unite and lobby the government in support of continued re-
search capability through the biosecurity CRC. It might not be known that more than 300,000 Australians derive their incomes, either fully or partially, from the horse industry. We believe there are up to one million horses in this country and more than $1 billion of gambling income alone comes to governments in Australia with no risk or investment from those governments. It was only two years ago that the equine influenza outbreak nearly crippled the horse industry in eastern Australia and of course once again it was members of the biosecurity CRC who were instrumental in the research that led to early diagnosis, development of testing regimes and subsequently a vaccine to control the outbreak.

I turn finally to the current pandemic of swine flu in Australia. Until July this year, we believed that the condition was merely transmitted between humans. Then, in July, we saw the incidence of the swine flu virus being directly transmitted between pigs and the staff of a New South Wales piggery. Yet again, the prime bodies involved in swine flu pandemic research in Australia are the members of the biosecurity CRC, whose work will be severely compromised if its funding is terminated. The review committee advising the minister on the biosecurity CRC got it wrong. They did not understand the close relationship of groups which make up the CRC, they did not comprehend the international importance of the ‘one health’ approach and, I believe, they have failed to understand the importance of training the next generation. I urge that the minister use his powers to review and reverse this decision.

Community Sector Funding

Senator PRATT (Western Australia) (10.10 pm)—This evening I rise to acknowledge the impact of the global financial crisis on the community sector and the important role that these organisations are playing in supporting the community through this crisis. At times of economic downturn these organisations face even greater demands on their services and often with fewer resources.

Last week, I had the good fortune to talk to a range of organisations supporting people and communities affected by the crisis. I would like to thank Parliamentary Secretary Senator Ursula Stephens for coming to Western Australia to talk to these organisations and, indeed, the Prime Minister, who also visited WA and the Western Australian Council of Social Services. These organisations spoke to the parliamentary secretary, the Prime Minister and me about how much more difficult it is in the current economic climate to reach their goals. They have to work much harder now for every dollar raised and they are often simply not able to raise as much money as they could prior to the downturn. They are receiving less money in corporate and individual donations, and fewer people are attending fundraising events. The Barnett Liberal state government has also slashed community grant funding. All of this will take its toll on front line community services supporting those in need.

Demand for services is growing, particularly as many Australians face the difficulties that come with a reduction in hours or the loss of employment. The loss of employment brings with it not only financial difficulties but also feelings of disempowerment, which can result in significant psychological distress.

However, I am pleased to note that the Rudd government’s stimulus package takes account of the pressure on the community sector caused by the downturn. The Jobs Fund has a significant component designed to support the third sector in its vital work of helping people through this crisis. One com-
ponent of this is the $11 million that is being provided through the temporary financial assistance grants program under the Getting Communities Working stream of the Jobs Fund. This fund is being used to support the important work of Western Australian community organisations and charities. They are getting $1.3 million from this fund. The organisations accessing this funding represent diverse sectors of the WA NGO sector servicing diverse parts of the Western Australian community sector.

I had the opportunity last week to talk to the Western Australian Association for the Blind, who told me how these funds would be used to support four positions within the association that will help others to gain and maintain employment in the wider community. One of the exciting ways the association does this is through adapting everyday soft-ware for use by people who are vision impaired. You can see that such small investments can do much to help build and support employment.

Youth Focus, another organisation, are using their funds to support their youth counselling service. Youth Focus provides this vital service to Western Australians with mental health issues, including those suffering from depression and who are at risk of self harm. Youth Focus, to their credit—they work incredibly hard to achieve this—get 90 per cent of their funding from non-government sources, but it is money that has been harder to find since the downturn. The funding for Youth Focus enables them to maintain these important services—services that are needed now more than ever as youth unemployment rates have risen making it harder for young people to find their way in the adult world. Support for these services is part of the Rudd government’s commitment to ensuring that a new generation of Australians is not locked out of a productive and rewarding place in our society because of an economic downturn over which they have no control.

Another organisation of note that is doing fantastic work is SIDS and Kids. This organisation supports bereaved parents and has felt the pinch of the recession. It was looking at having to reduce counselling hours as a result of reduced donations. Thankfully, the Jobs Fund is providing this organisation with some much-needed support.

The Western Australian Council of Social Services has also received funding for two great programs. The first is the Climate Change Readiness for Community Services project. One of the things we talk about a lot in this chamber is energy prices. What many people do not know is that Western Australia has experienced the biggest spike in energy costs in the last year—unprecedented—after energy prices were held artificially low for a great many years. There was a 15 to 20 per cent increase just this year, and there is a lot more to come. The Office of Energy has recommended a 52 per cent increase to make energy prices in WA cost-reflective. That is even before you introduce the CPRS. With price increases like these you can see how vitally important it is to have a skilled energy audit workforce in Western Australia. These price increases are hitting not only households and business but also community organisations that have very limited means. So this innovative project is going to recruit, train and employ greenhouse auditors, whose services are going to be available free of charge to community organisations. This is going to enable these organisations to improve their energy efficiency, save money and reduce their carbon footprint. It is expected that this project will support 48 jobs and more than 700 audits, and management plans will be delivered.

As part of this project WACOSS is also funding up to 20 retrofits for community
organisations. So the economics benefits will include the development of robust, tested and affordable TAFE-level energy manager training plus the immediate injection of skilled energy managers into our workforce in Western Australia. This fantastic project is very much in line with the Labor government’s focus on building the skills of the future while stimulating the economy and creating the jobs of today. These are exactly the kinds of skills that Australia is going to need to take advantage of the economic recovery, including the skills that we need to meet the challenges of a carbon constrained future, particularly in a state like Western Australia, where we have such a significant spike in energy prices happening. This project builds on the fantastic work that has already been done by the Cool Communities program and Environment House, an organisation of which I am a great friend. They are providing fantastic advice to low-income households to help them reduce their power bills.

There is another great program that the Rudd government is funding, and it was great to be able to talk to this organisation: the Jobseeker2Communities project, supported by WACOSS. This project is about harnessing the skills of retrenched workers. It is about pooling their skills in management, human resources, information technology, quality assurance, administration, grant tender writing and marketing. This project is going to support jobs for up to 80 people, enabling workers to maintain their skills while injecting their business nous into the community sector.

These are but a few of the projects that are being rolled out as part of the Jobs Fund, investing not only in hard infrastructure but, importantly, in our social infrastructure—something that is absolutely vital when many Australians are doing it tough because of the economic downturn. The loss of a job, or even a reduction in hours, meaning the household budget cannot meet its outgoings, is a devastating blow. Being unable to pay your rent or mortgage and other bills is very distressing. The Rudd government’s stimulus is vital to supporting jobs, but it is also vital to helping the community sector help people through these very difficult times.

United Nations Children’s Fund

Senator BIRMINGHAM (South Australia) (10.20 pm)—I rise, unusually, to give a contribution to the adjournment debate. I do so tonight to speak in particular on the work of UNICEF. And I do so in my capacity as Deputy Chair of the Parliamentary Association for UNICEF, knowing that I am not the first one to have made such remarks in this place. The Australian Parliamentary Association for UNICEF was founded back in 1987. It was one of the first parliamentary groups in the world formed to support the work of UNICEF, and it continues to this day to strongly support that work.

UNICEF, the United Nations Children’s Fund, is not funded by the United Nations, contrary to the preconception that exists throughout much of the community. UNICEF relies entirely on voluntary donations for its work from aid agencies, member countries or countries that support UNICEF’s aid work, and of course through corporations and the generosity of individuals worldwide. Its work stretches throughout 150 countries.

Everyday an estimated 27,000 children under five die from mainly preventable causes—27,000 children each and every single day. Across the globe nearly 93 million children are not in school, and the majority of them are girls. More than 15 million children have lost a parent to HIV-AIDS and two million children live with the disease themselves. Around 300 million children worldwide are subjected to abuse, through trafficking, working as child soldiers or undergoing...
harmful traditional practices. These are alarming statistics that would concern anybody. I know they continue to concern every member of this parliament and many people throughout Australia. It is because of statistics like this that the work of organisations like UNICEF continues to be so important.

Here in Australia, Carolyn Hardy, the chief executive, and the UNICEF team work very hard to raise valuable funds to support work to tackle these issues worldwide. Despite the economic problems that the world and Australia has faced, UNICEF Australia has managed to increase the funds it has sent to projects overseas over the last 12 months. Contributions from Australian pockets through this voluntary organisation to improve the lot of children and women worldwide have increased some half a million dollars to $9.7 million.

I will provide some examples and highlights of this work. For emergency relief work in Burma, Australia has sent more than $250,000 to provide emergency supplies following the cyclone that devastated that country last year. UNICEF continues to assist in the protection of children and their survival following the earthquake in China. UNICEF also works on what it calls ‘silent emergencies’, using its website to appeal for donations for those protracted emergencies that, tragically, fall off the front pages of the newspapers and fall out of the public consciousness—such as in Sudan’s Darfur region. Children make up over half of the population in this devastated region and are terribly disproportionately affected by the constant crisis.

During 2008 UNICEF Australia’s donors contributed over $2.1 million to UNICEF’s child survival interventions. These interventions include simple oral rehydration courses, which give children suffering diarrhoeal dehydration a chance at living. This condition kills almost two million children worldwide each year, yet a simple oral rehydration course can save their lives for just 6c per unit. That demonstrates the impact that a few dollars can have on the survival rates of children worldwide. Pleasingly, globally, fewer children are dying than ever before from highly preventable diseases. Nonetheless, infant mortality is still unacceptably high.

UNICEF works to promote education and gender equality, recognising that education and health go hand in hand to lift countries and communities out of poverty and to provide them with hope for the future. In 2008, UNICEF Australia appealed for funds to tackle the education challenge in places on the globe as diverse as Mozambique and Iraq and, in our own region, countries like Papua New Guinea and Vanuatu. Over $885,000 was pledged, once again by generous Australian donors, by the community and the business sector. This education funding is especially important for girls, as in many countries, like the ones I just mentioned, girls are the first ones to miss out on educational opportunities and this can continue to disadvantage them throughout their lives.

I mentioned before the impact of HIV-AIDS. In 2007, some 330,000 children died from AIDS worldwide, 2.5 million were living with the disease and, tragically, 420,000 more became infected. During 2008, UNICEF Australia donors contributed over $900,000 to stop the spread of HIV-AIDS. Medications that can cost just $1.50 can protect an unborn child from contracting the HIV virus from their infected mother. Such cheap protection can prevent a life of despair.

This year marks the 20th anniversary of the UN Convention on Rights of the Child. The world has come a long way. As I said, child mortality rates are down. Nonetheless,
in our region there remain quite alarming statistics and the need for us to continue to work with and for children remains strong and vivid. Around 18,000 children under five years of age still die every year in the Pacific region—13,000 in Papua New Guinea, 2,500 in Timor-Leste and 2,500 across other countries. That is 50 deaths a day and one death every 30 minutes. The economic crisis, which, as with economic crises before it, has disproportionately hit the less developed countries of the world, could have a very serious impact in worsening those statistics even further.

During one of the recent parliamentary recesses, I had the pleasure of attending the launch of UNICEF’s new maternal health campaign. Deaths during childbirth remain at extraordinarily high levels. In Australia the risk of dying during pregnancy or childbirth is less than one in 13,000, yet in Papua New Guinea it is one in 55 and in Timor-Leste it is one in 33. Each of us can appreciate the impact it has on families, children and communities to see so many women die during childbirth and the prolonged impact that has on the potential for those communities to break the cycle of poverty. Eighty per cent of maternal deaths, however, can be avoided by providing women with low-cost health services. I recognise that at that launch the Prime Minister’s wife, Therese Rein, agreed to become an ambassador for UNICEF’s work on maternal health. I applaud her for using the office that she holds of Australia’s first lady to pursue and champion this cause. Indeed, I note that she has already done so at the Pacific Islands Forum in Cairns, where she spent time with the partners and spouses of the leaders of other Pacific island countries in discussing maternal health issues.

UNICEF is committed to working to ensure that these issues are tackled. Their fundraising continues but in these times, when less money is being given, it is important to encourage people to continue to support the work of organisations like UNICEF. Whether by signing up as a global parent, by putting small change in the envelopes on Qantas planes or by encouraging business support or other fundraising activities, I hope that Australians will continue to give as generously as they have in the past into the future and that we will continue to see the advancement of the work that UNICEF is doing to protect not just women but, particularly, children throughout the world.

**Senate adjourned at 10.30 pm**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

* [Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

Aged Care Act—Aged Care (Amount of flexible care subsidy – Innovative Care Service – Congress Community Development and Education Unit Ltd) Determination 2009 (No. 1) [F2009L03345]*.

Anti-Money Laundering and Counter-Terrorism Financing Act—Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2009 (No. 4) [F2009L03234]*.

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determinations Nos—

13 of 2009—Information provided by authorised insurers for the purposes of the National Claims and Policies Database [F2009L03233]*.

14 of 2009—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2009L03286]*.

Civil Aviation Act—

Civil Aviation Regulations—

Instruments Nos CASA—
Authority and permission – helicopter winching operations [F2009L02720]*.

Exemption for operations into Lord Howe Island – Qantaslink [F2009L03205]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—

AD/A330/108—Thales Pitot Probes [F2009L03391]*.

AD/B747/85 Amdt 5—Corrosion Prevention and Control Program [F2009L03339]*.

AD/B747/242 Amdt 1—Trailing Edge Flap H-11 Bolts [F2009L03338]*.

AD/B747/388 Amdt 1—Outboard Flap Track and Transmission Attachment [F2009L03337]*.

AD/BELL 412/58—Fuselage Left Upper Cap Angle [F2009L03272]*.

AD/EC 120/19—Emergency Floatation Gear [F2009L03354]*.

AD/ECUREUIL/136—Emergency Floatation Gear [F2009L03355]*.

AD/F28/92—Landing Gear – Brake Quick Disconnect Couplings [F2009L03356]*.

AD/F100/96—Landing Gear – Brake Quick Disconnect Couplings [F2009L03260]*.

AD/JBK 117/33—Long Drive Shaft Rivets [F2009L03257]*.

106—AD/TPE 331/64—First Stage Turbine Disc [F2009L03256]*.


Copyright Act—Declaration under section 10A, dated 12 June 2008

Corporations Act—AASB 2009-8—Amendments to Australian Accounting Standards – Group Cash-settled Share-based Payment Transactions [F2009L03332]*.


Customs Act—Tariff Concession Orders—

0701465 [F2009L03298]*.
0705138 [F2009L03300]*.
0804318 [F2009L03301]*.
0902828 [F2009L03177]*.
0902849 [F2009L03168]*.
0903376 [F2009L03179]*.
0904251 [F2009L03319]*.
0904506 [F2009L03169]*.
0905077 [F2009L03170]*.
0905247 [F2009L03171]*.
0905353 [F2009L03193]*.
0905366 [F2009L03191]*.
0905599 [F2009L03190]*.
0906067 [F2009L03287]*.
0906070 [F2009L03283]*.
0906071 [F2009L03284]*.
0906143 [F2009L03288]*.
0906256 [F2009L03183]*.
0906257 [F2009L03184]*.
0906322 [F2009L03185]*.
0906969 [F2009L03274]*.
0907341 [F2009L03278]*.
0907738 [F2009L03292]*.
0908211 [F2009L03297]*.
0908283 [F2009L03299]*.
0909174 [F2009L03313]*.
0910938 [F2009L03316]*.
Defence Act—Determinations under section 58B—Defence Determinations—
2009/52—Post indexes – amendment.
2009/53—Employment with the UN – amendment.
2009/54—Short-term duty overseas travel costs – amendment.
2009/55—Removals and housing on deployment – amendment.
Family Law Act—Family Law (Superannuation) Regulations—
Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2009 (No. 1) [F2009L03349]*.
Family Law (Superannuation) (Provision of Information – Victorian Pension Schemes) Amendment Determination 2009 (No. 1) [F2009L03350]*.
Financial Sector (Collection of Data) Act—Financial Sector (Collection of Data) (Reporting Standard) Determinations Nos—
Food Standards Australia New Zealand Act—Food Standards Australia New Zealand Application Handbook – Amendment No. 3 – 2009 [F2009L03244]*.
Higher Education Support Act—
Higher Education Provider Approvals Nos—
5 of 2009—Group Colleges Australia Pty Ltd [F2009L03327]*.
6 of 2009—Holmes Institute Pty Ltd [F2009L03336]*.
VET Provider Approval No. 34 of 2009—Central TAFE [F2009L03353]*.
Imported Food Control Act—Imported Food Control Regulations—Imported Food
Control Amendment Order 2009 (No. 1) [F2009L03133]*.

Judiciary Act—High Court of Australia—Rule of Court, dated 25 August 2009 [F2009L03341]*.

Migration Act—Statements for period 1 January to 30 June 2009 under sections—
33.
46A [2].
91Q.
195A [27].
197AB [20].
351 [52].
417 [126].

National Health Act—Instruments Nos PB—
80 of 2009—Determination – Drugs in same therapeutic group [F2009L03351]*.
85 of 2009—Amendment Special Arrangements – Highly specialised drugs program for public hospitals [F2009L03333]*.

Private Health Insurance Act—Private Health Insurance (Benefit Requirements) Amendment Rules 2009 (No. 4) [F2009L03334]*.

Radiocommunications Act—Radiocommunications Licence Conditions (Broadcasting Licence) Amendment Determination 2009 (No. 1) [F2009L03344]*.

Telecommunications Act—Telecommunications (Carrier Licence Exemption) Determination 2009 (No. 1) [F2009L03328]*.

Veterans’ Entitlements Act—Statements of Principles concerning—
Bronchiolitis Obliterans Organising Pneumonia No. 62 of 2009 [F2009L03225]*.
Bronchiolitis Obliterans Organising Pneumonia No. 63 of 2009 [F2009L03226]*.
Influenza No. 58 of 2009 [F2009L03220]*.
Influenza No. 59 of 2009 [F2009L03221]*.
Localised Sclerosis No. 66 of 2009 [F2009L03229]*.
Localised Sclerosis No. 67 of 2009 [F2009L03230]*.
Malaria No. 60 of 2009 [F2009L03222]*.
Malaria No. 61 of 2009 [F2009L03224]*.
Migraine No. 56 of 2009 [F2009L03217]*.
Migraine No. 57 of 2009 [F2009L03218]*.
Systemic Sclerosis No. 64 of 2009 [F2009L03227]*.
Systemic Sclerosis No. 65 of 2009 [F2009L03228]*.
Trigeminal Neuralgia No. 54 of 2009 [F2009L03215]*.
Trigeminal Neuralgia No. 55 of 2009 [F2009L03216]*.

* Explanatory statement tabled with legislative instrument.

**Departmental and Agency Contracts**

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—Treasury portfolio agencies.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Defence: Media Monitoring
(Question Nos 1313 and 1314)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 26 February 2009:

For each agency within the responsibility of the Minister/Parliamentary Secretary:

(1) In the period 1 October to 31 December 2008, how much was spent on media monitoring.

(2) As at 31 December 2008: (a) how many staff are employed in public relations and/or the media in the department or agency; (b) what are the position levels of these staff; (c) what are the salary grades of these staff; and (d) how many of these staff are: (i) permanent, (ii) temporary, and (iii) contractors.

Senator Faulkner—The answer to the honourable senator’s question is as follows:

(1) $124,828.88

(2) (a), (b) and (d) The Defence Public Affairs Branch employs 65 civilians, two contractors and 52 military employees.

<table>
<thead>
<tr>
<th>Responsibility</th>
<th>Staffing</th>
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<tbody>
<tr>
<td>Executive</td>
<td>1 x permanent BRIG, 1 x permanent COL, 1 x permanent EL2, 1 x permanent EL1, 1 x permanent APS4</td>
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<tr>
<td>Defence Service Newspapers</td>
<td>1 x permanent WO2, 2 x permanent CPL, 1 x permanent LS, 1 x permanent AC, 1 x permanent EL2, 5 x permanent EL1, 3 x permanent APS6, 2 x temporary APS6, 1 x temporary APS4-5, 1 x permanent APS4</td>
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<tr>
<td>Communication Advisors</td>
<td>1 x permanent EL2, 11 x permanent EL1</td>
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<tr>
<td>Media Engagement</td>
<td>1 x permanent EL2, 1 x permanent EL1, 2 x permanent APS6, 4 x permanent APS4/5</td>
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<td>Defence Internet</td>
<td>1 x permanent EL1, 1 x permanent APS6, 2 x contractors</td>
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<tr>
<td>Video and Imagery Library</td>
<td>1 x permanent EL1, 1 x permanent APS4, 1 x permanent APS3-4</td>
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<tr>
<td>Military Public Affairs Preparedness, Plans</td>
<td>1 x permanent MAJ, 1 x permanent WGCDR, 1 x permanent CAPT, 1 x permanent APS6</td>
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<tr>
<td>and Training</td>
<td>1 x permanent EL2, 1 x permanent APS6</td>
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<tr>
<td>Research, Planning and Entertainment Media</td>
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<tr>
<td>Liaison</td>
<td>1 x permanent MAJ, 6 x permanent MAJ, 3 x permanent CAPT, 1 x permanent SQNLDR, 2 x permanent FLTLT, 1 x permanent LEUT</td>
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<td>Regional Public Affairs</td>
<td>1 x permanent MAJ, 3 x permanent WO2,</td>
</tr>
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</table>
Responsibility

Staffing Breakdown
6 x permanent CAPT, 5 x permanent SGT,
8 x permanent CPL, 1 x permanent LS,
1 x permanent FLTLT, 1 x permanent AB,
1 x permanent AC, 1 x permanent PO,
1 x temporary APS4

Administration Support
1 x permanent APS6, 1 x permanent APS5,
1 x permanent APS4, 1 x temporary APS4

Secondment/ Leave
2 x permanent EL2, 3 x permanent EL1


Outside of the Branch there are a further 37 Defence employees who provide public affairs support as a part of their duties.

Service/Group

Vice Chief of the Defence Force
3 x permanent EL1, 1 x permanent CPL, 1 x permanent WGCDR

Army
1 x temporary EL1, 1 x permanent APS6

Navy
2 x permanent EL1, 2 x permanent LCDR, 1 x permanent LEUT, 1 x permanent APS6, 1 x permanent APS5

Air Force
1 x permanent WGCDR, 3 x permanent EL1, 2 x temporary APS6, 1 x temporary FLGOFF, 1 x temporary FLTLT, 1 x temporary SQNLDR

People Strategies and Policy Group
1 x permanent EL1, 1 x permanent APS6

Chief Information Office
1 x permanent EL2

Defence Science and Technology Organisation
1 x permanent EL2, 4 x permanent EL1, 3 x permanent APS6

DMO
1 x permanent EL1, 1x permanent APS6


Defence Housing Australia (DHA) has no specific staff members responsible for the stated functions. DHA has a Marketing Communication Team, comprised of four staff members. The team is responsible for marketing communication campaigns to provide product and service information. There is relatively little day to day media interest in DHA’s activities, so an incidental proportion of the team’s time is involved in responding to media requests.

(c) The salary rates for civilian members are located on the Defence Pay and Conditions Internet site at www.defence.gov.au/dpe/pac/salary_chart.pdf.

The salary rates for military members are located on the Defence Pay Conditions Internet site at: www.defence.gov.au/dpe/pac/Pay_Allow_May_08.pdf.

Innovation, Industry, Science and Research: Program Funding

(Question No. 1625)

Senator Abetz asked the Minister for Innovation, Industry, Science and Research, 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) (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 Carr—The answer to the honourable senator’s question is as follows:
The department and its agencies are currently responsible for the capital works and infrastructure projects outlined in the table below.
<table>
<thead>
<tr>
<th>Name of Capital Works/Infrastructure Project</th>
<th>When it was first announced, by whom, by what method</th>
<th>Program funded through</th>
<th>Total expected cost</th>
<th>Original Budget</th>
<th>Current budget</th>
<th>Federal Government contribution</th>
<th>State Government contribution</th>
<th>Contributions of other funding sources</th>
<th>Expected start date of construction</th>
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<th>Who is responsible for delivering the project</th>
<th>Is the project to be completed in stages/phases</th>
<th>Why was the project funded</th>
<th>Cost benefit modelling before project approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establishment of Enterprise Connect Centres</td>
<td>Election Commitment</td>
<td>Enterprise Connect</td>
<td>$1,886,749</td>
<td>No specific Budget. Funded within overall program</td>
<td>$1,886,749</td>
<td>100%</td>
<td>Nil</td>
<td>Nil</td>
<td>underway</td>
<td>Nov-09</td>
<td>DIISR</td>
<td>No</td>
<td>Election Commitment</td>
<td>None</td>
</tr>
<tr>
<td>ANSTO Biological Laboratories – Design Phase Only</td>
<td>Not applicable</td>
<td>ANSTO Internal Funds</td>
<td>$1,360,000</td>
<td>$1,360,000</td>
<td>$1,360,000</td>
<td>ANSTO: $1.36M</td>
<td>Nil</td>
<td>Nil</td>
<td>Jan-10</td>
<td>Dec-10</td>
<td>ANSTO</td>
<td>See note 4</td>
<td>Enhance ANSTO’s research operations</td>
<td>See note 5</td>
</tr>
<tr>
<td>Delay and Decay Waste Storage Facility</td>
<td>Not applicable</td>
<td>ANSTO Internal Funds</td>
<td>$3,395,000</td>
<td>$3,395,000</td>
<td>$3,395,000</td>
<td>ANSTO: $3.4M</td>
<td>Nil</td>
<td>Nil</td>
<td>Dec-09</td>
<td>May-10</td>
<td>ANSTO</td>
<td>See note 4</td>
<td>Responsible management of waste and nuclear matter</td>
<td>See note 5</td>
</tr>
<tr>
<td>Construction of Nuclear Material Store</td>
<td>Not applicable</td>
<td>ANSTO Internal Funds</td>
<td>$1,961,000</td>
<td>$1,961,000</td>
<td>$1,961,000</td>
<td>ANSTO: $1.96M</td>
<td>Nil</td>
<td>Nil</td>
<td>Nov-09</td>
<td>May-10</td>
<td>ANSTO</td>
<td>See note 4</td>
<td>Responsible management of waste and nuclear matter</td>
<td>See note 5</td>
</tr>
<tr>
<td>Upgrade Low Level Solid Waste Facilities</td>
<td>Not applicable</td>
<td>See note 1</td>
<td>$13,030,000</td>
<td>$13,030,000</td>
<td>$13,030,000</td>
<td>See note 1</td>
<td>Nil</td>
<td>Nil</td>
<td>Apr-10</td>
<td>Jun-12</td>
<td>ANSTO</td>
<td>See note 4</td>
<td>Asset refurbishment</td>
<td>See note 5</td>
</tr>
<tr>
<td>Business Continuity and Disaster Recovery Plan Project, including the duplication of computer room</td>
<td>Not applicable</td>
<td>ANSTO Internal Funds</td>
<td>$1,061,000</td>
<td>$1,061,000</td>
<td>$1,061,000</td>
<td>ANSTO: $1.06M</td>
<td>Nil</td>
<td>Nil</td>
<td>underway</td>
<td>Dec-09</td>
<td>ANSTO</td>
<td>See note 4</td>
<td>Regulatory requirement</td>
<td>See note 5</td>
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<tr>
<td>Radiopharmaceutical Production Project</td>
<td>Not applicable</td>
<td>ANSTO Internal Funds</td>
<td>$15,113,000</td>
<td>$12,300,000</td>
<td>$12,300,000</td>
<td>ANSTO: $15M</td>
<td>Nil</td>
<td>Nil</td>
<td>May-10</td>
<td>ANSTO</td>
<td>See note 4</td>
<td>Business Need</td>
<td>See note 5</td>
<td></td>
</tr>
<tr>
<td>National Medical Cyclotron Upgrade Project</td>
<td>Not applicable</td>
<td>ANSTO Internal Funds</td>
<td>$4,870,000</td>
<td>$4,870,000</td>
<td>$4,870,000</td>
<td>ANSTO: $4.87M</td>
<td>Nil</td>
<td>Nil</td>
<td>underway</td>
<td>Sep-10</td>
<td>ANSTO</td>
<td>See note 4</td>
<td>Asset refurbishment</td>
<td>See note 5</td>
</tr>
<tr>
<td>PETNET Facility</td>
<td>ANSTO and former Minister, July 2007, public announcement</td>
<td>ANSTO Internal Funds</td>
<td>$11,500,000</td>
<td>$10,000,000</td>
<td>$10,000,000</td>
<td>ANSTO: $11.5M</td>
<td>Nil</td>
<td>Nil</td>
<td>Construction completed Jul-09</td>
<td>Construction completed Jul-09</td>
<td>ANSTO</td>
<td>See note 4</td>
<td>Re-entry of ANSTO into FDG (PET) isotope market</td>
<td>See note 5</td>
</tr>
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<td>Name of Capital Works/ Infrastructure Project</td>
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<td></td>
</tr>
<tr>
<td>MOATA Decommissioning Project</td>
<td>Not applicable</td>
<td>Specific appropriations - Decommissioning and Restoration funding</td>
<td>$3,800,000</td>
<td>$3,800,000</td>
<td>$3,800,000</td>
<td>Federal Government Funding $3.8M</td>
<td>Nil</td>
<td>Nil</td>
<td>underway</td>
<td>Dec-09</td>
<td>ANSTO</td>
<td>See note 4</td>
<td>See note 5</td>
<td>Environmental responsibility and dealing with legacy issues</td>
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<tr>
<td>HIFAR Closure Project</td>
<td>Not applicable</td>
<td>ANSTO Internal Funds</td>
<td>$7,800,000</td>
<td>$7,800,000</td>
<td>$7,800,000</td>
<td>ANSTO: $7.8M</td>
<td>Nil</td>
<td>Nil</td>
<td>underway</td>
<td>Mar-11</td>
<td>ANSTO</td>
<td>See note 4</td>
<td>See note 5</td>
<td>Environmental responsibility and dealing with legacy issues</td>
</tr>
<tr>
<td>General Site Decommissioning Project</td>
<td>Not applicable</td>
<td>Specific appropriations - Decommissioning and Restoration funding</td>
<td>$4,200,000</td>
<td>$4,200,000</td>
<td>$4,200,000</td>
<td>Federal Government funding: $4.2M</td>
<td>Nil</td>
<td>Nil</td>
<td>underway</td>
<td>Jun-13</td>
<td>ANSTO</td>
<td>See note 4</td>
<td>See note 5</td>
<td>Environmental responsibility and dealing with legacy issues</td>
</tr>
<tr>
<td>Scientific Instrument - Electron Microscope</td>
<td>Not applicable</td>
<td>ANSTO internal funds</td>
<td>$1,600,000</td>
<td>$1,600,000</td>
<td>$1,600,000</td>
<td>ANSTO: $1.6M</td>
<td>Nil</td>
<td>Nil</td>
<td>underway</td>
<td>Dec-09</td>
<td>ANSTO</td>
<td>See note 4</td>
<td>See note 5</td>
<td>Increase scientific capability</td>
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</tr>
<tr>
<td>Scientific Instrument – Transmission Electron Microscope</td>
<td>Not applicable</td>
<td>ANSTO: internal funds</td>
<td>$1,600,000</td>
<td>$1,600,000</td>
<td>$1,600,000</td>
<td>ANSTO: $1.6M</td>
<td>Nil</td>
<td>Nil</td>
<td>underway</td>
<td>Dec-09</td>
<td>ANSTO</td>
<td>See note 4</td>
<td>Increase scientific capability</td>
<td>See note 5</td>
</tr>
<tr>
<td>Scientific Instrument - Neutron Beam Instrument (Pelican)</td>
<td>Not applicable</td>
<td>ANSTO: internal funds</td>
<td>$6,921,000</td>
<td>$6,921,000</td>
<td>$6,921,000</td>
<td>ANSTO: $6.92M</td>
<td>Nil</td>
<td>Nil</td>
<td>underway</td>
<td>Dec-10</td>
<td>ANSTO</td>
<td>See note 4</td>
<td>Increase scientific capability</td>
<td>See note 5</td>
</tr>
<tr>
<td>Entomology Bioscience Black Mountain ACT</td>
<td>Not applicable</td>
<td>CSIRO: internal Funds</td>
<td>$15,000,00</td>
<td>$14,500,00</td>
<td>$15,000,00</td>
<td>CSIRO: $15M</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
<td>Completed Jun-09</td>
<td>CSIRO</td>
<td>No</td>
<td>Business Need</td>
<td>Subjected to PWC process. Business case developed. Project endorsed by Capital Asset Management Committee prior to Executive and Board endorsement</td>
</tr>
<tr>
<td>Australian Tropical Science And Innovation Precinct, Townsville</td>
<td>Not applicable</td>
<td>CSIRO: internal Funds</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>CSIRO: $1M</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
<td>Completed Jun-09</td>
<td>CSIRO</td>
<td>No</td>
<td>Business Need</td>
<td></td>
</tr>
<tr>
<td>Gas to Liquids Facility, CSIRO Perth</td>
<td>Not applicable</td>
<td>CSIRO: internal Funds</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>CSIRO: $1M</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
<td>Completed Jun-09</td>
<td>CSIRO</td>
<td>No</td>
<td>Business Need</td>
<td></td>
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</thead>
<tbody>
<tr>
<td>AAHL Office Accommodation</td>
<td>Not applicable</td>
<td>CSIRO Internal Funds</td>
<td>$1,100,000</td>
<td>$1,300,000</td>
<td>$1,300,000</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
<td>Completed Jul-09</td>
<td>CSIRO</td>
<td>No</td>
<td>Business Need</td>
<td>Project reviewed and endorsed by Capital Asset Management Committee prior to Executive endorsement Project reviewed and endorsed by Capital Asset Management Committee prior to Executive endorsement</td>
<td></td>
</tr>
<tr>
<td>CSIRO Library Bulk Store - Black Mountain ACT</td>
<td>Not applicable</td>
<td>CSIRO Internal Funds</td>
<td>$1,900,000</td>
<td>$1,900,000</td>
<td>$1,900,000</td>
<td>CSIRO: $1.9M</td>
<td>Nil</td>
<td>Oct-09</td>
<td>Feb-10</td>
<td>CSIRO</td>
<td>No</td>
<td>Business Need</td>
<td>Project reviewed and endorsed by Capital Asset Management Committee prior to Executive endorsement Project reviewed and endorsed by Capital Asset Management Committee prior to Executive endorsement</td>
<td></td>
</tr>
<tr>
<td>CSIRO Sustainable Ecosystems at Desert Knowledge Precinct, Alice Springs, NT</td>
<td>Not applicable</td>
<td>CSIRO Internal Funds</td>
<td>$3,400,000</td>
<td>$3,400,000</td>
<td>$3,400,000</td>
<td>CSIRO: $3.4M ($3.125M from land sales revenue)</td>
<td>Nil</td>
<td>Underway</td>
<td>Nov-09</td>
<td>CSIRO</td>
<td>No</td>
<td>Business Need</td>
<td>Project reviewed and endorsed by Capital Asset Management Committee prior to Executive endorsement Project reviewed and endorsed by Capital Asset Management Committee prior to Executive endorsement</td>
<td></td>
</tr>
<tr>
<td>KBRB (Ecosystems and Health/Food Precincts), Brisbane</td>
<td>Not applicable</td>
<td>Qld State Government and CSIRO Internal Funds</td>
<td>$400,000,000</td>
<td>$400,000,000</td>
<td>$400,000,000</td>
<td>CSIRO: $312.1M ($87.9M from land sales revenue)</td>
<td>Nil</td>
<td>Underway</td>
<td>Mar-11</td>
<td>Qld State Government</td>
<td>Yes - 2 sites Coopers Plain March 2010 Boggio Rd March 2011</td>
<td>Consolidation of CSIRO sites in Brisbane</td>
<td>Business case prepared and endorsed by CSIRO Executive and Board. Project subjected to NPP and PWC examination process</td>
<td></td>
</tr>
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<td>Name of Capital Works/ Infrastructure Project</td>
<td>When it was first announced, by whom, by what method</td>
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<td>State Government contrib.</td>
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</tr>
<tr>
<td>QCAT Office rationalisation</td>
<td>Not applicable</td>
<td>CSIRO Internal Funds</td>
<td>$2,000,000</td>
<td>$2,000,000</td>
<td>$2,000,000</td>
<td>CSIRO: $2M</td>
<td>Nil</td>
<td>Nil</td>
<td>Underway</td>
<td>Dec-09</td>
<td>CSIRO</td>
<td>No</td>
<td>Business Need</td>
<td>Project reviewed and endorsed by Capital Asset Management Committee prior to Executive endorsement</td>
</tr>
<tr>
<td>CSIRO relocation from Merbein to Urrbrae</td>
<td>Not applicable</td>
<td>CSIRO Internal Funds</td>
<td>$600,000</td>
<td>$650,000</td>
<td>$650,000</td>
<td>CSIRO: $0.65M</td>
<td>Nil</td>
<td>Nil</td>
<td>Underway</td>
<td>Sep-09</td>
<td>CSIRO</td>
<td>No</td>
<td>Rationalisation of CSIRO Sites</td>
<td>Project reviewed and endorsed by Capital Asset Management Committee prior to Executive endorsement</td>
</tr>
<tr>
<td>CSIRO Marine Research Hobart - Mechanical Plant Upgrade</td>
<td>Not applicable</td>
<td>CSIRO Internal Funds</td>
<td>$2,200,000</td>
<td>$2,200,000</td>
<td>$2,200,000</td>
<td>CSIRO: $2.2M</td>
<td>Nil</td>
<td>Nil</td>
<td>underway</td>
<td>Jan-10</td>
<td>CSIRO</td>
<td>No</td>
<td>Business Need</td>
<td>Project reviewed and endorsed by Capital Asset Management Committee prior to Executive endorsement</td>
</tr>
<tr>
<td>CSIRO Clayton Central Engineering Facility - Electronic Workshop</td>
<td>Not applicable</td>
<td>CSIRO Internal Funds</td>
<td>$400,000</td>
<td>$400,000</td>
<td>$400,000</td>
<td>CSIRO: $0.4M</td>
<td>Nil</td>
<td>Nil</td>
<td>underway</td>
<td>Aug-09</td>
<td>CSIRO</td>
<td>No</td>
<td>Business Need</td>
<td>Project reviewed and endorsed by Capital Asset Management Committee prior to Executive endorsement</td>
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</tr>
<tr>
<td>CSIRO Cleanroom Manufacturing</td>
<td>Not applicable</td>
<td>CSIRO Internal Funds</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>CSIRO $1.0M</td>
<td>Nil</td>
<td>Nil</td>
<td>underway</td>
<td>Sep-09</td>
<td>CSIRO</td>
<td>No</td>
<td>Business Need</td>
<td>Project reviewed and endorsed by Capital Asset Management Committee prior to Executive endorsement</td>
</tr>
<tr>
<td>CSIRO Office Fitout Clayton</td>
<td>Not applicable</td>
<td>CSIRO Internal Funds</td>
<td>$900,000</td>
<td>$900,000</td>
<td>$1,000,000</td>
<td>CSIRO $1.0M</td>
<td>Nil</td>
<td>Nil</td>
<td>Aug-09</td>
<td>Dec-09</td>
<td>CSIRO</td>
<td>No</td>
<td>Business Need</td>
<td>Project reviewed and endorsed by Capital Asset Management Committee prior to Executive endorsement</td>
</tr>
<tr>
<td>Biotechnology Products Vic Recombinant Proteins</td>
<td>Not applicable</td>
<td>NCRIS and CSIRO Internal Funds</td>
<td>$4,900,000</td>
<td>$4,900,000</td>
<td>$4,900,000</td>
<td>Building Works: CSIRO $4.0M DEST $0.9M</td>
<td>NCRIS</td>
<td>underway</td>
<td>Oct-09</td>
<td>CSIRO</td>
<td>NCRIS project. Supported by CSIRO executive</td>
<td>No</td>
<td>Science Need</td>
<td>Project reviewed and endorsed by Capital Asset Management Committee prior to Executive endorsement</td>
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<th>Contributions of other funding sources</th>
<th>Expected start date of construction</th>
<th>Expected completion date</th>
<th>Who is responsible for delivering the project</th>
<th>Is the project to be completed in stages/phases</th>
<th>Why was the project funded</th>
<th>Cost benefit modelling before project approval</th>
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<tr>
<td>Plant Industry Plant Phenomics Black Mountain</td>
<td>Not applicable NCRIS and CSIRO Internal Funds</td>
<td>$5,600,000</td>
<td>$5,600,000</td>
<td>$5,600,000</td>
<td>$3m (approx)</td>
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<td>CSIRO</td>
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<td>NCRIS project. Supported by CSIRO executive</td>
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</table>

Note 1: $5.25 million of this funding was specifically allocated by Government for this task. The balance of the funding is from ANSTO’s internal funds.

Note 2: The scope of this project was expanded both in terms of process development and waste management.

Note 3: The original budget was for construction only and did not include costs for commissioning, regulatory approvals and legal costs.

Note 4: ANSTO’s Project Office generally applies a staged approach to projects depending on size and requirements of projects. For projects that are staged, approval for ongoing budget is sought at each stage.

Note 5: ANSTO requires detailed business cases for all major capital expenditure. These are reviewed and approved by its Capital Investment Committee and, for projects over $5 million, by the ANSTO Board.
Environment, Heritage and the Arts: Program Funding
(Question No. 1627)

Senator Abetz asked the Minister representing the Minister for the Environment, Heritage and the Arts, 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) (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 Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) I have provided a list of projects in Attachment B (available from the Senate Table Office).

The following assumptions were made in providing a response to this question:
- ‘responsibility’ is taken to mean that the asset related to the infrastructure and/or capital works projects’ is/will be controlled by an agency within the Minister’s portfolio.
- An infrastructure and/or capital works project is taken to mean the following, per the definition of ‘works’ in Part 1, Section 5 of the Public Works Committee Act 1969.

In simple terms, the definition of a work includes:
- the construction, alteration, repair, refurbishment or fitting-out of buildings and other structures;
- the installation, alteration or repair of plant and equipment designed to be used in, or in relation to, the provision of services for buildings and other structures;
- the undertaking, construction, alteration or repair of landscaping and earthworks (whether or not in relation to buildings and other structures);
- the demolition, destruction, dismantling or removal of buildings, plant and equipment, earthworks, and other structures;
- the clearing of land and the development of land for use as urban land or otherwise; and
- any other matter declared by the regulations to be a work.

A ‘work’ does not include:

- the production of, or anything done in relation to, intangible things;
- the production of, or anything done in relation to, movable property unless the work is, under the regulations, a movable work to which the Act applies (movable property includes aircraft, satellites, ships and vehicles); or
- the installation, alteration or repair of plant or equipment where the plant or equipment is not designed to be used in, or in relation to, the provision of services for a building or other structures, and
- is not necessary or desirable to make a building or structure a complete building.

Threshold: $15 million or more per Part 3, Section 18 (9) of the Public Works Committee Act 1969.

(2) For each of the projects in (1) above I have consolidated a response in Attachment B. The column headings are referenced to each of the questions in (2) above.

Health and Ageing: Advertising
(Question Nos 1658, 1681 and 1683)

Senator Minchin asked the Minister representing the Minister for Health and Ageing, 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 Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(a) www.australia.gov.au/measureup
   www.healthemergency.gov.au

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www.australia.gov.au/drugs
www.agedcareaustralia.gov.au
(b) www.australia.gov.au/measureup $184,000
www.health.gov.au/backtonursing $17,000
www.australia.gov.au/sti $80,000
www.healthemergency.gov.au $16,200
www.australia.gov.au/drugs $92,000
www.agedcareaustralia.gov.au $70,000
(c) This is variable, dependent on number of hits per day. Exact amounts can not be determined.
(d) Different fees are charged against the different search terms used, with more general or broad search terms attracting a higher fee. This is variable, dependent on usage per day. Exact amounts can not be determined.
(e) www.australia.gov.au/measureup - Attachment A
www.healthemergency.gov.au - Attachment E
www.agedcareaustralia.gov.au - Attachment H
(f) See attachments A – H.
(g) Each website will vary dependent on subject. See Attachments A – H.
(i) The total cost to the department to date is $724,284.

**Attachments A to H – available from the Senate Table Office.**

**Broadband, Communications and the Digital Economy: Advertising**

(Question No. 1662)

Senator Minchin asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 3 June 2009:
Since 1 January 2008, the Department of Broadband, Communications and the Digital Economy has expended funds on the Google and Yahoo search engines, as follows:

(a) digitalready.gov.au
(b) There was no establishment cost.
(c) Daily cost varied based upon keyword search terms selected.
(d) The fee charged each time an advertised/sponsored link was selected varied based on the keyword search terms selected.
(e) - (g) A list of words, phrases and variable search terms has been forwarded to Senator Minchin’s office.
(h) The time period was between 5 April 2009 and 30 June 2009 inclusive.
(i) The total cost was $185,000 (GST exclusive)

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<tr>
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<th>digital</th>
<th>digital television</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creative</td>
<td>Get Ready For Digital TV</td>
<td>Get Ready For Digital TV</td>
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<td>Analog TV signals are phasing out.</td>
<td>Analog TV signals are phasing out.</td>
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<td>Find out how to get ready here!</td>
<td>Find out how to get ready here!</td>
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<td>Ready for Digital TV?</td>
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<td>Find out how to get ready for the digital free-to-air shows here.</td>
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<td>Get Ready For Digital TV</td>
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<td>To keep watching free-to-air shows, you need to get a digital ready TV.</td>
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Senator Conroy—The answer to the honourable senator’s question is as follows:
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 a 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
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QUESTIONS ON NOTICE
**QUESTIONS ON NOTICE**

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<td>Get Ready For Digital TV To keep watching free-to-air shows, you need to get a set top box.</td>
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To keep watching free-to-air TV, you need to get a digital ready TV.

Search terms:
- tv antenna
- high definition tv
- cable tv
- digital widescreen tv
- digital terrestrial tv
- digital cable tv
- usb tv tuner
- hd tv
- tv reception
- digital pc tv
- tv aerials
- tv tuners
- hd ready tv
- digital terrestrial tv receiver
- tv aerial
- tv digital signal
- tv antennas
- tv antenna installation
- outdoor tv antenna
- indoor tv antenna

Ad group name:
- high definition
- satellite tv

Creative:
- Get Ready For Digital TV
  Analog TV signals are phasing out.
  Find out how to get ready here!

- Ready for Digital TV?
  Find out how to get ready for the
digital free-to-air shows here.

- Get Ready For Digital TV
  To keep watching free-to-air TV,
you need to get a digital ready TV.

Search terms:
- hdtv
- hdtv tuner
- cheap hdtv
- hdtv satellite receivers
- lcd hdtv
- lg hdtv
- hdtv reviews

QUESTIONS ON NOTICE
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<td>To keep watching free-to-air TV, you need to get a set top box.</td>
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Search terms

| built in digital tuner       | analog television                                             |
| built-in tuner               | analog tv                                                     |
| built-in hd tuner            | analog tuner                                                   |
| built in pal tuner           | analog tv tuner                                                |
| tv built in tuner            | analog tv signal                                               |
| built-in tv tuner            | analog tuners                                                  |
| built-in hdtv tuner          | analog tv "usb                                                |
| built in digital tv tuner    | usb analog tv                                                  |
| with built in digital tv tuner | analog tv card                              |
| a built in digital tuner     | analog/digital tv                                              |
| a built in tuner             | hdtv receiver analog tv                                       |
| tuner and built in           | analog cable tv                                               |
| with built in digital tuner  | digital/analog tv                                              |
| built in cable tuner         | convert analog tv to digital                                  |
| built in tuner               | with analog tuner                                              |
| with built in hd tuner       | analog digital tuner                                           |
| dual tuner with built in     | hybrid dtt analog tv                                          |
| tuner with built in          | dtt analog tv                                                  |

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with built-in tuner
build in digital tuner
television with an integrated digital tuner
recorder with built in tuner
a built in tv tuner
tv with built in hd tuner
lcd tv with built in digital tuner
with tv tuner built in
with built-in tv tuner

analog tv tuners
analog tv tuners and tv analog and dvb t tuner card
analog/digital tv tuner
digital/analog tv tuner
analog tv tuner for and analog tv tuner
t/analog hybrid tuner
usb analog tv tuner
analog to digital tv
analog hybrid tuner
receiver analog tv tuner
bda analog tv tuner
analog tv tuner card
analog and dvb t tuner
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analog tv turn
analog tv for a analog tv
hybrid analog digital tv
analog & digital tv
analog tv with analog
analog tv with analog tv reception
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analog tv receiver
analog tv uk
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analog tv tuner driver
analog tv turn off
analog tv channels
hybrid analog digital tv tuner

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QUESTIONS ON NOTICE
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</table>
Senator Ronaldson asked the Minister representing the Minister for Health and Ageing, upon notice, on 10 June 2009:

Can a list be provided of contracts awarded to: (a) the Boston Consulting Group; and (b) the Allen Consulting Group, by the department and/or any of its agencies, of any value, between 1 January 2008 and 31 May 2009, including the value and primary deliverable of the contract?

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(a) Boston Consulting Group was not awarded any contracts by the Department and/or any of its agencies for the period 1 January 2008 to 31 May 2009.

(b) Allen Consulting Group was awarded five contracts by the Department and/or any of its agencies for the period 1 January 2008 to 31 May 2009, as identified below:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Purpose</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Health and Ageing</td>
<td>Professional Services – Review of the ‘Other Medical Practitioners’ Programs</td>
<td>$163,221.00</td>
</tr>
<tr>
<td>Department of Health and Ageing</td>
<td>Development of a business model for an Australian Clinical Dosimetry Centre</td>
<td>$130,495.00</td>
</tr>
</tbody>
</table>
Questions on Notice

Agency | Purpose | Value
---|---|---
Department of Health and Ageing | National partnership agreement on Community Mental Health Project | $36,828.00
Department of Health and Ageing | Review of the Training for Procedural General Practitioners Program | $63,820.00
Australian Radiation Protection and Nuclear Safety Agency | Regulatory impact statement for the final draft Radiation Protection Standard for Limits and Precautionary Measures for Reducing Exposure to Electric and Magnetic Fields – 0 Hz TO 3 KHz | $22,000.00

Education, Employment and Workplace Relations: Overseas Travel

(Question Nos 1766 and 1767)

Senator Cash asked the Minister representing the Minister for Education and the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 11 June 2009:

Can details be provided of any overseas visits or meetings Ms Lisa Paul PSM, Departmental Secretary, has undertaken or attended at government expense since her appointment in the position, including:

(a) the purpose of each visit/meeting;
(b) the countries visited;
(c) the location of each meeting
(d) the class of travel undertaken by Ms Paul for each overseas visit and the costs of each airfare and other ancillary or incidental transport;
(e) the name, location, and cost of the accommodation and any incidental costs utilised during these overseas visits; and
(f) who accompanied Ms Paul on each of these overseas visits.

Senator Arbib—The Minister for Education and Minister for Employment and Workplace Relations has provided the following answer to the senator’s question:

Since becoming the Secretary of DEEWR, Ms Lisa Paul PSM, has travelled twice. The Secretary’s overseas travel entitlements are governed by the Prime Minister’s Determination under Section 61 of the Public Service Act 1999: Secretaries’ remuneration and other conditions. Details of the trips are as follows:

The Secretary accompanied the Deputy Prime Minister to the USA, UK and Singapore. The total cost of the trip was $28,022.

The Secretary travelled as part of an Australian delegation to attend the Combined Six Countries and Belmont Conference, hosted by the UK, in England. Attendees comprised CEOs from agencies responsible for employment from Australia, Canada, Ireland, New Zealand, the United Kingdom and the United States of America. The Conference focused on Governments’ responses to the Global Financial Crisis. The Conference was held from 27-30 April 2009.

The Australian delegation included Dr Jeff Harmer, Secretary, Department of Families, Housing, Community Services and Indigenous Affairs; Ms Helen Williams AO, Secretary, Department of Human Services and Mr Finn Pratt PSM, Chief Executive, Centrelink. The Secretary also attended a number of other portfolio related meetings. The total cost of the trip was $27,577.
Education, Employment and Workplace Relations: Overseas Travel
(Question Nos 1768 and 1769)

Senator Cash asked the Minister representing the Minister for Education and the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 11 June 2009:
Can details be provided of any interstate visits or meetings Ms Lisa Paul PSM, departmental Secretary, has undertaken or attended at government expense since her appointment in the position, including:
(a) the purpose of each visit/meeting;
(b) the states visited;
(c) the location of each meeting
(d) the class of air travel undertaken by Ms Paul for each interstate visit and the costs of each airfare and other ancillary or incidental transport;
(e) the name, location, and cost of the accommodation and any incidental costs utilised during these interstate visits; and
(f) who accompanied Ms Paul on each of these interstate visits

Senator Arbib—The Minister for Education and Minister for Employment and Workplace Relations has provided the following answer to the honourable member’s question:
Since taking up the position of Secretary of the Department of Education, Employment and Workplace Relations, Ms Paul has been required to travel interstate periodically in order to meet with stakeholders and staff across capital cities and rural and regional areas of relevance to the portfolio. Other staff accompany the Secretary as required. Stakeholder and staff engagement is also conducted via video and telephone conferencing, to the extent practicable.
The Secretary’s travel entitlements are governed by the Prime Minister’s Determination under Section 61 of the Public Service Act 1999: Secretaries’ remuneration and other conditions. Providing details of each trip would be an unreasonable diversion of resources.

Immigration and Citizenship: Hospitality
(Question No. 1789)

Senator Abetz asked the Minister for Immigration and Citizenship, upon notice, on 16 June 2009:
(1) (a) Can an itemised list be provided of how much the department has spent on hospitality since 24 November 2007; and (b) of this, how much was spent on alcohol.
(2) For each Minister and any associated parliamentary secretary: (a) can an itemised list be provided of how much each office has spent on hospitality since 24 November 2007; and (b) of this, how much was spent on alcohol.

Senator Chris Evans—The answer to the honourable senator’s question is as follows:
(1) (a) From 24 November 2007 to 30 June 2009, the Department of Immigration and Citizenship has recorded expenditure of some $488 905 on official hospitality. It is not possible to provide an itemised list of expenditure as a more detailed analysis of costs would require an unreasonable diversion of resources. However, the Department can advise the following:
(i) Official hospitality typically involves foreign representatives in Australia and overseas, including the provision of small gifts. Additionally, official hospitality provided to representatives from non-government organisations and expert consultative forums on immigration, refugee, detention and humanitarian matters are also included.
(b) As the Department of Immigration and Citizenship does not separately record alcohol purchases, to determine the amount spent on alcohol would require an unreasonable diversion of resources.

(2) (a) and (b) Since 24 November 2007, the Minister for Immigration and Citizenship has spent $271.50 on portfolio-related hospitality. This cost relates to a function hosted by the Minister on 28 April 2008 to announce the results of the Citizenship Test. Of this cost, $92.00 was spent on alcohol.

The Parliamentary Secretary for Multicultural Affairs and Settlement Services has spent $57.50 on portfolio-related hospitality since 24 November 2007. This cost relates to a function hosted by the Parliamentary Secretary on 25 September 2008 for visiting departmental Parliamentary Liaison Officers. No alcohol was provided at the function.

Please note that these costs do not include portfolio-related official hospitality costs incurred during ministerial overseas visits. These costs are reported under ministerial overseas travel.

**Foreign Affairs and Trade: Hospitality**

(Question Nos 1791 and 1792)

Senator Abetz asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 16 June 2009:

(1) (a) Can an itemised list be provided of how much the department has spent on hospitality since 24 November 2007; and (b) of this, how much was spent on alcohol.

(2) For each Minister and any associated parliamentary secretary: (a) can an itemised list be provided of how much each office has spent on hospitality since 24 November 2007; and (b) of this, how much was spent on alcohol.

Senator Faulkner—The Minister for Foreign Affairs and the Minister for Trade have provided the following answer to the honourable senator’s question:

(1) (a) Hospitality has an important facilitative role in the practice of diplomacy and the Department of Foreign Affairs and Trade (DFAT) has long-established instructions on the proper management of representation funds. A comprehensive schedule defines admissible expenditure on representation. This expenditure is primarily intended to facilitate contacts with politicians, government, civic and military officials, business people, journalists, academics and other influential people and organisations in the host country that will assist officers in promoting Australia’s interests and policies and in seeking information that will form the basis of future reporting.

For expenditure to be claimable under the guidelines, activities must be clearly warranted and be of specific value to Australia. All staff are required to account fully and justify their use of the funds. They must maintain written records of purpose, attendees, venue and final costs of each item of expenditure and certify that the criteria for expenditure have been met. These records are maintained on individual files across DFAT’s Australian and overseas network. However, to provide an itemised list and identify separately how much was spent on alcohol specifically for the purpose of answering this question would be a major task and I am not prepared to authorise the expenditure and effort that would be required.

From 24 November 2007 to 16 June 2009, in its Canberra head office, eight State and Territory offices and 91 overseas missions, the department spent $6.301 million on hospitality (identified within the department’s financial management information system as representational and entertainment expenditure, which includes alcohol and other beverages).

(b) Refer to above response.
QUESTIONS ON NOTICE

Finance and Deregulation: Hospitality
(Question No. 1795)

Senator Abetz asked the Minister representing the Minister for Finance and Deregulation, upon notice, on 16 June 2009:

1. (a) Can an itemised list be provided of how much the department has spent on hospitality since 24 November 2007; and (b) of this, how much was spent on alcohol.

2. For each Minister and any associated parliamentary secretary: (a) can an itemised list be provided of how much each office has spent on hospitality since 24 November 2007; and (b) of this, how much was spent on alcohol.

Senator Conroy—The Minister for Finance and Deregulation has provided the following answer to the honourable senator’s question:

1. (a) and (b) The aggregate figure for the Department’s expenditure on official hospitality between 24 November 2007 and 16 June 2009 is $1,496. Of this amount, $958 has been spent on catering and $538 on alcohol.

2. (a) and (b) The aggregate figure for my Office’s expenditure on official hospitality between 24 November 2007 and 16 June 2009 is $3,456. Of this amount, $2,127 has been spent catering and $1,329 on alcohol.

Special Minister of State: Hospitality
(Question No. 1802)

Senator Abetz asked the Special Minister of State, upon notice, on 16 June 2009:

1. (a) Can an itemised list be provided of how much the department has spent on hospitality since 24 November 2007; and (b) of this, how much was spent on alcohol.

2. For each Minister and any associated parliamentary secretary: (a) can an itemised list be provided of how much each office has spent on hospitality since 24 November 2007; and (b) of this, how much was spent on alcohol.

Senator Ludwig—The answer to the honourable senator’s question is as follows:

1. (a) and (b) Please refer to the answers of the Minister representing the Minister for Finance and Deregulation (QoN 1795).

2. (a) and (b) There has been no official hospitality expenditure.

World Health Organisation
(Question No. 1832)

Senator Bob Brown asked the Minister representing the Minister for Health and Ageing, upon notice, on 30 June 2009:

With reference to the Radiation Health Committee of the Australian Radiation Protection and Nuclear Safety Agency:

1. In light of the World Health Organization’s practice of not allowing industry to participate in standard setting or health risk assessment, can the Government give an unequivocal assurance that no member of the committee has received any remuneration from any sector of the power industry?

2. Can the Minister give an assurance that the committee has reviewed a wide range of research into the health effects of radiation exposure as part of the process to set new standards; if so, can a list
be provided of all the articles and research reviewed by the committee in setting the new standards for Extremely Low Frequency Electric and Magnetic Fields exposure?

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) The World Health Organization asks each expert to declare any interests that could constitute a real, potential or apparent conflict of interest. However their guidelines state that “declaration of such an interest would not necessarily be considered a reason to disqualify an expert” – exclusion is only one of the options of managing such an interest. The interest is managed by the expert either:

- not taking part in discussions affecting that interest;
- being asked not to participate in the meeting or work altogether; or
- taking part in the meeting and the WHO disclosing publicly the interest, with the agreement of the expert.

Australian Radiation Protection and Nuclear Safety Agency’s (ARPANSA) Radiation Health Committee (RHC) is appointed by the Chief Executive Officer (CEO) of ARPANSA, consistent with the requirements of the Australian Radiation Protection and Nuclear Safety (ARPANS) Act and Regulations. The ARPANS Act requires, inter alia that one of the RHC members be a person to represent the interests of the general public.

The ARPANS Regulations require Committee members to disclose to the CEO of ARPANSA all interests, pecuniary or otherwise, that the member has or acquires and that could conflict with the proper performance of the member’s functions.

Based on the information received from committee members, ARPANSA is aware that one member of the Committee has appeared as an expert witness for the power industry in court cases relating to the siting of transmission lines. It is understood that he was acting on behalf of his university in these matters, and that the remuneration or reimbursement in these cases was made to the university. In each case the appropriate declaration of interests was made.

Development of Standards and Codes of Practice for the Radiation Health Committee is normally undertaken by working groups who prepare drafts for consideration and decision by the Committee. ARPANSA’s policy is to include both industry and community representatives on working groups to ensure that all aspects of a debate are discussed at the working group level before a draft is put to the Committee for decision.

In the case of the ELF Standard, a Consultative Group was also appointed, including further industry, community, scientific and medical representatives, to enable broader input on drafts and issues under debate by the working group.

(2) I am advised that in preparing the Radiation Protection Standard,” Limits and Precautionary Measures for Reducing Exposure to Electric & Magnetic Fields — 0 Hz to 3 kHz”, the ARPANSA working group has reviewed a wide range of research into the health effects of exposure to low frequency electric and magnetic fields.

In addition, members of the working group who are experts in various relevant fields will likely have consulted, reviewed and otherwise examined many other scientific studies, reviews and other materials. These studies will not necessarily have been referenced in the standard unless they brought to light some specific new information of relevance to the standard being developed. It is therefore not possible to provide a comprehensive list of all scientific papers and research reviewed by the committee in the setting the standard.

The studies referenced in the current draft standard are attached. A separate list of major reviews examined follows below. These reviews, in turn, include additional references. Furthermore, as the
Draft is still being finalised, emerging research literature continues to be scrutinised for any new research that may influence the final standard.

**Major Reviews examined:**


**Draft Radiation Protection Standard**

Limits and Precautionary Measures for Reducing Exposure to Electric & Magnetic Fields — 0 Hz to 3 kHz

References and Bibliography


**Schedule 1 - Rationale**

References and Bibliography


Neutra RR, Delpizzo V & Lee GE (2002). An evaluation of the possible risks from electric and magnetic fields (EMFs) from power lines, internal wiring, electrical occupations, and appliances. California EMF Program: Oakland.


Annex 1 - Quantities and Units

References


ARPANS (2002). Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz, Radiation Protection Series, no.3.
Annex 2 - Mechanisms of interaction Between Extremely Low Frequency (ELF) and Static Fields and the Body

References


frequency (ELF) electric and magnetic fields, IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, vol. 80.


International Commission on Non-Ionizing Radiation Protection (ICNIRP) 2003, Exposure to Static and Low Frequency electromagnetic Fields, Biological effects and Health Consequences (0-100 kHz), ICNIRP 13/2003, Munich.


Tenforde, TS, and Budinger (1986). Biological effects and physical safety aspects of NMR imaging and in vivo spectroscopy. Pp. 493-548 in NMR in Medicine: Instrumentation and Clinical Applications


Annex 3 - Epidemiological Studies of Exposure to ELF Electric and Magnetic Fields and Human Health

References


Matthes, R., McKinlay, A.F., Bernhardt, J.H., Vecchia, P. & Veyret, B. (2003). Exposure to static and low frequency electromagnetic fields, biological effects and health consequences (0-100 khz). ICNIRP.


Annex 4 - A: Research into Time-varying Electric and Magnetic Field Bio-Effects at Low Levels of Exposure

References


Anderson LE, Morris JE et al. (2000). Effects of 50- or 60-hertz, 100 microT magnetic field exposure in the DMBA mammary cancer model in Sprague-Dawley rats: possible explanations for different results from two laboratories. Environ Health Perspect 108(9): 797-802.


Ding GR, Nakahara T et al. (2002). Exposure to power frequency magnetic fields and X-rays induces GAP-43 gene expression in human glioma MO54 cells. Bioelectromagnetics 23(8): 586-91.

Ding GR, Nakahara T et al. (2003). Induction of kinetochore-positive and kinetochore-negative micronuclei in CHO cells by ELF magnetic fields and/or X-rays. Mutagenesis 18(5): 439-43.

Ding GR, Nakahara T et al. (2003). Induction of kinetochore-positive and kinetochore-negative micronuclei in CHO cells by ELF magnetic fields and/or X-rays. Mutagenesis. 18(5): 439-43.


Leman ES, Sisken BF et al. (2001). Studies of the interactions between melatonin and 2 Hz, 0.3 mT PEMF on the proliferation and invasion of human breast cancer cells. Bioelectromagnetics 22(3): 178-84.

QUESTIONS ON NOTICE


Podd J, Abbott J et al. (2002). Brief exposure to a 50 Hz, 100 microT magnetic field: effects on reaction time, accuracy, and recognition memory. Bioelectromagnetics 23(3): 189-95.

Prato FS, Kavaliers M et al. (2000). Extremely low frequency magnetic fields can either increase or decrease analgesia in the land snail depending on field and light conditions. Bioelectromagnetics 21(4): 287-301.


Yoshizawa H, Tsuchiya T, et al. (2002). No effect of extremely low-frequency magnetic field observed on cell growth or initial response of cell proliferation in human cancer cell lines. Bioelectromagnetics 23(5): 355-68.


Annex 4 - B: Research into Static Electric and Magnetic Field Bio-Effects at Low Levels of Exposure

References


Annex 5 - Instrumentation and measurement of ELF electric and magnetic fields

References

CENELEC (2001) European Standard EN 50537 “Evaluation of human exposure to electromagnetic fields from devices used in Electronic Article Surveillance (EAS), Radio Frequency Identification (RFID) and similar applications”.


QUESTIONS ON NOTICE


IEC 61786 “Measurement of low frequency magnetic and electric fields with regard to exposure of Human Beings – Special requirements for instrument and guidance for measurements” http://www.iec.ch

IEC 62226-1 (2004-11), “Exposure to electric or magnetic fields in the low and intermediate frequency range – Methods for calculating the current density and internal electric fields induced in the human body – Part 1: General”

IEC 62226-2-1 (2004-11), “Exposure to electric or magnetic fields in the low and intermediate frequency range – Methods for calculating the current density and internal electric fields induced in the human body – Part 2-1: Exposure to magnetic field – 2D models”


IEC 62226-3-1 (2007-05), “Exposure to electric or magnetic fields in the low and intermediate frequency range – Methods for calculating the current density and internal electric fields induced in the human body – Part 3-1: Exposure to electric fields – Analytical and 2D models”

IEC 62311 (2007-08) “Assessment of electronic and electrical equipment related to human exposure restrictions for electromagnetic fields (0 Hz – 300 GHz)”.


IEEE Standard C95.3.1 (to be published) “Recommended Practice for Measurements and Computations of Human Exposure to Electric, Magnetic Fields, 0 Hz - 100KHz”.


Annex 6 - A Public Health Precautionary Approach to ELF Fields

References

ARPANSA (2002). Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz. Radiation Protection Series, no.3.


CROSS PARTY INQUIRY into Childhood Leukaemia and Extremely Low Frequency Electric and Magnetic Fields (ELF EMF). Report July 2007


[Refer www.un.org/documents/ga/conf151/aconf15126-1annex1.htm]


**Annex 7 - Safety Margins in Relation to Severe Effects of ELF Fields and Currents**

**References**


